



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

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**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A CONDITIONAL USE PERMIT FOR AN EXPANSION OF AN EXISTING ASSISTED LIVING FACILITY AT 3121 NE CUMULUS AVENUE.**

- DOCKET:** CU 3-17 (Conditional Use)
- REQUEST:** The applicant is requesting a conditional use permit to allow for the expansion of the existing Parkland Village Assisted Living facility. The expansion would allow for the addition of 24 units to the overall facility, resulting in a total of 74 units and 92 residential beds between the existing and proposed new buildings.
- LOCATION:** The property is located at 3121 NE Cumulus Avenue, and is more specifically described as Tax Lot 100, Section 22DD, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site's current zoning is R-4 PD (Multiple-Family Residential Planned Development) and F-P (Floodplain).
- APPLICANT:** RJ Development
- STAFF:** Chuck Darnell, Associate Planner
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** July 20, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> 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; Northwest Natural Gas; Oregon Department of Transportation; Oregon Division of State Lands; and Oregon Department of Fish and Wildlife. Their comments are provided in this decision document.

**DECISION**

Based on the findings and conclusions, the Planning Commission **APPROVES** the conditional use permit (CU 3-17) **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: July 20, 2017

Planning Department: [Signature]  
Heather Richards, Planning Director

Date: 7/20/17

## **Application Summary:**

The applicant is requesting a conditional use permit to allow for the expansion of the existing Parkland Village Assisted Living facility. The expansion would allow for the addition of 24 units to the overall facility, resulting in a total of 74 units and 92 residential beds between the existing and proposed new buildings.

## **CONDITIONS OF APPROVAL**

The following conditions of approval shall be required:

**CU 3-17** is **approved** subject to the following conditions:

1. That prior to the release of building permits, the applicant shall provide detailed building elevations for the proposed expansion. The new building shall be consistent with the existing assisted living facility in terms of building design, architectural detail, and exterior building material.
2. That the new building be constructed to satisfy all recommendations from the geotechnical report, as may be required by the City of McMinnville Building Official.
3. That the applicant provide a continuous row of evergreen shrubs or trees along the western property line adjacent to the new building to provide screening between the new building and the abutting properties.
4. That the applicant shall provide protection for existing trees during the construction of the new building. Protection shall be provided within the critical root zone of any tree in close proximity to the construction site.
5. 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.
6. That the applicant shall design the proposed fire access route to appear and operate as a pedestrian walkway when not being used for emergency access purposes. Removable bollards, as approved by the McMinnville Fire Department, shall be installed at the intersection of the fire access route and the existing parking lot.
7. 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 3-17 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, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. The following comments have been received:

McMinnville Engineering Department:

We have reviewed proposed CU 3-17, and do not have any concerns or suggested conditions of approval. We would offer a couple comments:

1. The materials submitted by the applicant indicate in several locations that the site accesses American Drive. The site actually accesses Cumulus Drive via a private access easement granted as part of MP 12-96. The site does not access American Drive, which is a public street located in the Craftsman Landing subdivision south of the subject site; and
2. Per the Institute of Transportation Engineers Trip Generation Manual (9<sup>th</sup> Edition), the addition of 42 beds on the site will result in the generation of 5.04 net new PM peak vehicle trips on the transportation network. Therefore, the proposed development should not impact the capacity of the existing adjacent street network (Cumulus Avenue and Hwy 18).

McMinnville Water and Light:

MW&L has no comments on this application.

McMinnville Building Department:

May 16, 2017 - Drawing PR1.0, has not provided enough information for me to reply with any favorability. The plans indicate a total building area when completed to be 59,800 square feet. Based on the code analysis provided, there is nothing to indicate how Type VA construction will provide the allowable area by code. Secondly, based on the Geo-Tech report, if this project is to eventually proceed, I will require a qualified Geo-Tech engineer to be on site from beginning to end of site preparation and foundation approval.

