



City of McMinnville
Planning Department
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www.mcminnvilleoregon.gov

EXHIBIT 2 - STAFF REPORT

DATE: September 21 17, 2017
TO: McMinnville Planning Commissioners
FROM: Ron Pomeroy, Principal Planner
SUBJECT: ZC 11-17 (Zone Change) Land Use Resources, LLC

Report in Brief:

This is the continued consideration of a zone change request from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site. (The remaining acreage is in the flood plain and as such is zoned FP and will remain zoned FP.)

The subject site is located north of NE Cumulus Avenue and east of NE Fircrest Drive and is more specifically described as a portion of Tax Lot 900, Section 23, T. 4 S., R. 4 W., W.M. Attachment A to this staff report contains the Decision, Conditions of Approval, Findings of Fact, Comments, Attachments, and Conclusionary Findings.

This land use request was considered in a public hearing by the McMinnville Planning Commission on August 17, 2017. At that time the Commission heard public testimony, and then elected to close the public hearing to additional oral testimony but to keep the record open for an additional seven days, until 5:00 p.m., August 25, 2017 for receipt of additional written testimony. Then by an additional seven day period for the applicant to provide written rebuttal testimony with that period ending at 5:00 p.m. on September 1, 2017. Review of this application was continued to the evening of September 21, 2107 for Commission deliberation.

This application was deemed complete by the Planning Department on July 10, 2017.

Background:

The site is undeveloped with a large stand of trees, and is located east of and across Fircrest Drive from the Fircrest Community development that provides both assisted living and memory care residential opportunities as well as retirement living apartments. Adjacent to and northwest of the site is located the Fircrest Village Condominium development. Further to the west are found the Parkland Village retirement community consisting of single-family attached style residences and the Parkland Village Assisted Care facility. East of the site is land located outside of the McMinnville urban growth boundary and currently in agricultural use.

All adjacent land to the west and northwest is zoned R-4 (Multiple-Family Residential) and R-4 PD (Multiple-Family Residential Planned Development), respectively while adjacent land to the south is zoned AH. The site's southeastern edge is bounded to Oregon Department of Transportation (ODOT) right-of-way providing no access rights to the site.

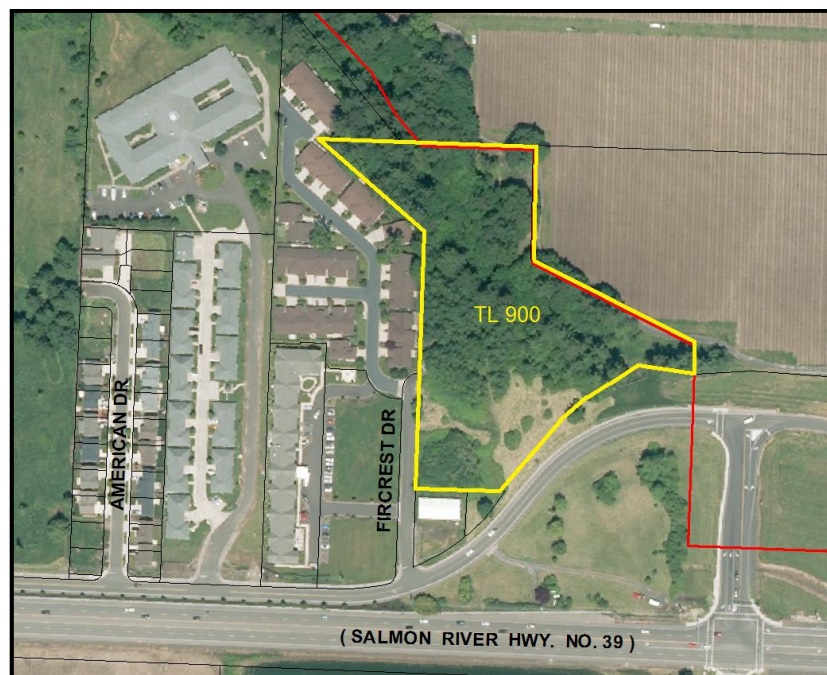
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Attachment A: Decision, Findings of Fact and Conclusionary Findings for Approval of ZC 11-17

The southern portion of the site is relatively flat and generally covered in native grasses that are periodically mowed. The northern portion of the site is characterized by a downward slope of approximately 15 feet in elevation forming a drainage ravine the flows northwesterly eventually emptying into the South Yamhill River beyond the boundary of this site. This northern portion of the property is also covered in a fairly thick stand of, mostly, evergreen trees.

The site is identified as residential zoning on the McMinnville Comprehensive Plan map.

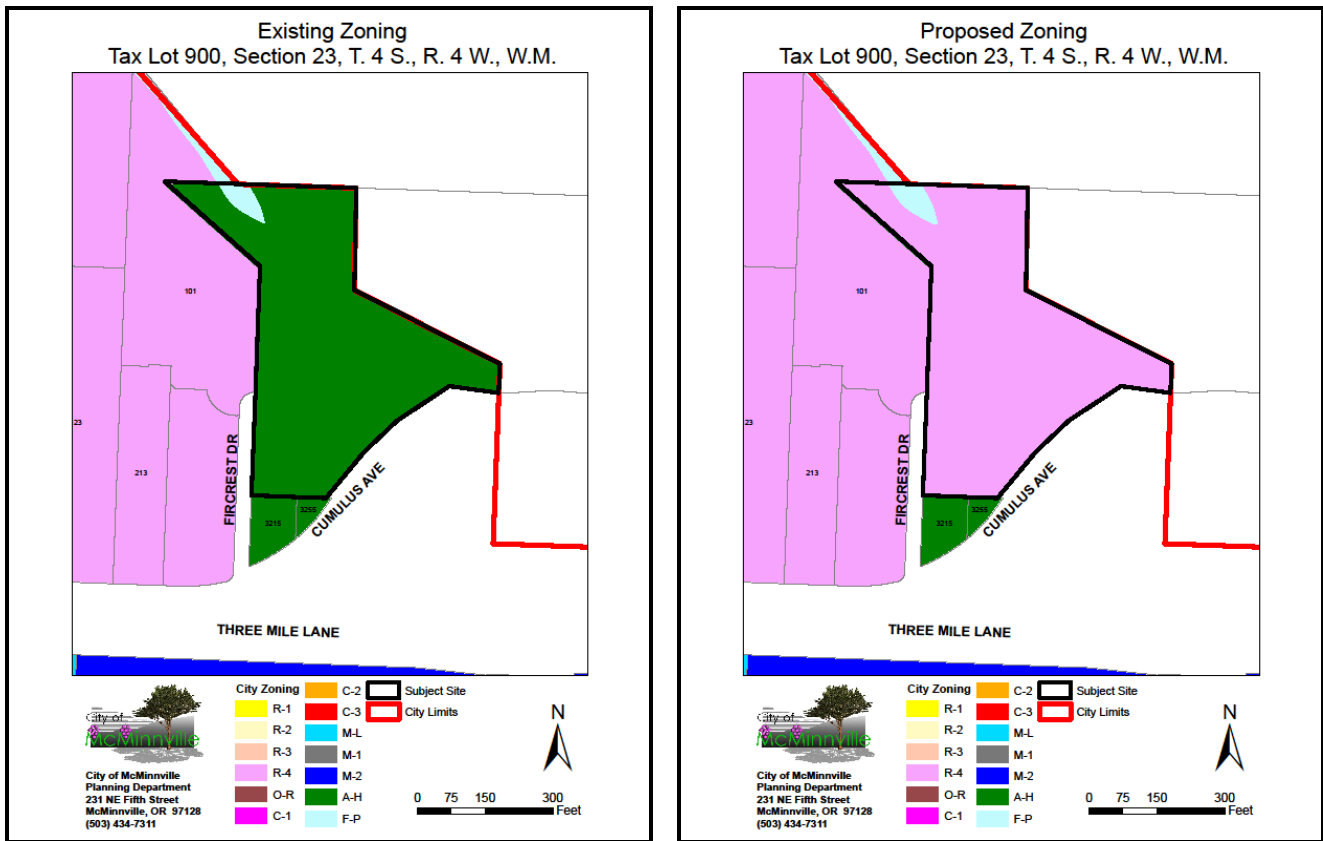
A graphic identifying the subject parcel has been provided below. While the full parcel is outlined in yellow for identification purposes, approximately 1/10th of an acre located in the northwest corner of the parcel is proposed to retain its current F-P (Flood Plain) zone and is not part of this zone change request.



In addition, the two graphics below provide a depiction of current zoning designations on the subject site and surrounding properties in addition to identifying how the zoning map would appear should these zone change requests be approved.

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The Planning Commission’s responsibility regarding this type of land-use request is to hold a public hearing and, following public testimony and deliberation, recommend to the City Council that the application be approved, or approved with conditions, or the Commission may act to deny the application. Such actions shall be based upon the City’s comprehensive plan policies and the review criteria contained in Section 17.74.020 (Comprehensive Plan Map Amendment and Zone Change – Review Criteria) of the McMinnville Zoning Ordinance.

This request, if approved, would allow the applicant to amend the residential zoning designation from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site to afford the ability to pursue a future multiple-family development project on this site as noted in the submitted application, findings, and Traffic Impact Analysis (TIA). Please note that submittal of a conceptual development plan is not a required element of a zone change request and the applicant has not included such as part of this submittal. Additionally, the provision of other site graphics by the applicant are for general illustrative purposes only.

