

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

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**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A CONDITIONAL USE PERMIT FOR AN EXPANSION OF THE McMINNVILLE MONTESSORI SCHOOL AT 1045 SE BROOKS STREET.**

- DOCKET:** CU 4-17 (Conditional Use)
- REQUEST:** The applicant is requesting a conditional use permit to allow for the expansion of the existing McMinnville Montessori School (MMS) campus. The school has purchased the property next to the existing MMS building, and intends to renovate the existing building on the property to operate as the elementary school classroom. The existing MMS building would continue to operate as school classrooms and facilities. The rear of the existing school and the new property would be combined to operate as one open play yard in the backyard areas.
- LOCATION:** The property is located at 1045 SE Brooks Street, and is more specifically described as Tax Lot 1202, Section 21CA, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site's current zoning is R-4 (Multiple-Family Residential).
- APPLICANT:** McMinnville Montessori School
- STAFF:** Chuck Darnell, Associate Planner
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** August 17, 2017. Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; Northwest Natural Gas; and Recology. Their comments are provided in this decision document.



**Application Summary:**

The applicant is requesting a conditional use permit to allow for the expansion of the existing McMinnville Montessori School (MMS) campus. The school has purchased the property next to the existing MMS building, and intends to renovate the existing building on the property to operate as the elementary school classroom. The existing MMS building would continue to operate as school classrooms and facilities. The rear of the existing school and the new property would be combined to operate as one open play yard in the backyard areas.

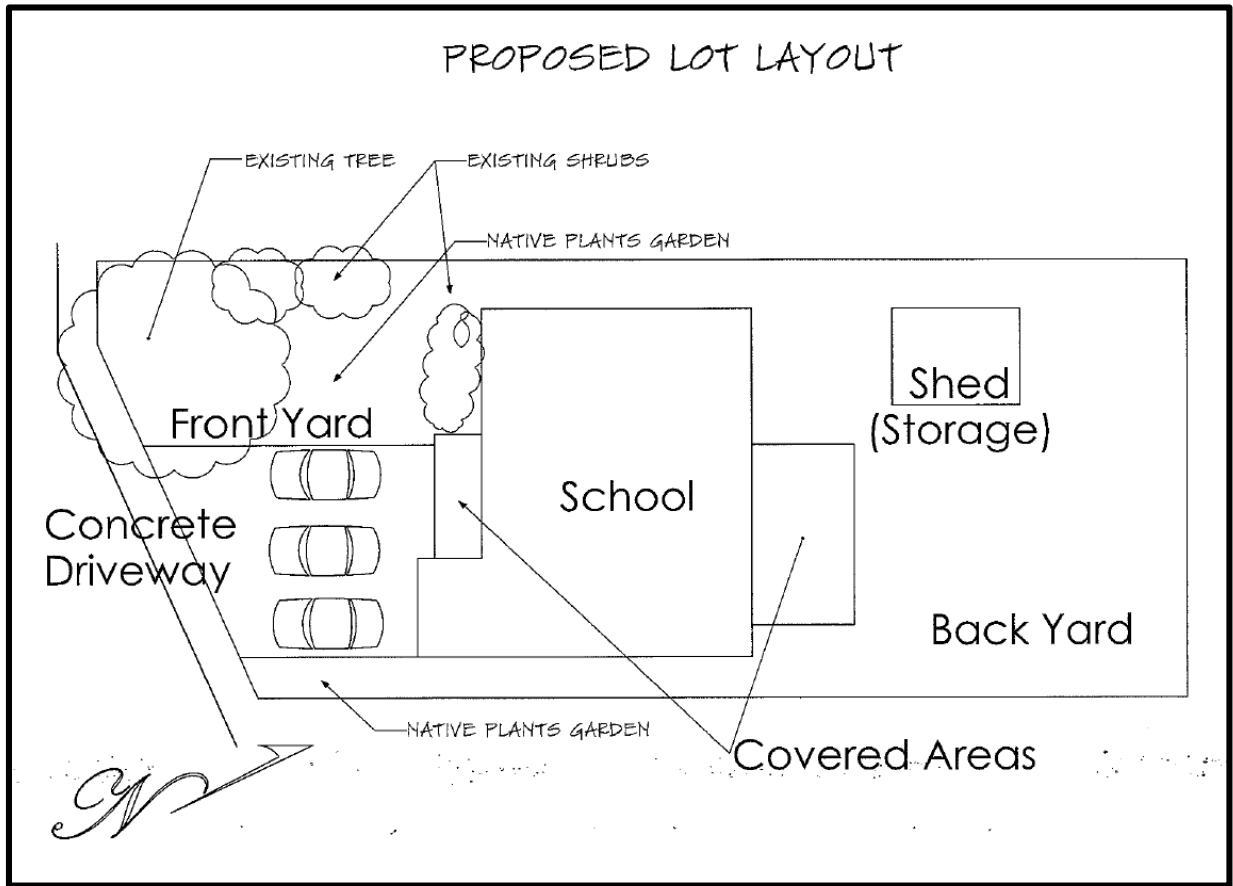
A map of the subject site, the proposed site plan, and photos of the existing structure are provided below:

**Site Reference Map**





# Proposed Site Plan



## Existing Structure



## **CONDITIONS OF APPROVAL**

The following conditions of approval shall be required:

**CU 4-17** is **approved** subject to the following conditions:

1. That the applicant shall include, in the building permit construction plan set, plans for a pedestrian walkway from the existing public sidewalk and private parking spaces to the proposed main entry on the east side of the building.
2. That prior to the release of building permits for the proposed renovations, the applicant shall submit a landscape plan for the site for review and approval by the McMinnville Landscape Review Committee. All landscaping, as approved by the Landscape Review Committee, shall be installed prior to occupancy of the building. Alternatively, a landscape bond for 120-percent of the landscaping cost of the uninstalled portion shall be placed on deposit with the City prior to occupancy.
3. That this conditional use permit approval shall be terminated if the proposed improvements do not commence within one year of the effective date of this approval, or if the use once commenced lapses for any single period of time that exceeds one year in duration.

## **ATTACHMENTS**

1. CU 4-17 Application and Attachments
2. Planning Commission Staff Report, August 17, 2017

## **COMMENTS**

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

### **McMinnville Engineering Department:**

We have reviewed proposed CU 4-17, and do not have any concerns or suggested conditions of approval.

Note that at the time of building permits for the project, the applicant will need to upgrade the site driveway and sidewalk to meet current public right-of-way accessibility guidelines (PROWAG) standards.

### **McMinnville Water and Light:**

MW&L has no comments on this application.

### **McMinnville Building Department:**

Went through this with Applicants as pre-app – NO issues other than discussed at the meeting.

Note – The Building Official provided comments at the building permit pre-application meeting referenced above, and informed the applicant that a seismic analysis will be required for the existing building, and that any items identified as non-compliant in the seismic analysis will be

required to be updated. The applicant was also informed that both proposed bathrooms would need to be ADA accessible.

McMinnville Fire Department:

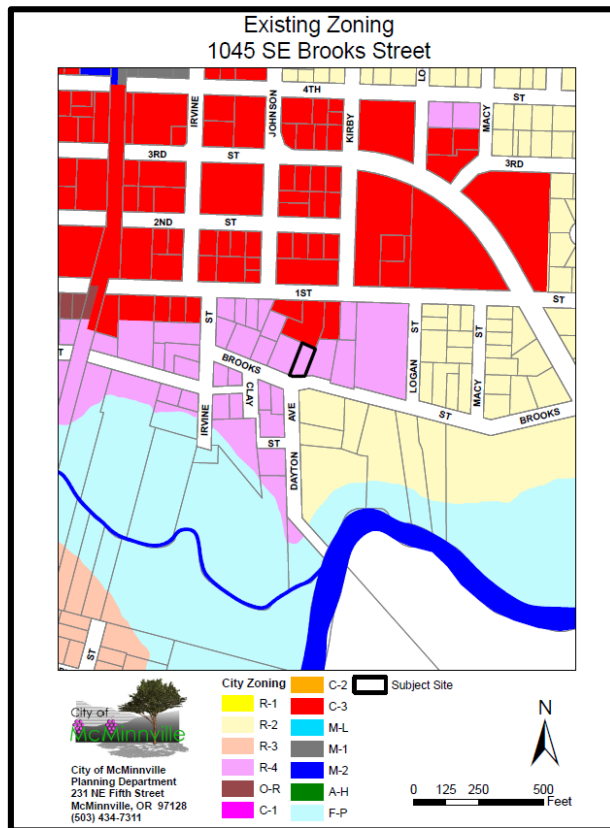
We don't have any issues with this request. They would need to provide fire extinguishers as required by the 2014 Oregon Fire Code.