May 22, 2017 - In the matter of the proposed expansion to Park Village Addition, I have reviewed the original as-builds, to ensure the original building complied with code for allowable area. I found that the original construction included a number of area separation walls, separating the structure into separate buildings for the allowable area.

With the proposal for the expansion if it is to proceed, there will be Geo-Technical requirements, which I have conveyed to the applicant. However, Fire Department access to the proposed expansion is not viable and the proposed expansion could not be approved.

Note - These comments were provided prior to the applicant providing a revised site plan with required fire access route.

McMinnville Fire Department:

May 16, 2017 - We have serious concerns because they do not appear to have any access to the expanded site. Access is required to within 150' of all portions of the building and they will most likely need an additional hydrant.

July 10, 2017 - I would like to clarify as far as land use or the expanding of the facility the fire department does not have issues. With that being said they still need to meet all required codes for the type, size and use of use building they are proposing.

The concerns I saw with what they are proposing are:  
Oregon Fire Code 2014

503.1.1- Building and facilities. Approved fire apparatus roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720mm) of all portions of the facility and all portions of the exterior.

#### Fire Hydrants

Number and location of hydrants for a Type V-A building that is 59,880 sq ft.

Table B105.2 Minimum required fire flow and duration for buildings  
Type V- A 59,101 – 66,000 requires 4500 gpm for 4 hours

Table C105.1 Number and Distribution of Hydrants  
4,500 -5,000 gmp requires 5 hydrants with an average spacing of 300 ft.

There is language in the Fire Code which allows for alternatives due to topography, such as fire sprinklers and or fire alarm systems. However, this structure requires both sprinklers and alarm systems already and aren't considers as an alternative method of construction.

With this proposed project the access and water supply is limited to only the front of the structure which would make firefighting and rescue operation extremely difficult.

I know in talking with Bob there were building code issues as well.

If the designers can find a way to provide better access and water supply we would be happy to look at their ideas.

Note - These comments were provided prior to the applicant providing a revised site plan with required fire access route.

July 12, 2017 - The comments that I made were for the last drawing I had received.

I believe this new drawing will meet the needs of the fire department for access around the structure, it also provides a hammer head turn around. The only other item that would be needed would be a hydrant near the hammerhead. If one hydrant is provided there we will waive any additional hydrant requirements.

These comments were provided in response to the revised site plan provided by the applicant that identifies the required fire access route.

#### Yamhill County Public Works:

I have reviewed the subject conditional use submittal and find no conflicts with Yamhill County Public Works interests.

#### Oregon Department of State Lands:

If there are mapped wetlands or waters in or near the ground disturbance footprint for any project, then there is a particular notification process for coordinating with DSL. The wetland mapping for McMinnville is the National Wetlands Inventory (NWI), but of course if you have an in-house layer you may choose to use that in addition to the NWI. The notification process is the wetland land use notification (WLUN). Lauren will respond to the WLUN request. The DSL response is sent to both the planner and to the applicant so that we are all on the same page with what the next DSL related steps may be.

## **FINDINGS OF FACT**

1. RJ Development is requesting a conditional use permit to allow for the expansion of the existing Parkland Village Assisted Living facility. The expansion would allow for the addition of 24 units to the overall facility, resulting in a total of 74 units and 92 residential beds between the existing and proposed new buildings. The property is located at 3121 NE Cumulus Avenue, and is more specifically described as Tax Lot 100, Section 22DD, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned R-4 PD (Multiple-Family Residential Planned Development) and F-P (Floodplain), and is designated as Residential 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. Comments in opposition were provided by both the Building Department and the Fire Department. The applicant provided as-built information for the existing building to satisfy the Building Department's concerns, and also provided a revised site plan that resolved the Fire Department's concerns with access to the building expansion.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

## **CONCLUSIONARY FINDINGS**

The applicant provided findings for a wide range of Comprehensive Plan goals and policies, many of which were found to not apply to the request. However, those findings are incorporated herein as they were provided in the application. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

**GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.**

**Policy 2.00:** *The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.*

**Finding:** The subject site has a steep slope and, due to the vulnerability of the steep slope, limiting soil characteristics. The geotechnical report provided by the applicant provides recommendations for the proposed building expansion to ensure that the building is structurally sound and functional, especially during seismic events. A condition of approval will ensure that all recommendations from the geotechnical report may be required by the McMinnville Building Official. Goal II 1 and Policy 2.00 are met by this proposal.