Evaluation of Review Criteria:

An amendment of the zoning map may be authorized provided that the proposal satisfies all applicable review criteria and provided that the applicant demonstrates the following:

Section 17.74.020

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

Comprehensive Plan Policies: There are numerous Comprehensive Plan Goals and Policies that are applicable to this request. Most of those have been well addressed in the applicant’s submitted narrative. Some of the more notable guidance is found in Chapter V (Housing and Residential Development) which includes Goals that speak to quality housing for all city residents and achieving a residential development pattern that is land intensive and energy efficient as well as Policies encouraging opportunities for multiple-

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family development in locations that have sufficient access opportunities and service availability to support such development.

Section 17.74.020

- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.

Existing Development Pattern: The area to the west of this site is comprised of a mix of residential types including the Fircrest Community development that provides both assisted living opportunities and retirement living apartments. Adjacent to and northwest of the site is located the Fircrest Village Condominium development. Further to the west are found the Parkland Village retirement community consisting of single-family attached style residences and the Parkland Village Assisted Care facility. East of the site is land located outside of the McMinnville urban growth boundary and currently in agricultural use.

Section 17.74.020

- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

Utility and Service Provision: This area is well served by existing sanitary and storm sewer systems as well as other public utilities. The Engineering Department notes that there is an existing 15" diameter public sanitary sewer located to the south of the property in the Cumulus Avenue / Highway 18 right-of-way, which is under the jurisdiction of the Oregon Department of Transportation (ODOT). At the time of development, the applicant will need to design a sanitary sewer system that connects to the existing public system (note that a private sanitary sewer pump station may be necessary to serve the proposed development), and the applicant will need to acquire all permits necessary from ODOT to construct the improvements.

Street System: Regarding adjacent public rights-of-way, a portion of the western edge of the site is site is adjacent to NE Fircrest Drive. The other right-of-way that is adjacent to this site is Oregon Department of Transportation (ODOT) right-of-way located along the site's southeasterly edge; as the ODOT right-of-way is intended to serve as portion of a fully constructed future clover-leaf interchange to serve Highway 18, local access to this roadway is not possible. Access to serve future development of this site would be provided from Fircrest Drive.

NE Fircrest Drive has been constructed to a 26-foot wide, curb to curb, paved section within a 30-foot wide public right-of-way. Currently, there is no sidewalk installed along the property's Fircrest Drive frontage. At the time of development, 11-feet of additional right-of-way, to accommodate a planter strip and sidewalk, will need to be dedicated along the site's Fircrest Drive frontage. Additionally, a 10-foot wide public utility easement shall be granted along the Fircrest Drive frontage to enable adequate service to this site.

As noted in comments by the City's Engineering Department, a Traffic Impact Analysis (TIA) of projected vehicular impacts to the surrounding street network resulting from development of a multiple-family project on the subject site has been provided as part of the applicant's submittal with a conclusion that the surrounding network has the capacity to sufficiently accommodate the anticipated traffic; the TIA model assumed the site's maximum development capacity of 95 multiple-family residences.

Based on the analysis provided in the submitted TIA, the projected maximum residential yield on the 5.2-acre site of this zone change request is 95 multiple-family residential units. The corresponding trip generation from this site then is limited to a maximum total of 48 morning peak hour trips and a maximum total of 59 evening peak hour trips as referenced in the Executive Summary, (page 1) of the TIA. A condition speaking to this maximum trip generation will be recommended as a condition of approval in the associated Decision Document.

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Site Hydrology: Due to the presence of the on-site drainage ravine and the approximately one-tenth acre of floodplain located at the parcel's far northwest end, the developer will be required, at the time of development, to acquire any necessary erosion control permits from the Oregon Department of Environmental Quality (DEQ), and any necessary wetlands / waterway permits from the Division of State Lands (DSL) and the US Army Corps of Engineers (COE) to address.

R-4 Multiple-Family Residential Zone:

The applicant's materials submitted to support this zone change application speak to a future intent to development multiple-family residential on this property. While the applicant has not provided a conceptual development plan with this zone change proposal, and is not required to do so at this time, it is instructive to note the permitted and conditional uses that could potentially locate on R-4 zoned land.

R-4 Multiple-Family Residential Zone:

17.21.010 Permitted Uses. In an R-4 zone, the following uses and their accessory uses are permitted:

- A. Single-family dwelling
- B. Two-family dwelling
- C. Multiple-family dwelling
- D. Accessory dwelling unit (ADU) subject to the following standards:
 1. The accessory dwelling unit may be established by:
 - a. Conversion of an attic, basement, or garage or any other portion of the primary dwelling;
 - b. Adding floor area to the primary dwelling, including a second story; or
 - c. Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling
 2. The square footage of the accessory dwelling shall not exceed 40 percent of the primary dwelling exclusive of the garage, or 800 square feet, whichever is less. The minimum area shall not be less than 300 square feet.
 3. The accessory dwelling shall meet all applicable standards for this zone including, but not limited to, setbacks, height, and building codes in effect at the time of construction.
 4. The structure's appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit.
 5. One additional off-street parking space shall be provided (in addition to any off-street parking required for other uses on the same parcel or lot).
 6. The accessory dwelling unit must have independent services that include but are not limited to water, sewer, and electricity.
 7. Not more than one accessory dwelling unit shall be allowed per lot or parcel.
 8. The accessory dwelling unit shall contain a kitchen, bathroom, living and sleeping area that [is] completely independent from the primary dwelling.
 9. The property owner shall reside on site within the primary dwelling unit.
 10. Manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures shall not be used as an accessory dwelling unit.
- E. Condominium
- F. Boardinghouse, lodginghouse, or roominghouse
- G. Single-family dwelling having a common wall with one or more other single-family dwelling, provided:
 1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
 2. The dwelling shall have a common wall at the "zero" lot line.
 3. Each lot shall comprise not less than twenty-five hundred square feet in area.
 4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.

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5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.
 6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State
 7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty (50) as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
 8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.
- H. Day care facility, under the following provisions:
1. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein; and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Twelve or fewer people are present at any one time at the center.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
 4. That a certificate of approval be obtained for facilities with seven or more people as defined by ORS 418.810.
- I. Residential Home as defined in Chapter 17.06 (Definitions)
- J. Residential Facility as in Chapter 17.06 (Definitions)
- K. Social relief facility, under the following provisions:
1. The structure is maintained in its residential character, operators own, lease, or rent the property and reside therein, and the center is operated at a usage level equal to or subservient to the residential use of the structure.
 2. Five or less people unrelated to the operator, reside at the home at any one time.
 3. Requirements of the Oregon State Structural Specialty and Fire Life Safety Code (UBC), as amended, are met.
- L. Home occupation subject to the provisions of Chapter 17.67 (Home Occupations)
- M. Mobile home subdivision, provided that the provisions of both the McMinnville Subdivision Ordinance and the Mobile Home Development Ordinance are met and that a minimum of ten contiguous lots are developed solely for mobile home occupation;]
- N. Model home subject to the provisions of Section 17.54.060 of this ordinance
- O. Public park and recreation area
- P. Sewage pump station
- Q. Mobile home park, subject to the provisions of the Mobile Home Development Ordinance
- R. Bed and breakfast establishments, subject to the provisions of Section 17.12.010(N)
- S. Satellite dish, provided such dish is screened from abutting or facing residential properties by a sight obscuring fence, wall, or planting.
- T. Vacation home rental, subject to the provisions of Section 17.12.010(O).

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:

- A. Campus living organization (fraternity, sorority or dormitory)
- B. Cemetery
- C. Church
- D. Community building, including library
- E. Day care facility, when the following situations exist:
 1. The structure is not used as a residence by the operators, and/or
 2. Thirteen or more people are present at any one time;
 3. That a certificate of approval be obtained for the facilities with seven or more people as required by ORS 418.810.

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- F. Social relief facility, when the following situations exist:
 - 1. The structure is not used as a residence by the operators, and/or
 - 2. Six or more people unrelated to the operator reside at the home at any one time.
- G. Farming and keeping of domestic animals
- H. Golf course, except driving range and miniature golf course when operated as a business
- I. Home office of a physician or minister
- J. Hospital and clinic
- K. Nursing/convalescent home
- L. A multi-family dwelling constructed to a higher density than normally allowed in the R-4 Multiple-Family zone provided that the following conditions are met. It is the applicant's burden to show that the conditions have been met:
 - 1. That public and private utilities and services would not be overtaxed by the proposed development. Utilities and services include, but are not necessarily limited to, water, sanitary sewer, public schools, fire protection, police protection, electricity, natural gas, and telephone service.
 - 2. That the transportation network in the immediate area as well as in the adjoining areas is capable of handling the prospective increase in traffic flow.
 - 3. That off-street parking be provided at the rate of one and one-half parking stalls per unit. A variance to this requirement may be considered by the Planning Commission when the proposed housing structure is limited solely to elderly residents.
 - 4. That adjacent properties in other ownerships would not be caused to be limited to a lesser density than allowed in the zone as a direct result of the proposal using a "share" of that adjacent property's public or private utilities or services.
 - 5. That the provisions of this section may be utilized only in the core area, defined as that area bounded by First Street, Fifth Street, Adams Street, and Johnson Street
- M. Public or private school or college
- N. Electrical power substation
- O. Water reservoir
- P. Windmill, for generation of electricity or pumping water
- Q. Bed and Breakfast establishment, provided:
 - 1. That three or more guest sleeping rooms are provided on a daily or weekly basis for the use of six or more travelers or transients at any one time.
 - 2. That a minimum of one off-street parking space be provided for the first two guest sleeping rooms with an additional parking space for each additional guest sleeping room. The required off-street guest parking area may be provided within 200 feet from the bed and breakfast establishment.
 - 3. That signing be limited to only one non-illuminated or indirectly illuminated wooden sign not exceeding six square feet of face area.
 - 4. That smoke detectors be provided as per the requirements for "lodginghouses" in Ordinance 3997.
- R. Wireless communications facilities, not to include antenna support structures and their associated facilities subject to the provisions of Chapter 17.55 (Wireless Communications Facilities)
- S. Fire Service Substation.

