



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT
231 NE FIFTH STREET
MCMINNVILLE, OR 97128**

503-434-7311

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DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A CONDITIONAL USE PERMIT FOR A SOCIAL RELIEF FACILITY AT 1944 NE BAKER STREET.

- DOCKET:** CU 1-17 (Conditional Use)
- REQUEST:** The applicant is requesting a conditional use permit to allow for the construction and operation of a social relief facility. The social relief facility would be operated by Yamhill County Health and Human Services and would provide housing for individuals that are in need of assistance pertaining to individual independence.
- LOCATION:** The subject site is located at 1944 NE Baker Street and is more specifically described as Tax Lot 3400, Section 16CB, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site's current zoning is C-3 PD (General Commercial Planned Development).
- APPLICANT:** TDJC, LLC
- STAFF:** Chuck Darnell, Associate Planner
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** April 20, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION AND CONDITIONS OF APPROVAL

DECISION

Based on the findings and conclusions, the Planning Commission **APPROVES** the conditional use permit (CU 1-17) **subject to the conditions of approval provided in this document.**

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DECISION: APPROVAL WITH CONDITIONS
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Planning Commission: Roger Hall
Roger Hall, Chair of the McMinnville Planning Commission

Date: 4/20/17

Planning Department: HR
Heather Richards, Planning Director

Date: 4/20/17

Application Summary:

The applicant is requesting a conditional use permit to allow for the construction and operation of a social relief facility. The social relief facility would be operated by Yamhill County Health and Human Services and would provide housing for individuals that are in need of assistance pertaining to individual independence.

CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

CU 1-17 is approved subject to the following conditions:

1. That prior to the release of building permits for the proposed development, the applicant shall submit for review and approval by the McMinnville Landscape Review Committee, a plan proposing landscaping for the areas affected by the proposed expansion. All landscaping, as approved by the Landscape Review Committee, shall be installed prior to occupancy of the newly constructed expansion. Alternatively, a landscape bond for 120-percent of the landscaping cost of the uninstalled portion shall be placed on deposit with the City prior to occupancy.
2. That, should the use of the site change in the future, the site and building shall be updated to meet all necessary requirements for the type of use proposed at that time.
3. That this conditional use permit approval shall be terminated if the proposed improvements do not commence within one year of the effective date of this approval, or if the use once commenced lapses for any single period of time that exceeds one year in duration.

ATTACHMENTS

1. CU 1-17 Application and Attachments

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

McMinnville Engineering Department:

We have reviewed proposed CU 1-17, and do not have any comments or suggested conditions of approval.

McMinnville Water and Light:

MW&L has no comments on this application.

Yamhill County Public Works:

I have reviewed the request and find that County Public Works has no conflicts with this request.

FINDINGS OF FACT

1. TDJC, LLC is requesting a conditional use permit to allow for the construction and operation of a social relief facility. The social relief facility would be operated by Yamhill County Health and Human Services and would provide housing for individuals that are in need of assistance pertaining to individual independence. The subject site is located at 1944 NE Baker Street and is more specifically described as Tax Lot 3400, Section 16CB, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned C-3 PD (General Commercial Planned Development), and is designated as Commercial on the McMinnville Comprehensive Plan Map, 1980.
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. No comments in opposition have been provided.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL III 1: TO PROVIDE CULTURAL AND SOCIAL SERVICES AND FACILITIES COMMENSURATE WITH THE NEEDS OF OUR EXPANDING POPULATION, PROPERLY LOCATED TO SERVICE THE COMMUNITY AND TO PROVIDE POSITIVE IMPACTS ON SURROUNDING AREAS.

Finding: Goal III 1 is satisfied in that the development will provide a unique form of housing for a particular portion of McMinnville's population, those being people that are in need of assistance to live independently. The location of this facility is appropriate to serve the community members that will reside at the facility, as it is within a quarter mile of hourly transit service and also within walking distance to other necessary commercial services.

GOAL V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

Policy 58.00: City land development ordinance shall provide opportunities for development of a variety of housing types and densities.

Finding: Goal V 1 and Policy 58.00 are met by this proposal in that the residential units being provided in this social relief facility will be reserved specifically for clients of Yamhill County Health and Human Services. The facility will provide affordable, quality housing for a segment of the population that might otherwise not have access to independent living facilities. Yamhill County Health and Human Services

will also place income restrictions on the living units, thereby providing subsidized affordable housing in McMinnville.