**Policy 8.00:** *The City of McMinnville shall continue to seek the retention of high water quality standards as defined by federal, state, and local water quality codes, for all the water resources within the planning area.*

Policy 9.00: *The City of McMinnville shall continue to designate appropriate lands within its corporate limits as "floodplain" to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.*

Policy 10.00: *The City of McMinnville shall cooperate with the Oregon Department of Environmental Quality, the Mid-Willamette Valley Council of Governments, and other appropriate agencies and interests to maintain water quality and to implement agreed upon programs for management of the water resources within the planning area.*

Finding: The northern portion of the subject site is located within a floodplain as identified on the Flood Rate Insurance Map (FIRM) panels created by the Federal Emergency Management Agency (FEMA). That portion of the site is zoned F-P (Floodplain), and permanent structures are generally not permitted in the Floodplain zone. The proposed expansion will not be located in the portion of the site that is located in the floodplain. The Department of State Lands provided comments on the application related to the verification that there are not mapped wetlands on the property, and if there were, that notification of any land use disturbance be provided to the Department of State Lands. The local wetland map for McMinnville is the National Wetlands Inventory (NWI). The NWI shows no mapped wetland areas on this site, other than the South Yamhill River which is already protected by the F-P (Floodplain) zoning district. Therefore, Policies 8.00, 9.00, and 10.00 are met by this proposal.

Policy 12.00: *The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.*

Finding: While noise will likely not be an issue with the proposed use as an assisted living facility, a condition of approval to provide landscaping along the west property line for screening purposes will also provide for a buffer that will reduce noise between the proposed use and abutting properties. Policy 12.00 is met by this proposal.

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 assisted living facility will be reserved specifically for elderly clients with memory care needs, which provides for a specific, needed type of housing in the City of McMinnville.

Policy 59.00: *Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.*

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: Policies 59.00 and 64.00 are satisfied by this proposal in that the form of multiple-family housing being provided will be reserved specifically for elderly clients with memory care needs. The facility will also be reserving a certain percentage of the units for moderate-income individuals. The applicant did not provide details on the number of units or the income limits for those units, but the fact that some are being reserved will provide lower-cost housing for members of the community.

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: Goal V 2 and Policy 69.00 are met by this proposal in that the multiple-family residential facility being proposed will be located in an area of the city that is already zoned and guided for higher density residential development and uses, thereby ensuring a development pattern that is integrated into a compatible framework within the city.

*Policy 80.00: In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.*

Finding: The subject site has a steep slope and, due to the vulnerability of the steep slope, limiting soil characteristics. The geotechnical report provided by the applicant provides recommendations for the proposed building expansion to ensure that the building is structurally sound and functional, especially during seismic events. A condition of approval will ensure that all recommendations from the geotechnical report may be required by the McMinnville Building Official. Another condition of approval will ensure that existing trees are protected during construction, and the applicant has stated that they intend to preserve as much of the natural areas on the site as possible. Policy 80.00 is therefore satisfied by the proposal and the conditions of approval.

*Policy 89.00: Zoning standards shall require that all multiple-family housing developments provide landscaped grounds.*

Finding: The applicant has stated that they will provide landscaping around the new building. Conditions of approval will ensure that landscaping is installed and that a landscape plan is reviewed and approved by the Landscape Review Committee. Policy 89.00 is satisfied 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.