Below are some of the standards of the R-4 zone that would be applicable to development of this site in the future should this current request be approved. This information is offered only as an additional observation relative to the requested zoning redesignation. If approved, some of those applicable opportunities and development standards incumbent upon future development could include:

17.21.030 Lot size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family.

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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.

17.21.060 Density requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. [..]

While the above information is presented relative to the requested R-4 zoning designation, it is important to note that the applicant's traffic impact analysis was prepared based upon the amount of land suited for development (removing flood plain, topographical and woodland compromised land) and the resulting potential number of residential units that could be constructed on that acreage to assess the traffic impact upon the surrounding street network. The results of this model analysis identified the maximum a.m. and p.m. peak hour trips volumes resulting from that conceptual amount of residential development on this site. Although the density calculation noted above would potentially yield an increased number of developable multiple-family residential units on the entire site, the applicant's submitted materials and TIA did not analyze that, resulting in a traffic capacity as a condition of approval.

Discussion:

Decision Document Attachment 2 (letter from Tom and Kath Murtiashaw dated August 16, 2017 and received August 17, 2017) was presented during the public testimony portion of the August 17, 2017 public hearing.

Below is a summary of the testimony received since the public hearing on Thursday, August 17, 2017;

The Planning Commission kept the record open for additional written public testimony for seven days.

Written public testimony received by the McMinnville Planning Department between Friday, August 18, 2017 and 5:00 p.m., Friday, August 25, 2017.

- Decision Document Attachment 3 - August 22, 2017 Email from Lee Eggers received August 22, 2017
- Decision Document Attachment 4 – August 24, 2017 Letter from John and Sharon O'Gieblyn received August 24, 2017
- Decision Document Attachment 5 – August 24, 2017 Email from LaVerne Rickard received August 24, 2017

The applicant, Land Use Resources, LLC, then had seven days extending from 5:01 p.m., Friday, August 25th, 2017 to 5:00 p.m., Friday, September 1, 2017 to submit written testimony. The applicant provided testimony during that period.

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Applicant's written response testimony provided on September 1, 2017.

- Decision Document Attachment 6 – September 1, 2017 Email from Denny Elmer representing Land Use Resources, LLC, received September 1, 2017.

Summary of Public Written Testimony Comments:

Much of the written testimony received since this proposal's August 17, 2017, public hearing is similar to that received during the public testimony portion of that public hearing. Those concerns are summarized below and can be reviewed in their original entirety by review of the attachments to this staff report.

Adequacy of utilities to serve the site:

Summary – Will existing public utilities have the capacity to sufficiently serve the future development of this site?

Response – This request to rezone the property to match that of existing zoning designation of adjacent properties to the west has been reviewed by the service and utility providers: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Wastewater Services, Parks Department, McMinnville Public Works, McMinnville Water and Light, McMinnville School District No. 40, Yamhill County Public Works, Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas, and Oregon Department of Transportation. All of their comments have been included in this Staff Report and Decision Document (Attachment A) and have raised no concerns regarding their ability to provide sufficient services to support the future residential development of this site.

Emergency service access to the site and surrounding neighborhood:

Summary – Will emergency service providers retain the ability to sufficiently serve the surrounding neighborhood upon future development of this site?

Response – The McMinnville Police and Fire Departments, as noted above, reviewed this request and raised no concerns relative to their ability to continue to provide sufficient services to the surrounding neighborhood as well as this site upon future development.

Environmental impact:

Summary – What will the environmental impact be on the natural area that exists largely on the northern portion of the site?

Response – Condition of Approval number one requires a preservation plan for this site prior to approval of any development. Specifically, this condition states:

“That, prior to development, the applicant shall submit a preservation plan relative to the natural drainage swale and wooded area of the site, as far as practicable, as part of any development proposal. This plan shall be reviewed and approved by the McMinnville Planning Director prior to approval of any development plan for the site.”

With a Planned Development request not being part of this zone change application, and no specific development plan provided as part of this proposal to rezone the site, and not required, this condition is as far reaching as current requirements allow regarding the protection of the site's natural area as a land use action. This condition does obligate any future development plan to include a preservation plan that will be reviewed by the Planning Director as assurance that every effort will be made to conserve this area in its natural state.

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Density and livability:

Summary – What about the effects upon the livability of the surrounding area should this site develop with multiple-family residences?

Response – This site has been designated as Residential on the McMinnville Comprehensive Plan Map since 1980 for the purpose of residential development along this portion of the Highway 18 corridor. The applicant is requesting that this site be rezoned to match that of adjacent properties to the west to allow for future residential development. Such future development will have to comply with all applicable land use requirements just as the existing development to the west did when those properties developed. Additionally, as noted above, all local service and utility providers, as well as the McMinnville City Manager, City Attorney, and the Yamhill County Planning Department have reviewed this proposal and find no conflicts with their interests. The Decision Document (Attachment A) to this Staff Report also provides findings relative to all applicable Goals and Policies of the McMinnville Comprehensive Plan and finds that this proposal meets or exceeds those requirements. In review of the questions raised by opponents to this application, staff does not find evidence to the contrary.

Safe transportation network:

Summary – Does the surrounding transportation network sufficiently accommodate the trip volume modeled in the applicant's TIA?

Response – The answer to this question has already been provided in the applicant's TIA and in the McMinnville Community Development Director's review of the surrounding street network and that answer is "yes" the surrounding network can sufficiently accommodate the volume modeled. However, the opponent testimony also asked a capacity question specific to the intersection of NE Cumulus and NE Fircrest. In response, the Community Development Director reviewed specific traffic counts and proposed traffic that would result in development of 95 multiple-family residential units on the subject site. That analysis and response is provided in a memo dated August 23, 2017, and included as Decision Document Attachment 7 to this Staff Report.

In sum, the conclusion of that analysis states: "The total expected daily traffic on NE Fircrest Drive, including existing and proposed developments, is 1,058 trips per day. Thus, the expected traffic on NE Fircrest Drive is within the 1,200 vehicle per day designation for local residential streets and, as staff noted at the public hearing, there is adequate capacity to serve the proposed development."

Since a condition of approval for the rezone includes a traffic limitation if the development proposed is larger than 95 units or the maximum number of trips allowed with this land use decision, the developer will be required to conduct a new traffic impact analysis.

Additional email testimony was received on August 22, 2017 (Decision Document Attachment 3), citing a property line encroachment issue stating:

"Be advised that a notice of property line encroachment has been sent to Mr. Denny Elmer in the matter of Docket ZC 11-17. This encroachment was discovered in October of 2013 when Fredrick Motor Company surveyed for future development. At that time, he did not want to deal with the issue and differed it to the new owner when it sold. Since Mr. Elmer is planning on the development, we have advised him of the encroachment of 557.16 feet of the west boundary line which consists of approximately .22 acres."

-- Lee Eggers, President Fircrest Village Condominiums

This is a matter between adjacent land owners and is not in the purview of the review of this zone change request.

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Summary of Applicant's Written Testimony:

Land Use Resources, LLC provided a written rebuttal to the public testimony comments that the City of McMinnville received via email on September 1, 2017, prior to 5:00 pm. (Decision Document Attachment 6)

Summary – The applicant states that, between their TIA that was provided as part of the original application submittal, the memo from Community Development Director, Mike Bisset, and the analysis provided in the previous Staff Report and Decision Document, that the concerns of the opponents are sufficiently addressed and requests that this zone change request be approved.

Fiscal Impact:

None

Planning Commission Options:

- 1) **DELIBERATE** and recommend that the City Council **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **DELIBERATE** and recommend that the City Council **DENY** the application, providing findings for the denial as part of the motion to deny,.

Recommendation/Suggested Motion:

The Planning Department recommends that the Commission make the following motion recommending approval of ZC 11-17 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE ZC 11-17 SUBJECT TO THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.

RP:sjs



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

503-434-7311

www.mcminnvilleoregon.gov

DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE REQUEST FOR PROPERTY LOCATED NORTH OF NE CUMULUS AVENUE AND EAST OF NE FIRCREST DRIVE.

- DOCKET:** ZC 11-17 (Zone Change)
- REQUEST:** The applicant is requesting approval of a zone change from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site.
- LOCATION:** The subject site is located north of NE Cumulus Avenue and east of NE Fircrest Drive and is more specifically described as a portion of Tax Lot 900, Section 23, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site's current zoning is AH (Agricultural Holding) and F-P (Flood Area).
- APPLICANT:** Land Use Resources, LLC
- STAFF:** Ron Pomeroy, Principal Planner
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** August 17, 2017 and September 21, 2017. Meetings held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- HEARINGS BODY:** McMinnville City Council
- DATE & TIME:** October 10, 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, Wastewater Services, Parks Department, McMinnville Public Works, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas, and Oregon Department of Transportation.. Their comments are provided in this exhibit.