Policy 64.00: The City of McMinnville shall work in cooperation with other governmental agencies, including the Mid-Willamette Valley Council of Governments and the Yamhill County Housing Authority, and private groups to determine housing needs, provide better housing opportunities and improve housing conditions for low and moderate income families.

Finding: Policy 64.00 is satisfied in that the City is working in cooperation with Yamhill County Health and Human Services to place a social relief facility in an appropriate location that will meet the needs of their clients and the community members that will reside at the facility. The facility will be completely new construction and will be income-restricted, which will provide improved housing conditions for lower income community members.

Policy 67.00: Subsidized low-cost housing shall be dispersed throughout the McMinnville urban area. Dispersal plans shall be coordinated with appropriate agencies.

Finding: Policy 67.00 is satisfied in that the City is working in cooperation with Yamhill County Health and Human Services to place a social relief facility in an appropriate location that will meet the needs of their clients and the community members that will reside at the facility.

GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policy 69.00: The City of McMinnville shall explore the utilization of innovated land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

Finding: The proposed social relief facility will be located near the Highway 99W corridor, and will be on the edge of an area of the City that is predominately commercial. The site will be designed in such a way as to blend in to this commercial area by providing on-site open space and landscaped buffering of the facility from adjacent uses, while also taking the form of an apartment complex to be compatible with other uses in the immediate vicinity. The development will provide for a transition between the more intense commercial uses along Highway 99W and the single family residential areas to the west and north, which integrates the existing housing and commercial developments in this area of the city. Goal V 2 and Policy 69.00 are met by this proposal.

Policy 99.00: An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*

Finding: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either

presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site.

GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE MCMINNVILLE URBAN GROWTH BOUNDARY.

Policy 136.00: The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

Policy 142.00: The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

Policy 143.00: The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

Policy 144.00: The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

Policy 147.00: The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

Policy 151.00: The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
- 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
- 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
- 4. Federal, state, and local water and waste water quality standards can be adhered to.*
- 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00, 144.00, 147.00 and 151.00 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation

Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

Policy 155.00: The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF MCMINNVILLE.

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

C-3 General Commercial Zone:

17.33.020 Conditional uses. In a C-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74: [...]

B. Social relief facility

Finding: The underlying zoning of the subject site is C-3 (General Commercial), which allows the proposed use of a social relief facility as a conditional use. The Planned Development overlay (Ordinance 4880) that applies to the subject site does not limit uses, so any use permitted or conditionally permitted in the underlying C-3 zone would be allowed.

Review Criteria:

17.74.030 Authorization to Grant or Deny Conditional Use. A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

Finding: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as is described in greater detail above.

The property in question is zoned C-3 PD (General Commercial Planned Development), and the proposed use, a social relief facility, is allowed as a conditional use in the C-3 zone (Section 17.33.020). The Planned Development (Ordinance 4880) did not limit the types of uses that could be conducted on the site. Therefore, the uses permitted and conditionally permitted in the underlying C-3 zone would be allowed.

The applicant is proposing to construct 16 residential units on the site, which will take the form of a traditional apartment complex. The building will meet all required setbacks and will be constructed at a height of 30 feet, well below the maximum height allowed in the C-3 zone.

Parking on the site will be located south of the building, and will be accessed directly from NE Baker Street. Parking requirements for this type of social relief facility, which provides primarily housing and support services, are based on the multiple-family dwelling parking requirements. Section 17.60.060 (Spaces-Number required) (A)(4) requires that one parking space be provided for each dwelling unit which is expressly reserved for senior or handicapped persons. Based on the size of the social relief facility and the 16 residential units, the minimum number of parking spaces required is 16 spaces. The applicant is proposing to provide a total of 18 parking spaces, which is more than the minimum required. This will provide for sufficient parking, as many of the clients that will reside at the facility are not capable or allowed to operate a vehicle.

All other design and access requirements of the McMinnville Zoning Ordinance are being met with the proposed parking area design Section 17.60.080 (Design requirements) (A - C). The parking spaces are sized appropriately, the drive aisle is of sufficient width to provide adequate space for maneuvering, and handicapped parking is being provided at a rate consistent with building code requirements.

The subject site is a deep and somewhat narrow property. The facility is proposed to be situated on the northern portion of the site, which allows for adequate space for the required parking and drive aisles south of the building. The applicant is also proposing to provide a landscaped area on the eastern portion of the site, which will provide usable open space for residents, while also providing buffering and screening between the proposed use and surrounding properties. Trees will be installed along the perimeter of the property, which will eventually provide for adequate screening of the proposed use. A fence will be constructed along the south property line, along with a planting area and trees, which will screen the parking spaces and drive aisle from the adjacent property to the

south. Screening of the parking facilities was one condition of the Planned Development that still applies to the property, so this condition is being met by the proposed landscape plan. The proposed location and size of the facility, and the overall design and coverage of the site, will be compatible with the surrounding neighborhood and will not impact the livability or appropriate development of abutting properties.