*Policy 126.00: The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.*

*Policy 127.00: The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.*

Finding: The existing assisted living facility provides for parking in excess of what is required for the proposed use, even after the expansion. Based on the size of the facility and the 92 residential beds, the minimum number of parking spaces required is 46 spaces. The existing parking areas provide 45 total parking spaces and 4 new parking spaces will be added for a total of 49 parking spaces on the site, which exceeds the required parking. Policies 126.00 and 127.00 are satisfied by this proposal.

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 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 the applicant responded to the original concerns of the Fire Department with access to the north side of the building expansion. The revised site plan provides for an emergency fire access route to the north side of the existing building, which the Fire Department has deemed to meet the fire code requirements for access during emergency events.

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

*Policy 168.00: Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.*

*Policy 169.00: Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.*

Finding: The subject site has a steep slope and, due to the vulnerability of the steep slope, limiting soil characteristics. The geotechnical report provided by the applicant provides recommendations for the proposed building expansion to ensure that the building is structurally sound and functional, especially during seismic events. A condition of approval will ensure that all recommendations from the geotechnical report may be required by the McMinnville Building Official. Another condition of approval will ensure that existing trees are protected during construction, and the applicant has stated that they intend to preserve as much of the natural areas on the site as possible. Goal VII 3 and Policies 168.00 and 169.00 are therefore satisfied by the proposal and the conditions of approval.

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:

R-4 Multiple-Family Residential Zone:

17.21.020 Conditional uses. In an R-4 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74.030: [...]

- K. Nursing/convalescent home

Finding: The underlying zoning of the subject site is R-4 (Multiple-Family Residential) which allows the proposed use of an assisted living facility, which falls under the definition of a convalescent home in the McMinnville Zoning Ordinance, as a conditional use.

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet.

Finding: The proposed building expansion will meet all required yard setbacks, and will not be of a height that would require increased yards.

17.21.050 Building height. In an R-4 zone, a building shall not exceed sixty feet in height.

Finding: The proposed building expansion will be constructed to be less than 35 feet in height, which is well below the maximum height of 60 feet.

Flood Plain Zone:

17.48.005 Purpose. The purpose of a floodplain is to establish and regulate land uses in those areas designated as hazardous due to periodic flooding in order to protect the community from financial burdens through flood damage losses. Further, this zone is intended to protect natural floodways and drainage ways from encroachment by uses and/or indiscriminate land filling or diking which may adversely affect the overall stream and downstream flood levels. Finally, the floodplain zone shall set aside an area which shall, for the most part, be preserved in its natural state or farmed to provide open spaces, natural habitats, and recreational places.

Finding: The proposed building expansion will not be located within the area of the site that is located in the floodplain, and that will remain in its natural state.

Landscaping:

17.57.050 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following ranges: [...]

3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee [...]

17.57.060 Zones where required. Landscaping shall be required in the following zones except as otherwise noted:

- A. R-4 (Multiple-Family Residential zone, except the construction of a Single-Family or Two-Family Residential unit) [...]

17.57.065 Specific uses requiring landscaping.

- D. Multiple-family, commercial, and industrial uses in residential planned developments.

Finding: Landscaping will be required as a condition of approval, and the Landscape Review Committee will ensure that the landscaping meets all necessary guidelines and criteria.

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 R-4 PD (Multiple-Family Residential Planned Development). The proposed use, an assisted living facility, would be defined as a convalescent home in the McMinnville Zoning Ordinance, and is therefore allowed as a conditional use in the R-4 zone (Section 17.21.020).

The new portion of the building will meet all required setbacks. The new building will be well outside the front, rear and east side yard setback areas, but it will be close to the west property line and will just meet the minimum side yard setback of six (6) feet. The building will be constructed at the same height as the existing assisted living facility, which will be under 35 feet in height. Based on that building height, there are no increased yard areas required.