Attachments:

Attachment 1: ZC 11-17 Application and Attachments

Attachment 2: August 16, 2017 Letter from Tom and Kathy Murtiashaw received August 17, 2017

Attachment 3: August 22, 2017 Email from Lee Eggers received August 22, 2017

Attachment 4: August 24, 2017 Letter from John and Sharon O'Gieblyn received August 24, 2017

Attachment 5: August 24, 2017 Email from LaVerne Rickard received August 24, 2017

Attachment 6: September 1, 2017 Email from Denny Elmer representing Land Use Resources, LLC, received September 1, 2017.

Attachment 7: August 23, 2017 Memo from Mike Bisset, Community Development Director received August 23, 2017

DECISION

Based on the findings and conclusions, the Planning Commission recommends that the City Council **APPROVE** zone change ZC 11-17 **subject to the conditions of approval provided in this document.**

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DECISION: APPROVAL WITH CONDITIONS
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City Council: _____
Scott Hill, Mayor of McMinnville

Date: _____

Planning Commission: _____
Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

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Attachments:

Attachment 1: ZC 11-17 Application and Attachments

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Application Summary:

The applicant is requesting approval of a zone change from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site.



The two graphics below provide depiction of current zoning designations on the subject site and surrounding properties in addition to identifying how the zoning map would appear should this zone change request be approved.

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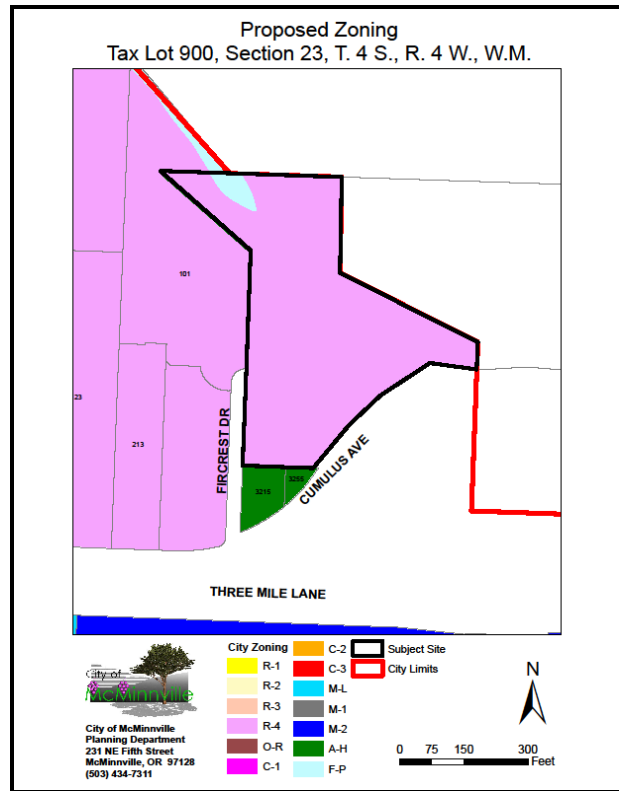
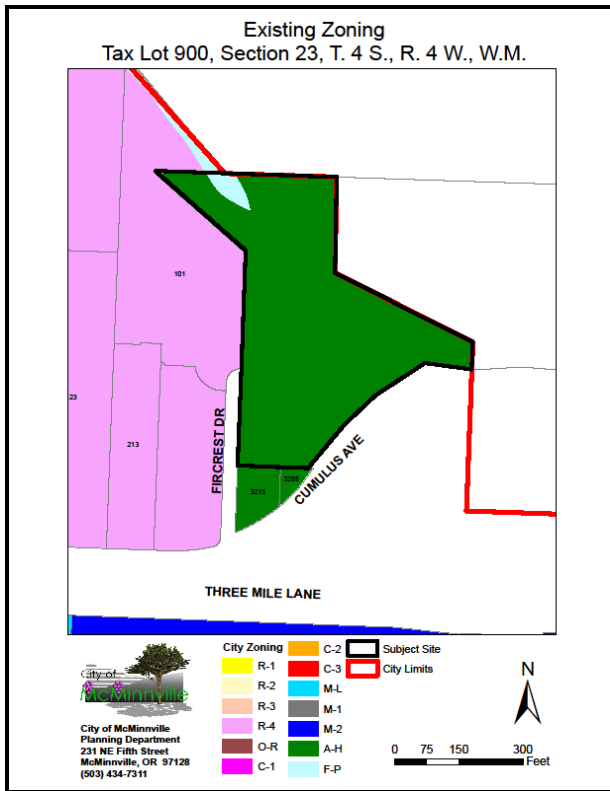
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CONDITIONS OF APPROVAL:

The following conditions of approval shall be required to ensure that the proposal is compliant with the City of McMinnville’s Comprehensive Plan and Zoning Ordinance:

1. That, prior to development, the applicant shall submit a preservation plan relative to the natural drainage swale and wooded area of the site, as far as practicable, as part of any development proposal. This plan shall be reviewed and approved by the McMinnville Planning Director prior to approval of any development plan for the site.
2. That, based on the analysis provided in the submitted Traffic Impact Analysis (TIA) prepared for the applicant by Lancaster Engineering (June 28, 2017), the residential density allowed on this site of this 5.2-acre zone change request shall be limited to a maximum total of 48 morning peak hour trips and a maximum total of 59 evening peak hour trips as referenced in the Executive Summary (page 1) of the TIA unless a subsequent TIA is submitted by the applicant and the conclusions of which are found to be acceptable to the City.
3. That NE Fircrest Drive has been constructed to be 26’ wide in a 30’ public right-of-way, and there is not sidewalk along the property’s frontage. At the time of development, 11-feet of additional right-of-way, to accommodate a planter strip and sidewalk, will need to be dedicated along the site’s Fircrest Drive frontage. Additionally, a 10-foot wide public utility easement shall be granted along the Fircrest Drive frontage.

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4. That there is an existing 15" diameter public sanitary sewer located to the south of the property in the Cumulus Avenue / Highway 18 right-of-way, which is under the jurisdiction of the Oregon Department of Transportation (ODOT). At the time of development, the applicant will need to design a sanitary sewer system that connects to the existing public system (note that a private sanitary sewer pump station may be necessary to serve the proposed development), and the applicant will need to acquire all permits necessary from ODOT to construct the improvements.
5. That, at the time of development, the applicant will need to acquire any necessary erosion control permits from the Oregon Department of Environmental Quality (DEQ), and any necessary wetlands / waterway permits from the Division of State Lands (DSL) and the US Army Corps of Engineers (COE).
6. That, at the time development, the applicant shall provide any geotechnical engineering analyses / reports required by the Building Division to accommodate the construction of any proposed structures.

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COMMENTS

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

Engineering Department:

We have completed our review of proposed ZC 11-17. As noted below, we concur with the conclusion in the submitted traffic impact analysis that the zone change will not result in any level of service issues on the adjacent transportation network. Also, based on the City's adopted Conveyance System Master Plan (October 2008), staff can conclude that there is adequate sanitary sewer system capacity to accommodate the proposed zone change. Thus, we have no concerns with the proposed zone change.

At the time of development, the following items/issues will need to be addressed:

- NE Fircrest Drive has been constructed to be 26' wide in a 30' public right-of-way, and there is not sidewalk along the property's frontage. At the time of development, 11-feet of additional

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right-of-way, to accommodate a planter strip and sidewalk, will need to be dedicated along the site's Fircrest Drive frontage. Additionally, a 10-foot wide public utility easement shall be granted along the Fircrest Drive frontage.

- There is an existing 15" diameter public sanitary sewer located to the south of the property in the Cumulus Avenue / Highway 18 right-of-way, which is under the jurisdiction of the Oregon Department of Transportation (ODOT). At the time of development, the applicant will need to design a sanitary sewer system that connects to the existing public system (note that a private sanitary sewer pump station may be necessary to serve the proposed development), and the applicant will need to acquire all permits necessary from ODOT to construct the improvements.
- At the time of development, the applicant will need to acquire any necessary erosion control permits from the Oregon Department of Environmental Quality (DEQ), and any necessary wetlands / waterway permits from the Division of State Lands (DSL) and the US Army Corps of Engineers (COE).
- At the time development, the applicant shall provide any geotechnical engineering analyses / reports required by the Building Division to accommodate the construction of any proposed structures.

In a supplemental memo provided by the McMinnville Community Development Director (Attachment 7) additional analysis of the potential impact on the intersection of NE Cumulus and NE Fircrest by adding a conceptual 95 multiple-family residential residences to the subject site was provided. In sum, the conclusion of that analysis states: "The total expected daily traffic on NE Fircrest Drive, including existing and proposed developments, is 1,058 trips per day. Thus, the expected traffic on NE Fircrest Drive is within the 1,200 vehicle per day designation for local residential streets and, as staff noted at the public hearing, there is adequate capacity to serve the proposed development."

Building Department:

No objections from this end.

Fire Department:

We have no issues with this zone change but please note that all construction will need to meet required Fire Code requirements.

McMinnville Water and Light:

MW&L has no comments on this application.

Yamhill County Public Works:

The subject proposal does not conflict with the interests of Yamhill County Public Works.

Recology Western Oregon:

No concerns here from our end.

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FINDINGS OF FACT

1. Land Use Resources, LLC is requesting approval of a zone change from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site. The subject site is located north of NE Cumulus Avenue and east of NE Fircrest Drive and is more specifically described as a portion of Tax Lot 900, Section 23, T. 4 S., R. 4 W., W.M..
2. The site is currently designated as Residential and Flood Plain on the McMinnville Comprehensive Plan Map, 1980.
3. Sanitary sewer and municipal water and power can adequately serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. 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 V 1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

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

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.