**FINDINGS OF FACT**

1. McMinnville Montessori School is requesting a conditional use permit to allow for the expansion of the existing McMinnville Montessori School (MMS) campus. The school has purchased the property next to the existing MMS building, and intends to renovate the existing building on the property to operate as the elementary school classroom. The existing MMS building would continue to operate as school classrooms and facilities. The property is located at 1045 SE Brooks Street, and is more specifically described as Tax Lot 1202, Section 21CA, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned R-4 (Multiple-Family Residential), and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.

Properties immediately adjacent to the subject site to the west and east are also zoned R-4 (Multiple-Family Residential). Properties further east along Brooks Street are zoned R-2 (Single Family Residential). Immediately to the north of the subject site is a C-3 PD (General Commercial Planned Development) zoned property that is the site of the Habitat for Humanity Restore business and offices.

**Existing Zoning**



3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. No comments in opposition were provided to the Planning Department.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

### **CONCLUSIONARY FINDINGS**

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

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

*Policy 13.00: The City of McMinnville shall allow future community center type facilities, both public and private, to locate in appropriate areas based on impacts on the surrounding land uses and the community as a whole, and the functions, land needs, and service area of the proposed facility.*

GOAL III 3: TO PROVIDE FOR THE EDUCATIONAL NEEDS OF McMINNVILLE THROUGH THE PROPER PLANNING, LOCATION, AND ACQUISITION OF SCHOOL SITES AND FACILITIES.

Finding: Goal III 1, Policy 13.00, and Goal III 3 are satisfied in that the McMinnville Montessori School provides for an educational facility in need in the community. The applicant has stated that the McMinnville Montessori School has a continually long wait list for community members that wish to enroll their children in the Montessori School. The expansion will allow the school to increase overall enrollment slightly, therefore providing educational resources and facilities that are in need to McMinnville's expanding population. The expansion will also allow for the school to operate more efficiently, with the primary school classrooms staying in the existing building and the newly acquired building being renovated solely for the elementary school classroom. The proposed facility will meet a demonstrated need in the community and will provide for variety and choice in the educational system in McMinnville. Also, the proximity to the existing McMinnville Montessori School and the minimal changes that will occur to the exterior of the subject site ensure that this facility is appropriately sited to service the community, with little impact on the surrounding area.

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

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

Finding: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site.

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

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

Finding: Policies 126.00 and 127.00 are satisfied by this proposal in that three (3) parking spaces will be provided on the subject site. The McMinnville Zoning Ordinance requires that elementary schools provide one (1) parking space per classroom plus one (1) parking space per administrative employee. The proposed use of the existing building will be one (1) elementary classroom, and the applicant has stated that up to two (2) employees may work in the classroom at a time. Therefore, the three (3) parking spaces provided meets the minimum number of required parking spaces.

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

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

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

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

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

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



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

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

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00, 144.00, 147.00 and 151.00 are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and have provided no comments in opposition.

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

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

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

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

R-4 Multiple-Family Residential Zone:

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

- M. Public or private school or college

Finding: The subject site is zoned R-4 (Multiple-Family Residential) which allows the proposed use of a private school as a conditional use.

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

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

Finding: The existing building meets all required yard setbacks, and is not proposed to be altered or expanded in any way.

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

Finding: The height of the existing building is not proposed to be increased, and the existing building is well under sixty feet in height.

Landscaping:

17.57.050 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following ranges: [...]
  - 3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee [...]

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

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

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

Review Criteria:

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

find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

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

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

The property in question is zoned R-4 (Multiple-Family Residential). The proposed use as a private school is allowed as a conditional use in the R-4 zone (Section 17.21.020(M)). The applicant is proposing to retain the existing single family home that is located on the subject property, but will renovate the interior to allow for the structure to operate as the elementary school classroom. The exterior of the existing structure will not change structurally and no additions are proposed. The existing structure meets all required setbacks for the R-4 zone.

Parking on the site will be located south of the existing building, and the applicant is proposing to utilize the existing concrete driveway for parking space. The driveway will be expanded to provide adequate parking space for three (3) vehicles. The McMinnville Zoning Ordinance requires that elementary schools provide one (1) parking space per classroom plus one (1) parking space per administrative employee. The proposed use of the existing building will be one (1) elementary classroom, and the applicant has stated that up to two (2) employees may work in the classroom at a time. Therefore, the three (3) parking spaces provided meets the minimum number of required parking spaces.