Parking on the site will be located south of the existing building, and will not be expanded as part of the expansion project. Parking requirements for this type of facility are based on the parking requirements for convalescent homes. Section 17.60.060(B)(4) (Spaces-Number required) requires that one parking space be provided for every two beds for patients or residents. Based on the size of the facility and the 92 residential beds, the minimum number of parking spaces required is 46 spaces. The existing parking areas provide 45 total parking spaces, and the applicant is proposing to add 4 additional standard parking spaces for a total of 49 parking spaces, which exceeds the minimum parking requirement for the site.

All other design and access requirements of the McMinnville Zoning Ordinance are being met with the existing parking areas (Section 17.60.080(A–C) (Design requirements)). The parking spaces are sized appropriately, the drive aisles are 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 uniquely situated near a floodplain area which contains a significant amount of existing natural vegetation and mature trees. The buildable area of the site, where the expansion is being proposed, is located outside of the floodplain and the existing natural areas. The expansion area is mostly within an existing cleared space on the site, and the applicant has stated that their intention is to preserve as much of the natural areas as possible. The placement of the expansion in this existing cleared area of the site results in appropriate site coverage.

The operating characteristics of the proposed expansion will be consistent with the existing Parkland Village assisted living facility. As a residential care facility, the intensity of the use is very low. The expansion will provide memory care units, which will house a population that does not drive and therefore will not cause an increase in traffic on the site. Therefore, the operations of the expanded assisted living facility will not negatively impact the surrounding neighborhood.

The new portion of the building will be constructed to match the existing assisted living facility in design and in exterior building materials. The applicant's intent is to have the expansion blend in harmoniously with the existing facility, and have carried over similar design elements such as interior courtyards for the residents. The new building will be constructed to be six (6) feet from the west property line, which meets the minimum yard setbacks, but will be constructed close to the single family homes in the future Whispering Meadows subdivision. The proposed building expansion will not be overpowering in terms of scale and bulk, as it will be a single story building and will not impose on abutting properties any more than other types of permitted residential development would. However, certain site designs could reduce the potential impacts on abutting property owners. Therefore, a condition of approval has been included to require that a continuous row of evergreen shrubs or trees be installed along the west property line. This will provide for screening between the assisted living facility and the adjacent single family homes, and will be consistent with screening that is used on the south side of the site between the subject site and the Craftsman Landing subdivision. That existing row of evergreen trees, and how it has effectively provided screening between the uses, can be seen below.

Adequate public facilities serve the existing site, including water, sewer, and streets. The Engineering Department has reviewed the plans and has no concerns with the ability for public facilities to serve the site.

The applicant's narrative and submitted materials refer to the fact that the site accesses American Drive. However, the site is actually accessed by a private drive through the independent living facility site to the south, which is part of the overall Parkland Village Retirement Community. American Drive is a public street that is located in the Craftsman Landing subdivision west of the existing access drive to the subject site.

The Engineering Department reviewed the plans, and does not have any concerns with traffic from the expansion of the existing use. Based on the Institute of Transportation Engineers Trip Generation

Manual (9th Edition), the addition of 42 beds on the site will result in the generation of 5.04 net new PM peak vehicle trips on the transportation network. Based on that minimal increase, the Engineering Department has found that the proposed development should not impact the capacity of the existing adjacent street network, which includes NE Cumulus Avenue and Highway 18.

The type of development proposed is consistent with the development pattern of the surrounding area. Other senior living facilities exist to the east of the subject site, and single family residential homes of a higher density exist to the west and south of the subject site. The proposed expansion will be a single story building, and will not impose on or cause any adverse impact on the development of abutting properties any more than other types of development that would be permitted outright in the R-4 (Multiple-Family Residential) zone. Given the existing development pattern and the existence of other similar uses in the surrounding area, the proposed use will not cause any significant adverse impact on the livability of the surrounding area.

The site and the proposed building have been designed in such a way as to blend in with the surrounding area. The applicant has stated that the development will have as little impact as possible on the natural areas on the site, and the building will be designed to match the existing assisted living facility. The applicant has also stated that it is their intent, for the benefit of the residents in need of memory care, that the facility be designed to evoke a sense of feeling at home. To evoke that sense of home, the facility will be designed to emulate a residential setting as much as possible, which will cause the facility to blend into the other development in the surrounding neighborhood.