Finding: Goal V 1 and Policies 58.00 and 59.00 are met by this proposal in that approval of the zone change request from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) will allow for the opportunity of this land to be developed with a variety of housing types including higher density housing as noted in the applicant's submitted findings. Higher density residential development of this site is commensurate with nearby development in that the site is located east of and across Fircrest Drive from the Fircrest Community development that provides both assisted living opportunities and retirement living apartments. Adjacent to and northwest of the site is located the Fircrest Village Condominium development. Further to the west are found the Parkland Village retirement community consisting of single-family attached style residences and the Parkland Village Assisted Care facility. East of the site is land located outside of the McMinnville urban growth boundary and currently in agricultural use.

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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 68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

Policy 71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments. The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

- 1. Areas that are not committed to low density development;*
- 2. Areas that have direct access from collector or arterial streets;*
- 3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
- 4. Areas where the existing facilities have the capacity for additional development;*
- 5. Areas within one-quarter mile of existing or planned public transportation; and,*
- 6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development:

- 1. Areas which are not committed to low or medium density development;*
- 2. Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential areas;*
- 3. Areas which have direct access from a major collector or arterial street;*
- 4. Areas which are not subject to development limitations;*
- 5. Areas where the existing facilities have the capacity for additional development;*

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6. *Areas within a one-half mile wide corridor centered on existing or planned public transit routes;*
7. *Areas within one-quarter mile from neighborhood and general commercial shopping centers; and*
8. *Areas adjacent to either private or public permanent open space.*

Finding: Goal V 2 and Policies 68.00, 71.00, 71.09, and 71.13 are met by this application in that the proposal to rezone this land as requested is encouraged by the existing Residential designation of the site on the Comprehensive Plan Map. In addition, rezoning of this site to allow higher residential density encourages more efficient residential development in an area where urban services are already available before committing alternate areas to residential development. The adjacent residential neighborhood to the west currently exhibits a range of medium and higher residential densities and housing types including single-family attached dwellings, condominiums, assisted living, apartments, and residential memory care facilities. A graphic has been provided below identifying the locations of these residential opportunities. Additionally, it is instructive to recall that Condition of Approval number 1 of this Decision Document requires preservation of open space within the wooded portion of this site which satisfies Policy 71.13(8) and can also be seen on the aerial graphic below as well as the site identification graphic provided on page 3 of this document.

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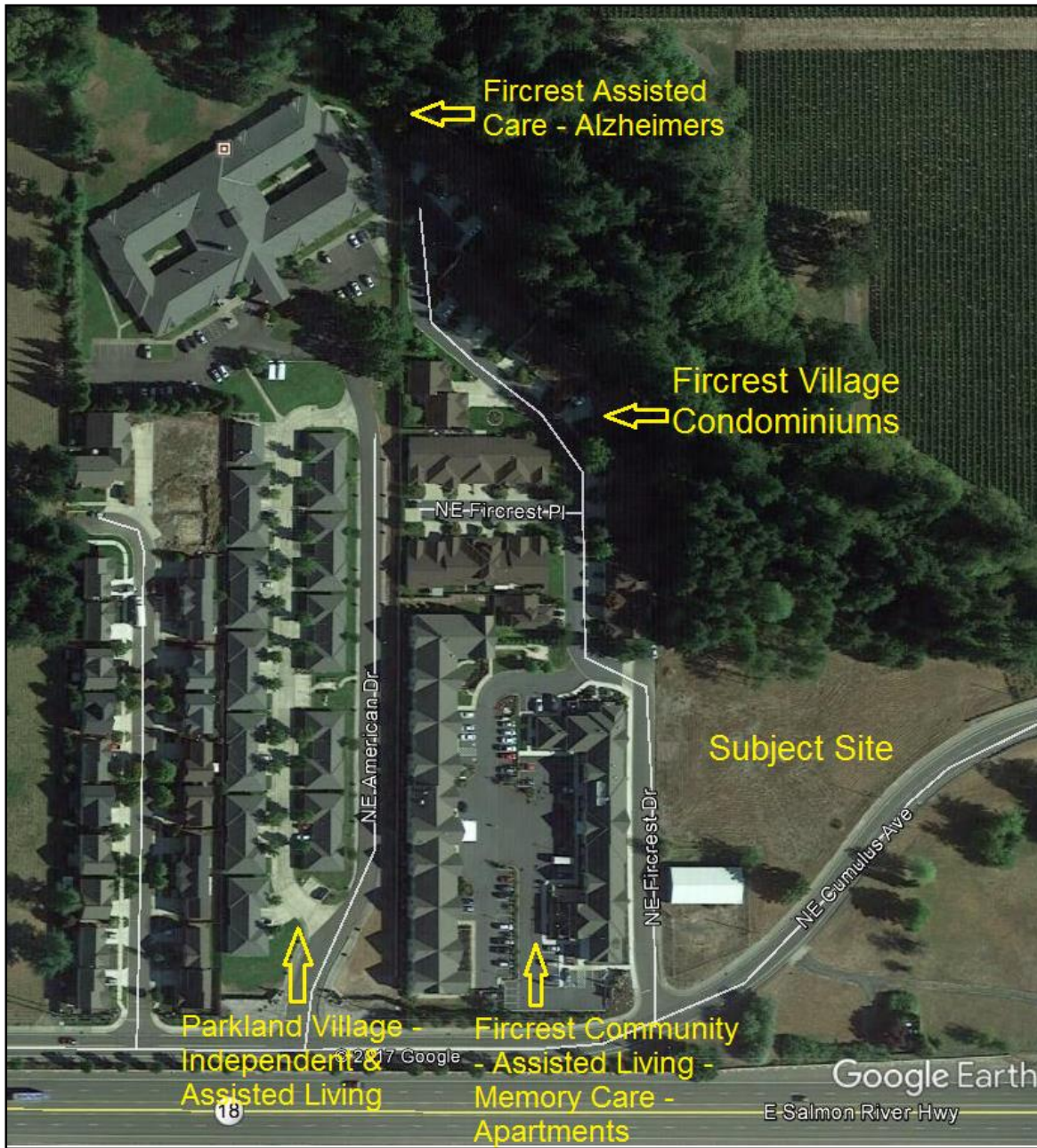
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A traffic impact analysis (TIA) of the anticipated vehicular impacts on the surrounding street network from multiple-family residential development of this site was submitted by the applicant. The TIA concluded that the vehicular impact of development of 95 multiple-family dwelling units on this site can be sufficiently accommodated by the surrounding transportation network. While Policy 71.13(3) states that an area identified for high-density residential development *should* have direct access from a major collector or minor arterial, the identified site access is located on a non-through street and only some 200 to 300 feet away from NE Cumulus Avenue which is identified in the McMinnville Transportation System Plan as a Major Collector street (see graphic below). In the context of the applicant’s request, while future residential construction may be multiple-family in form, the density limitation placed on this site (Condition of Approval 2) which is governed by maximum trip generation figures, places the

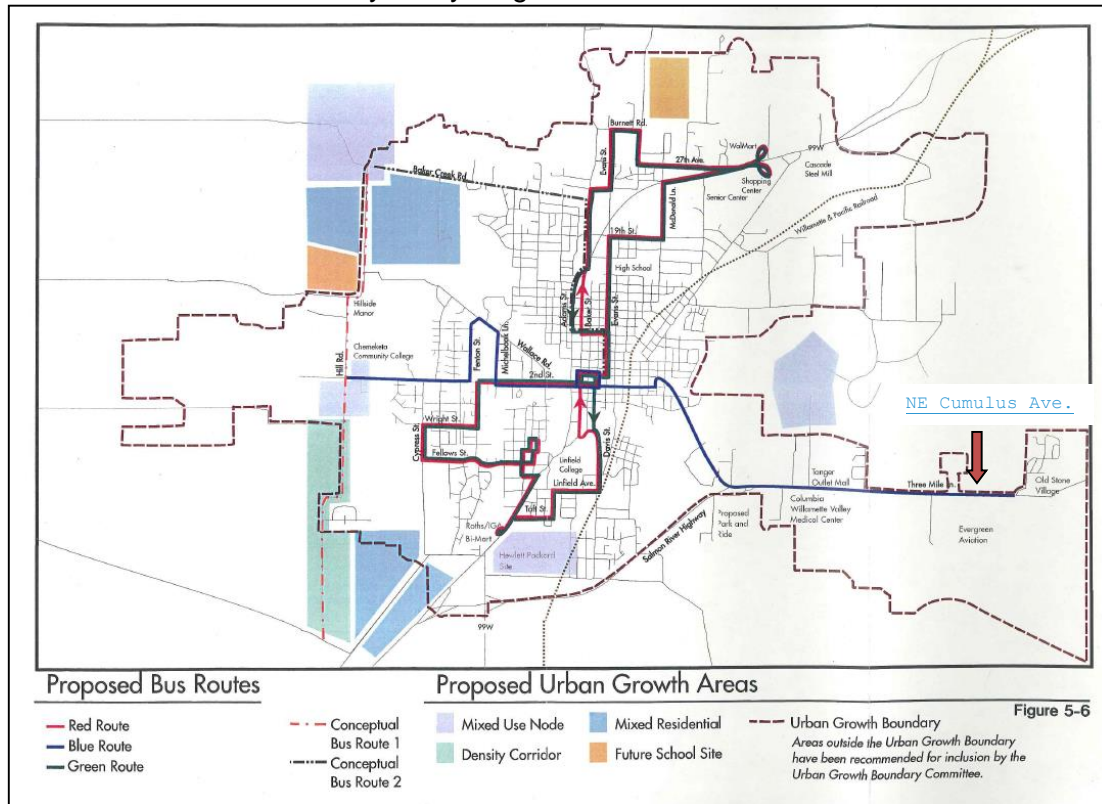
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maximum buildout of this site in a medium density range where access onto a Collector (major or minor) is suggested by Policy 71.09(2). This vehicular access location and the impacts of potential development on the surrounding street network, based on an analysis of the findings of the submitted TIA, is found acceptable to the City Engineer. The graphic below demonstrates the designation of NE Cumulus Avenue as a Minor Collector street.