Adequate public facilities serve the existing site, including water, sewer, and streets. The applicant has provided information on proposed utilities, and the Engineering Department has reviewed the plans and has no concerns with the proposed utilities on the site.

The proposed use will not generate a significant amount of traffic, and the traffic anticipated to be generated can be accommodated on NE Baker Street. The Engineering Department did not have any comments or concerns with the proposed use and the impacts on the surrounding street network. The parking areas on the site were described in detail above, and actually exceed the minimum requirements of the McMinnville Zoning Ordinance.

The proposed social relief facility will basically take the form of a traditional apartment complex, as it will provide 16 individually accessed residential units in one larger building on the site. The onsite staff person will use one of the residential units as their office, which will blend into and not be inconsistent with the development of the site. The type of development proposed is also consistent with the development pattern of the surrounding area. Multiple family residential development exists to the north and south of the subject site, and the apartment complexes on those sites are similar to the proposed development in bulk and site coverage. Office uses also exist in the surrounding area, particularly across NE Baker Street.

The subject site is zoned C-3 PD (General Commercial Planned Development), which would allow for a wide range of commercial uses as permitted development. There are a number of other commercial uses that would be permitted outright that would be of a much more intense use of the property, and therefore have greater impact on the livability of abutting properties and the surrounding area. Given the existing development pattern and the existence of other small-scale apartment complexes in the surrounding area, the proposed use will not cause any significant adverse impact on the livability of the surrounding area or the value of abutting properties.

The site and the proposed building have been designed in such a way as to blend in with the surrounding area. The social relief facility will take the form of a traditional, small-scale apartment complex, and will serve as new, high-quality construction in the area. The design of the apartment will be as attractive as the nature of the use and its setting warrants. The west elevation of the facility, which will be most visible from the public right-of-way, will have a variety of siding materials and patterns, along with regularly spaced windows.

The regularly spaced window pattern will continue on the other elevations of the facility, particularly on the north and south elevations which will also be visible from adjacent properties. Horizontal trim boards will be included on the façade of the building, which clearly identify each story of the building and provide for visual interest by breaking up the expansive façade on the north and south sides of the building. The building will also be designed to step down toward NE Baker Street, with the portion of the building closest to the street being only two (2) stories, and then going up to three (3) stories further into the site. This will reduce the bulk and visual impact of the new facility on the surrounding area.

There are no city-inventoried environmental assets within the site.

The applicant intends to construct the facility in the upcoming building season, and has the capability to develop the land as proposed.

17.74.040 Placing Conditions on a Conditional Use Permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

Finding: The conditions of approval included in this document are included to ensure that the development does not have a detrimental impact on the surrounding area, and to protect the best interest of the surrounding area.

The following conditions of approval from the existing Planned Development overlay (Ordinance 4880) are applicable to the request:

Section 3 (2): That, to the extent practicable, off-street parking shall be obscured from view from Baker Street by placing it within the eastern portion of the site behind the existing structures, or through the use of landscaping, fencing, or similar means.

Finding: This condition of approval was created under the assumption that a small-scale office use would be operating on the site. The proposed use is completely different than an office use, so other components of the development were considered in placing the parking spaces on the site. In order to maximize the amount of usable open space for residents and landscaped areas, the parking was located on the south side of the building instead of behind the building on the eastern portion of the site. An access drive aisle would have been required through the entire site to access parking spaces behind the building on the eastern portion of the site. This would have increased the amount of impervious surface on the site, reduced the amount of open space, and would still keep the drive aisle visible from NE Baker Street. In its proposed location, the parking will be screened from the south by a fence and continuous landscaped planter along the south property line. Landscaping and trees will also be installed between the parking area and NE Baker Street, providing screening and obscuring the parking from view from the street to the extent practicable given the proposed use and site characteristics.

Section 3 (3): That signs must be flush against the building and not protrude more than 12 inches from the building face, except that one ground-mount (monument-type) sign not more than five feet in

height may be allowed. All signs, if illuminated, must be indirectly illuminated and non-flashing; and no individual sign may exceed thirty-six (36) square feet in size.

Finding: Signs were not proposed with the development. However, staff will ensure during any future sign permit review that the signage on the site meets these requirement.

CD:sjs