To ensure that the expansion is consistent with the existing facility, a condition of approval is included that will require that the expansion match the existing facility in terms of architectural features and exterior building materials. Staff will ensure that building elevations are provided and reviewed for consistency with the existing facility during the review of the building permit plans.

The subject site is located in a unique area with environmental assets that are of interest to the community. An identified creek runs along the northern portion of the site, which runs north and intersects with the South Yamhill River. The northern portion of the site is also located within a floodplain as identified on the Flood Insurance Rate Maps (FIRM) panels created by the Federal Emergency Management Agency (FEMA). That portion of the site is zoned F-P (Floodplain), and the McMinnville Zoning Ordinance generally does not allow the construction of permanent structures within the floodplain. The proposed expansion is located completely out of the floodplain.

A steep slope exists on the northern portion of the site and along the creek, which is outside of the floodplain but is still not ideal for development. The applicant has provided a geotechnical report that includes an analysis of the steep slope and its ability to support structures. The original recommendation from that geotechnical report is to maintain a 35 foot setback from the top of the slope, as the slope will be vulnerable during seismic events. In order to provide a larger building footprint, the applicant investigated what construction techniques would be required to support a structure in the areas previously identified as setback areas from the top of the slope. These findings and recommendations are included in an addendum to the geotechnical report.

The recommendations in the addendum to the geotechnical report relate to construction techniques to ensure that development near the steep slope is structurally sound, such as the inclusion of stronger foundations and certain soil types that should be used for fill. Specifically, the addendum provides recommendations on pile depths that would be required to support development and still maintain slope stability. The McMinnville Building Official has reviewed the geotechnical report and the addendum to the report, and is comfortable with the development if the recommendations from both reports are followed. Staff is suggesting a condition of approval be included that requires that the building be constructed to meet any recommendations from the geotechnical report that the McMinnville Building Official deems necessary.

The subject site also contains a significant amount of natural vegetation and mature trees. Many of those trees exist on the sloped areas and around the creek. Therefore, many of the trees will be preserved and the applicant has stated that it is their intent to maintain as much of the natural areas as possible. The applicant has provided a tree inventory and an analysis of the trees that would be impacted by the proposed expansion. The tree inventory shows that 19 trees would need to be removed to allow for the expansion and the associated construction and grading operations. Some of the trees will be near the construction impact area. Therefore, a condition of approval has been included to require that the existing trees be protected during construction.

The applicant intends to construct the facility as proposed, and has the intent and capability to develop and use the land as proposed. The applicant owns and operates almost 25 residential facilities across the western United States, so they have experience in the operation of assisted living facilities such as the memory care facility that is proposed.

The McMinnville Fire Marshal originally had concerns with the proposed building expansion, as there was no way to provide emergency access to the north side of the new building for firefighting and rescue operations. The applicant revised the site plan, and provided a fire access route from the existing parking lot and around the east and north sides of the existing building. This route would provide emergency access for a fire apparatus, and would allow the Fire Department to get within allowable distances to reach all portions of the building expansion. The fire access route also requires a turn-around area for the fire apparatus, which is proposed to be included in the design.

The required fire access route will be located over the existing pedestrian walkways on the east side of the existing building, and over some of the previously proposed pedestrian walkways on the north side of the existing building to provide access to the expansion. The applicant is proposing to design the fire access route to function as a wide pedestrian walkway when it is not being used for emergency access. Removable bollards can be installed on the south end of the fire access route and pedestrian walkway, which can be removed during emergency access but will enhance the pedestrian nature of the walkway in other times and not allow for vehicular traffic. A condition of approval is included to ensure that the fire access route is designed to operate as a pedestrian walkway when not used for emergency purposes.

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.

CD:sjs