This site is also located within 200 feet of an existing public transit route which is available to serve this site as noted in the adopted McMinnville Transit Feasibility Study as shown below.

McMinnville Transit Feasibility Study - Figure 5-6



While Policy 17.13(7) requires high density residential development to be located within ¼ mile of neighborhood and general commercial shopping centers, it is important to recall that, while the form of development may be multiple-family, the overall site density will be limited to the medium residential density range to which this subsection of this policy does not apply. That said, general commercial shopping opportunities do exist within ¼ mile of this site at the Wings and Waves Water Park snack and gift shops located just east of the site; other commercial offerings could also develop at that site in the future.

Policy 79.00 *The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations [..].*

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Finding: Policy 79.00 is satisfied by this proposal as the requested zoning designation allows multiple-family development as a permitted use which is the type of residential development discussed by the applicant in their proposal. It is important to note that, while the topographic and forested features of the site are graphically represented by the applicant for illustrative purposes only, the applicant's traffic impact analysis (TIA) was based on an assumption of development occurring on only a portion of the site. While not binding on the City, the applicants' TIA is based on a reduced development concept and analyzes the vehicular impact of a maximum of 95 multiple-family dwelling units on the surrounding transportation network. This modeled transportation impact is provided as an important part of the justification for approval of the requested zone change. The analysis and conclusions of the TIA have been reviewed, and are supported, by the City Engineer. City staff accepts this analysis and proposal and justification for density limitation of 95 multiple-family dwelling units and finds that this Policy is satisfied. Based on the analysis provided in the submitted Traffic Impact Analysis prepared for the applicant by Lancaster Engineering (June 28, 2017), Condition of Approval 2 relates to residential development in that the residential development of this 5.2-acre zone change site is limited to a maximum total of 48 morning peak hour trips and a maximum total of 59 evening peak hour trips as referenced in the page 1 Executive Summary of the TIA unless a subsequent TIA is submitted by the applicant and the conclusions of which are found to be acceptable to 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: Policy 80.00 is satisfied by this proposal in that, prior to development, the applicant will be required to provide evidence of preservation methods relative to the natural drainage swale and wooded area, as far as practicable, as part of the development proposal. This plan shall be reviewed and approved by the McMinnville Planning Director prior to approval of any development plan for the site. A condition to require this has been drafted and provided as part of the recommended conditions of approval.

Policy 86.00 Dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the City to avoid a concentration of people, traffic congestion, and noise. The dispersal policy will not apply to areas on the fringes of the downtown "core," and surrounding Linfield College where multiple-family developments shall still be allowed in properly designated areas.

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

Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes. (Ord. 4840, January 11, 2006; Ord. 4796, October 14, 2003)

Policy 91.00 Multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development. (Ord. 4573, November 8, 1994)

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- Policy 92.00 High-density housing developments shall be encouraged to locate along existing or potential public transit routes.*
- Policy 92.01 High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use. (Ord. 4796, October 14, 2003)*
- Policy 92.02 High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation. (Ord. 4796, October 14, 2003)*

Finding: Policies 86.00, 89.00, 91.00 and 92.01 are satisfied by this proposal as follows. While the applicant has indicated intent to construct multiple-family housing on this site, no development plan has been provided as part of this zone change request. However, in light of the possibility that a future multiple-family development project would be designed for this site, should this zone change request be approved, these policies are relevant. With approval of this request, the opportunity for higher density residential development will continue to be supported by the City in a manner that disperses this type of development throughout the community. While this site, if rezoned to R-4, would be adjacent to other R-4 zoned properties to the west, the existing medium and higher density dwelling opportunities exhibit a wide range of residential living situations as previously described. Provision of general rent market rate, or lower cost multiple-family residences on the subject site would add a type of residential opportunity in this area that is effectively not presently available making this rezoning request compliant with the intent of the City's policy of dispersing the location of new and various types of multiple-family development. Public transit will be available within approximately 200 feet of the site to the site identified as the proposed Blue Route bus line to serve Cumulus Avenue shown on Figure 5-6 shown in the adopted McMinnville Transit Feasibility Study. Additionally, future multiple-family residential development of this site shall be required to provide landscaped grounds commensurate with the requirements of the McMinnville Zoning Ordinance. Further, this site is not located in an undesirable place such as near railroad lines, heavy industrial uses, or other potential nuisance areas. Please see McMinnville Transit Feasibility Study - Figure 5-6 above.

Policy 90.00 encourages the location of professional and commercial uses within one-quarter mile from multiple-family residential development. Additionally, Policy 92.02 requires High-density housing developments to, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation. The reference of proximity to public transportation is also found in Policy 92.00. Professional, educational and commercial uses are currently limited to those found within approximately one-quarter to the east (The Wings and Waves Water Park and the Evergreen Aviation campus) and within approximately one-half mile to the west (including Chemeketa Community College, McDonalds Restaurant, Coming Attractions Theaters, Housing Authority of Yamhill County the adopted McMinnville Transit Feasibility Study identifies a proposed bus route (Blue Route shown on Figure 5-6) that is proposed to operate along Hwy 18 east to the Olde Stone Village Manufactured Home community (approximately one-mile east of the subject site). Additional opportunities for commercial, professional and educational development remain within this corridor. Therefore, Policies 90.00, 92.00 and 92.02 are satisfied by this proposal.

Policy 91.00 is satisfied by this proposal in that a Traffic Impact Analysis (TIA) for this proposal modeling 95 apartment units on this site was submitted by Lancaster Engineering. The results of this analysis show that there are no safety issues that need to be addressed and no safety mitigations recommended at the intersection of NE Cumulus Avenue and Highway 18. The area of vehicular

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ingress and egress to this site will be from NE Fircrest Drive and between 200 to 300 feet, approximately, north of the intersection of NE Cumulus Avenue and Fircrest Drive. It is also instructive to note that while Policy 91.00 encourages multiple-family development to gain direct access from arterial or collector streets it is not required if an alternative method is found to have sufficient traffic carrying capacities to accommodate the proposed development. The submitted traffic analysis was considered by the McMinnville Engineering Department and it is the determination of the City Engineer that there would be no appreciable loss of functionality at the Fircrest/Cumulus intersection.

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)*
5. *Deleted as per Ord. 4796, October 14, 2003.*

Finding: Policy 99.00 is satisfied by this proposal as adequate levels 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. Required street improvements commensurate with future development shall be required at the time of development.

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Policy 117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.

Policy 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:

1. *Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
2. *Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
3. *Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
4. *Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*

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5. *Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

Policy 119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.

Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.

Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications: [in part]

2. *Local streets.*
 - a. *Designs should minimize through-traffic and serve local areas only.*

Finding: Goal VI 1 and Policies 117.00, 118.00, 119.00, 120.00, and 122.00 are satisfied by this proposal in that the subject site is currently adjacent to NE Fircrest Drive, a public local street, that serves only the local area and does not connect to other public streets due to the proximity of limiting geographic features and other existing development. Fircrest Drive will be required to be improved commensurate with the future development of this site as per the requirements of the adopted McMinnville Transportation System Plan (TSP) to ensure safe and efficient transportation opportunities for all citizens.

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 right-of-ways as transportation routes.

Finding: Policies 126.00 and 127.00 are satisfied by this proposal in that off-street parking will be required for all residential development as specified by Chapter 17.60 (Off-Street Parking and Loading) of the McMinnville Zoning Ordinance.

Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connect residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.

Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

Finding: Policies 130.00 and 132.15 are satisfied by this proposal in that, when a specific development is proposed for this site, public sidewalks commensurate with that proposal will be required as part of the street improvements and will provide pedestrian connections from this site to the surrounding area. Provision of safe, accessible bicycle routes continue to be provided throughout the city as directed by the McMinnville TSP.

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

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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 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines with the framework outlined below:

- 1. Sufficient municipal treatment capacities exist to handle maximum flows of effluents.*
- 2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
- 3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized*
- 4. Extensions will implement applicable goals and policies of the comprehensive plan.*

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 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

- 1. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*
- 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;*
- 4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

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.

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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, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00, and 151.00 are satisfied by the request as, based on comments received, 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 sufficiently serve the site. Additionally, the municipal 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 153.00 The City of McMinnville shall continue coordination between the planning and dire departments in evaluating major 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: Policies 153.00 and 155.00 are satisfied in that emergency services departments have reviewed this request and raise no concerns.

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

Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

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Finding: Goal VII 3 and Policy 163.00 are satisfied in that park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.

Policy 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Finding: Goal VIII 1 and Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal and no concerns were raised.

Policy 178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

Finding: Policy 178.00 is satisfied in that the applicant is proposing to amend the current zoning designation of 5.2 acres of this 5.3 acre site to R-4 to allow for the possibility of providing multiple-family type housing thereby achieving a more compact form of urban development and energy conservation than would have otherwise been achieved.

GOAL X1: 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 X1 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 holding of advertized public hearing(s). 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:

17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

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Finding: Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.

17.57.010 Landscaping – Purpose and intent. The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs. The landscaping provisions in Section 17.57.050 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. [..]