The subject site is located within an area of the city that is predominately residential uses. However, other uses exist in the immediate vicinity of the subject site, including a commercial use immediately north and two churches within a quarter mile of the site. Also, the subject site is located immediately adjacent to the McMinnville Montessori School's (MMS) existing building. This existing MMS building has been operating in its current location for approximately 20 years, and has not caused any impacts on the livability or appropriate development of abutting properties or the surrounding neighborhood. The Planning Department has never received any complaint on the existing MMS operations in their existing building.

The operating characteristics of the proposed expansion will be consistent with the existing MMS building. Students will be dropped off by parents in the morning and picked up again in the afternoon, and the regular schedule during the school year is from 8:30 AM to 3:00 PM. The applicant has described that traffic impacts are very minimal, as parents are advised to pull up to the property at scheduled times for pick-up, and a staff person then helps the student out to their parents' car. This reduces parking needs on site. The scheduled and coordinated pick-up and drop-off times also distributes the traffic that usually occurs during pick-up and drop-off over a longer period of time, which

ensures that the streets in the surrounding area are not overwhelmed. Therefore, the operations of the expanded assisted living facility will not negatively impact the surrounding neighborhood.

The applicant is not proposing to make any significant exterior alteration to the existing building on the subject site. Their goal is to maintain the general exterior appearance of the structure as a single family home to better blend in and be more compatible with the surrounding neighborhood. The existing structure, which the MMS recently acquired, has been in a state of disrepair. As part of the overall renovations, the MMS intends to improve the appearance of the structure and therefore enhance the overall quality of the built environment in the neighborhood.

Adequate public facilities serve the existing site, including water, sewer, and streets. The Engineering Department has reviewed the plans and has no concerns with the ability for public facilities to serve the site. As described above, the existing driveway will be expanded in order to provide the required number of parking spaces on site. The MMS practice of scheduled and coordinated pick-up and drop-off times will ensure that traffic and circulation around the site is not overly impactful on the surrounding street network. The Engineering Department reviewed the plans, and does not have any concerns with traffic from the expansion of the MMS properties.

The type of development proposed is consistent with the development pattern of the surrounding area. Other school and church uses exist within a quarter mile of the subject site. Also, the structure to be used for the elementary school classroom will retain the exterior appearance of a single family home. The applicant intends to improve the structure on the site, which will upgrade the structure from its current state of disrepair and should have a positive impact on the value and livability of the surrounding area. Also, a permitted use in the R-4 (Multiple Family Residential) zone is a day care facility for up to twelve (12) people, and the applicant is arguing that the proposed use as a school is not much more impactful than the permitted use of a day care facility.

The site and the proposed building will be designed in such a way as to blend in with the surrounding area. As stated above, the applicant intends to renovate the interior of the existing building to operate as a classroom, but retain the appearance on the exterior of the building as a single family dwelling. The applicant will be removing the garage door and adding another door on the east side of the building, but the primary building elements and structure of the building will remain unchanged. The new door on the east side of the building will be the main entry into the building, with a small lobby inside. The new door and main entry will face the existing MMS building on the adjacent property, which will create a common entry area to both buildings. The existing building has a concrete pedestrian walkway from the street and sidewalk to the main entry. While it is not shown on the site plan, the applicant does intend to construct a similar walkway to the new main entry on the new MMS building. A condition of approval is included to require that this pedestrian walkway be shown on the building permit plans for the renovation of the existing building.

The existing site does contain some landscape material, with a lawn, two (2) trees, and some shrubs that exist in the front yard. There are some taller shrubs that exist between the existing MMS building and the subject site. Also, the MMS has begun to maintain a native garden in the front and side yard of the existing MMS property. The applicant intends to expand the native garden onto the new MMS building's property. In the back yard of the subject site, a larger open green area exists that will serve as outdoor play space for students.

The McMinnville Zoning Ordinance does require that landscaping be provided on all R-4 (Multiple Family Residential) zoned properties that are not used as single family or two-family dwellings. Therefore, a condition of approval is included to require that a landscape plan be submitted for the site for review and approval by the Landscape Review Committee. The existing landscaping on the site can be identified on the landscape plan, and retained if healthy. The proposed native garden and open play space in the rear yard would all count towards overall landscaped space.

The applicant intends to renovate the existing building and site as proposed, and has the intent and capability to develop and use the land as proposed. The applicant has purchased and now has full control of the property in question. Also, the applicant has successfully operated the existing McMinnville Montessori School for approximately 20 years on the property immediately adjacent to the subject site, and has a long wait list of prospective students. The demand for this type of educational facility in the City of McMinnville is evident and the applicant believes the expansion will allow them to continue to meet this community need.

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

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

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

CD:sjs