17.57.050 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following ranges:
1. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the [landscape] review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met).
- B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:
1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
 2. Screen the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
 3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.

Finding: Sections 17.57.010 and 17.57.050(B)(1-3) are satisfied by the request in that any future proposal to develop this site as a multiple-family development will be required to comply with these standards as per the review authority of the McMinnville Landscape Review Committee. Additionally, staff recommends adoption of a condition of approval of this application that would require sufficient buffering and screening along the site's western edge for the benefit of established senior and assisted care facilities that border the site along that edge. This buffering and screening shall utilize methods for the express purpose of mitigating noise, headlight glare, and visual intrusion from the site's development onto adjacent land west of the site and shall include a mix of vertical and horizontal vegetation, fencing and/or berms as may be approved by the Landscape Review Committee at the time of development. The existence of the 1.4 acre natural greenway along the northern portion of the site will further add to the buffering of existing residences to the northwest.

17.74.020 Review Criteria. An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

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- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to service the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statutes), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

Finding: Criterion "B" of this review standard does not apply when the proposed amendment concerns needed housing. Table B-11 of Appendix B of the 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan demonstrates that McMinnville had a deficit of 162 R-4 zoned acres needed to meet future projected housing needs; the year 2020 was the identified planning horizon for this projection. Since 2001, approximately 51 acres have been rezoned to R-4 leaving a residual deficit of approximately 111 R-4 zoned acres still needed to meet projected needs. Approval of this zone change request would reduce that deficit to approximately 105.8 acres.

Section 17.74.020 is satisfied in that the proposed R-4 zoning designation for this site is consistent with the goals and policies of the McMinnville Comprehensive Plan, and is orderly and timely given considering existing nearby residential development and the site's proximity to public streets, transit facility options, the ability to be adequately served by required utilities and services, and the local need for additional higher density and/or affordable housing options. While this site is located within approximately one-half mile from Airport Park, the park's location on the south side of Highway 18 makes it rather difficult to reach by means of pedestrian or bicycle travel. However, the applicant proposes, as shown on the submitted conceptual site plan, the provision of an approximately 1.4 acre area to be retained as an onsite nature reserve. While not an active park, this area would potentially provide similar opportunities to Tice Park for the benefit of the site's residents. Chemeketa Community College is located approximately one-half mile to the west of the subject site which provides a wide range of educational opportunities. While commercial opportunities are not readily available within a reasonable distance to this site, the alleviation of meeting Criterion "B" above allows recognition of the current development character of this area as meeting the needs of a diverse residential population by numerous means. This current proposal to rezone the subject to R-4 would allow the continuation of this established development pattern in recognition of its unique location along Highway 18 and adjacent to the urban growth boundary (UGB). In addition, there are no policies contained in the Comprehensive Plan that are being utilized to unnecessarily decrease densities or discourage any form of housing.

RP:sjs

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August 16, 2017

McMinnville Planning Commission and
Heather Richards, Planning Director
City of McMinnville Planning Department

HAND DELIVERED 8-17-2017

RE: Docket Number ZC 11-17 (Zoning Change Request at NE Cumulus Avenue and NE Fircrest Drive)

Dear Planning Commission Members and Ms. Richards:

We are homeowners at 378 NE Fircrest Place and members of the Fircrest Village Condominiums Association. We are submitting this letter in response to the above referenced zoning change request. We would respectfully ask that your decision on this matter be postponed to allow a complete study and review of any proposed development plans for the subject property, with thorough consideration given to the effects those development plans will have on the surrounding neighborhood, community and any public utilities servicing the area. We are concerned about any construction design or density plans that widely deviate from existing development and construction in this neighborhood and community. We are concerned about access for emergency vehicles to our area which could be restricted by a substantial increase of traffic and on-street parking on narrow NE Fircrest Drive, and concerned about pedestrian and vehicle safety from increased traffic at the sometimes visually challenging intersection with NE Cumulus Avenue. (NOTE: The Fircrest Community Assisted Living and Memory Care Unit Facility, which utilizes NE Fircrest Drive, experiences frequent emergency vehicle traffic and regularly scheduled deliveries by large trucks, including semi-trailer trucks. There are residents of Fircrest Community who are wheelchair bound and regularly cross the intersection at NE Fircrest and NE Cumulus.) Finally, we are concerned about the environmental impact the proposed development would have on the vital old growth forest covering a large portion of the subject property, and the storm and water drainage tributary running through the property to the South Yamhill River. We also join in any concerns raised by our neighbors to this zoning change request.

Previous scheduling conflicts prevent our presence at the August 17th public hearing.

Hopefully you will consider our request to delay your decision on this matter until after a comprehensive study and review of any proposed development on the subject property, and its impact on adjacent property owners and facilities, the immediate neighborhood and this community. Thank you.



Tom & Kathy Murtiashaw
378 NE Fircrest Place
McMinnville, OR 97128

Ron Pomeroy

From: Heather Richards
Sent: August 22, 2017 1:08 PM
To: Ron Pomeroy
Subject: Fwd: Fircrest Village Condominiums

See below

Heather Richards
Sent from my Iphone

Begin forwarded message:

From: Lee <leggers111@comcast.net>
Date: August 22, 2017 at 12:36:36 PM PDT
To: <heather.richards@mcminnvilleoregon.gov>
Subject: **Fircrest Village Condominiums**

Be advised that a notice of property line encroachment has been sent to Mr. Denny Elmer in the matter of Docket ZC 11-17. This encroachment was discovered in October of 2013 when Fredrick Motor Company surveyed for future development. At that time, he did not want to deal with the issue and differed it to the new owner when it sold. Since Mr. Elmer is planning on the development, we have advised him of the encroachment of 557.16 feet of the west boundary line which consists of approximately .22 acres.

Lee Eggers, President Fircrest Village Condominiums

August 24, 2017
McMinnville Planning Department
231 NE Fifth Street
McMinnville, Or. 92128

Dear Sirs,

We have lived in the Kingwood neighborhood for almost 25 years. We have watched an awful lot of construction taken place since that time we moved in. Your decision to make this piece of land into a multifamily apartment building destroys the balance of the entire Cumulus stretch of land.

The area has truly reached the limit of growth. Please reconsider. Not every piece of green space needs to be destroyed. We were hoping the city would consider buying the land for a much needed park. There are many senior citizens nearby who would benefit from having a nice area to visit and enjoy the sunshine.

There is already a large sub division being constructed presently, and if the city approves this apartment complex, it will most assuredly detract from the livability of the area, and will show without a doubt that the city would like to see McMinnville be the next Beaverton.

Sincerely yours,



John and Sharon O'Gieblyn
201 NE Kingwood Street
McMinnville, Or. 97128

RECEIVED

AUG 24 2017

COMMUNITY DEVELOPMENT
CENTER

Ron Pomeroy

From: Heather Richards
Sent: August 24, 2017 10:31 PM
To: Ron Pomeroy
Subject: Fwd: Fircrest and Cumulus plans

Ron,

Please see below. Public testimony received for the Fircrest rezone.

Heather Richards
Sent from my Iphone

From: LaVerne <rick2lav@comcast.net>
Date: August 24, 2017 at 9:05:33 PM PDT
To: <heather.richards@mcminnvilleoregon.gov>
Subject: Fircrest and Cumulus plans

Hello, Planning Commission! I'm writing in regards to the planned development of the property on Fircrest and Cumulus. I'm a resident in the Fircrest Condo Village and have concerns.

1. The traffic study at the above intersection is much needed. It also needs to take into consideration the people who cross the non-existent cross-walk to walk/ride to the Vineyard to visit and watch the world go by on Cumulus..... they include people walking dogs, people with walkers, and a lot of people on motorized wheelchairs and scooters. All of these people also walk up and down Fircrest.
2. It boggles the mind to think the developer is in compliance when he says that shopping at the Evergreen Museum Gift Shop meets one of his criteria.
3. There is no public transportation on Cumulus or Hwy 18. Period. The developer cannot say that some day there will be transportation on said roads and, therefore, meets the criteria. Who knows if that will come to fruition? Again, the mind boggles.

Please vote against this proposed development. Please.
Thank You.

LaVerne Rickard
395 NE Fircrest Pl
MAC, OR 97128
503-883-9688

Ron Pomeroy

From: Denny Elmer [dennyelmer@gmail.com]
Sent: September 01, 2017 11:00 AM
To: Ron Pomeroy; Chuck Darnell; Heather Richards
Subject: Fircrest Response
Attachments: Fircrest Response.docx; ZC 11-17 Memo - Bisset 082317.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Denny Elmer

Fircrest Response

McMinnville City Planning Commissioners thank you for taking the time to hear out the opposition and myself in the application for a zone change on the parcel located on Fircrest Ave. I have read the opposition letters and wish to respond to a few of their concerns. I do feel most of the concerns we answered or explained in the application and the recommendation response from the City Planning and other offices. As I re-read through the application the criteria is clearly explained. I have re-read the application I feel we meet the criteria set forth.

The concern that was most prominent from the opposition was traffic. I did a traffic study that covered the two main intersections

- Oregon Highway 18 at Cumulus Avenue (Salmon River Highway connection road)
- NE Cumulus Avenue at Cumulus Avenue (Salmon River Highway connection road)

The findings on these intersections were well below capacity after construction is complete. Please see the attachment from City of McMinnville Engineering that shows the capacity for the intersection at Fircrest Dr. and Cumulus Ave. This assessment shows that this development would stay well below the capacity that the city street was designed to handle. In conclusion, I have received professional assessments on the traffic impact and see no reason to hinder this zone change.

I am a local real estate and business owner and have been involved in a few committees on the city and county levels that are dealing with the housing need in McMinnville and Yamhill County. There is a need, we are all aware of this, this zone change would allow for some immediate development that would meet these needs. Please consider this approval as it comes before you recommended for approval from McMinnville City Planning Dept.



City of McMinnville
Community Development Department
 231 NE Fifth Street
 McMinnville, OR 97128
 (503) 434-7312

www.mcminnvilleoregon.gov

MEMORANDUM

DATE: August 23, 2017
TO: Heather Richards, Planning Director
FROM: Mike Bisset, Community Development Director
SUBJECT: ZC 11-17 (Zone Change) Land Use Resources, LLC

This memo is in response to questions regarding traffic on NE Fircrest Drive raised during public testimony, and by Planning Commissioners, during the public hearing for proposed ZC 11-17 held on August 17, 2017. Some concern was expressed that the traffic study prepared by the applicant's traffic engineer did not address the capacity of NE Fircrest Drive to handle the additional traffic generated from the proposed 95 unit multi-family development.

As I noted during the hearing, NE Fircrest Drive is local residential street in the City's transportation plan. The table below includes descriptions of street classifications adopted as part of the City's Transportation System Plan. As noted, local residential streets are intended to carry less than 1,200 vehicles per day, and they are intended to serve the adjacent land without carrying through traffic:

:

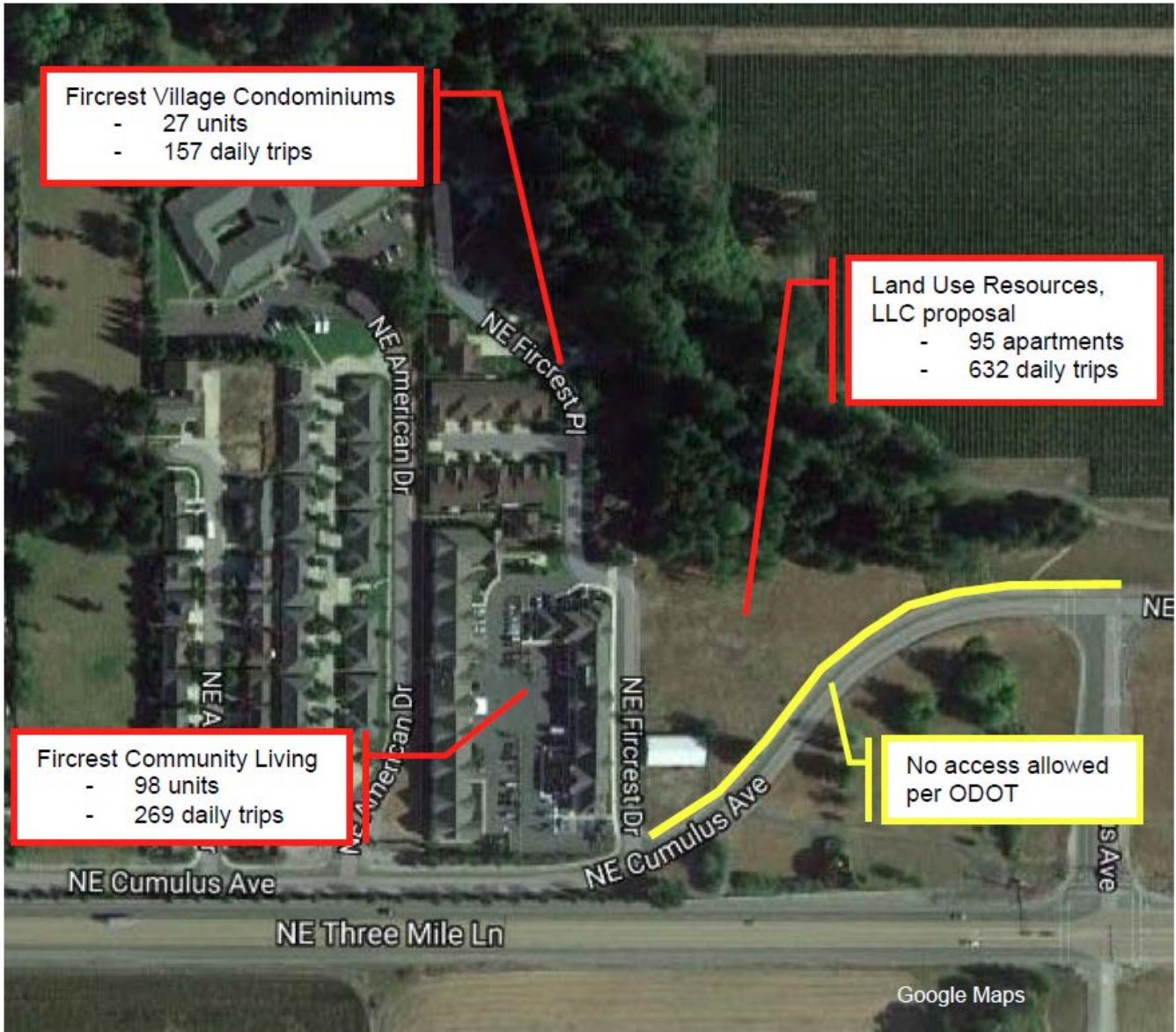
McMinnville Transportation System Plan

May 2010

Table 2-1 Street Functional Classification Descriptions

Street Classification	Description and Land Use Context
Expressway	The portion of Highway 18 through McMinnville west of Norton Lane is currently grade separated and functions as a single-lane expressway with speeds of 50-55 mph. The Highway 18 Corridor Refinement Plan (mutually adopted by ODOT and the City) recommends full grade separation for that section of Highway 18 east of Three Mile Lane. Upon completion of the Highway 18 Corridor Plan, Highway 18 can be re-classified from Major Arterial to Expressway. Expressways serve regional and statewide through-traffic at higher but managed speeds, with no or very limited local access.
Arterial (Major and Minor)	Arterial streets form the primary street network within and through McMinnville. They provide a continuous system which distributes traffic between different neighborhoods and districts. Highway 99W is a major arterial, typically with two lanes in each direction of travel. Major arterials are intended to carry no more than 32,000 vehicles per day. Lafayette Avenue, North Baker Street/Westside Road, Baker Creek Road, Hill Road and Old Sheridan Road are Minor Arterials. Minor arterials are intended to be 2- or 3-lane streets, and carry no more than 20,000 vehicles per day.
Collector (Major and Minor)	Collector streets are primarily intended to serve abutting lands and local access needs of neighborhoods. They are intended to carry from 3,000 (maximum for Minor Collector) to 10,000 (maximum for Major Collector) vehicles per day, including some through traffic. The collector street serves either residential, commercial, industrial, or mixed land uses.
Neighborhood Connector	Neighborhood Connector streets serve mostly residential or mixed land uses. They are intended to carry between 1,200 and 3,000 vehicles per day. While through traffic connectivity is not a typical function, they may carry limited amounts. Neighborhood Connector routes are identified in McMinnville to help prioritize pedestrian improvements along previously classified Local Residential Streets; and it is possible or likely that slightly higher traffic volumes are expected on a daily basis.
Local Residential Street	Local residential streets are intended to serve the adjacent land without carrying through traffic. These streets are designed to carry less than 1,200 vehicles per day. To maintain low volumes, local residential streets should be designed to encourage low speed travel. Narrower streets generally improve the neighborhood aesthetics, and discourage speeding as well. They also reduce right-of-way needs, construction cost, storm water run-off, and vegetation clearance. If the forecast volume exceeds 1,200 vehicles per day, as determined in the design stage, the street system configuration should either be changed to reduce the volume through the City's Neighborhood Traffic Calming Program, or the street shall be designed as a Neighborhood Connector route.
Alley	Alley streets provide secondary access to residential properties where street frontages are narrow; where the street is designed with a narrow width to provide limited on-street parking; or where alley access development is desired to increase residential densities. Alleys are intended to provide rear access to individual properties and may provide alternative areas for utility placement.
Cul-De-Sac	Cul-de-sac streets are a type of neighborhood street. They are intended to serve only the adjacent land in residential neighborhoods. These streets shall be short, serving a maximum of 20 single family houses. Because the streets are short and the traffic volumes relatively low, the street width can be narrow, allowing for the passage of two lanes of traffic when no vehicles are parked at the curb or one lane of traffic when vehicles are parked at the curb. To encourage local street circulation capability, the use of cul-de-sac streets shall be discouraged, and shall not be permitted if future connections to other streets are likely. Sidewalk connections from a new cul-de-sac shall be provided to other nearby streets and sidewalks.

Staff has reviewed the existing and proposed developments that access NE Fircrest Drive to verify that the expected traffic is within the 1,200 vehicle per day designation for local residential streets. Per the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (9th Edition, 2012), the expected traffic from the developments that access NE Fircrest Drive is as shown on the map below:



As shown, the existing traffic from Fircrest Village Condominiums and the Fircrest Community Living complex is approximately 426 vehicle trips per day. The expected daily traffic associated with ZC 11-17 (95 units of multi-family) is 632 vehicle trips per day. The total expected daily traffic on NE Fircrest Drive, including existing and proposed developments, is 1,058 trips per day. Thus, the expected traffic on NE Fircrest Drive is within the 1,200 vehicle per day designation for local residential streets and, as staff noted at the public hearing, there is adequate capacity to serve the proposed development.

Please let me know if you have any questions.

Mike Bisset, Director

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