



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

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DECISION, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A VARIANCE FOR TO REDUCE THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES ON A COMMERCIAL ZONED PROPERTY FROM THE STANDARD REQUIREMENT OF 9 PARKING SPACES TO 5 PARKING SPACES.

- DOCKET:** VR 1-18 (Variance)
- REQUEST:** The applicant has requested approval of a variance to reduce the required number of off-street parking spaces on a commercially zoned property from the existing requirement of six (6) parking spaces (that is the result of a previous parking variance approved in 1990) to five (5) parking spaces.
- LOCATION:** The subject site is located at 103-115 NE Irvine Street and is more specifically described as Tax Lot 9300, Section 21BD, T. 4 S., R. 4 W., W.M.
- ZONING:** C-3 (General Commercial)
- APPLICANT:** Mike Jager, on behalf of the Housing Authority of Yamhill County
- STAFF:** Jamie Fleckenstein, Associate Planner
- DATE DEEMED COMPLETE:** June 22, 2018
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** August 16, 2018, 6:30 p.m.: 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, Parks and Recreation Department, Engineering and Building Departments, Public Works, Wastewater Services, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the variance request (VR 1-18) subject to conditions.

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

Date: Aug. 21, 2018

Planning Department: Heather Richards
Heather Richards, Planning Director

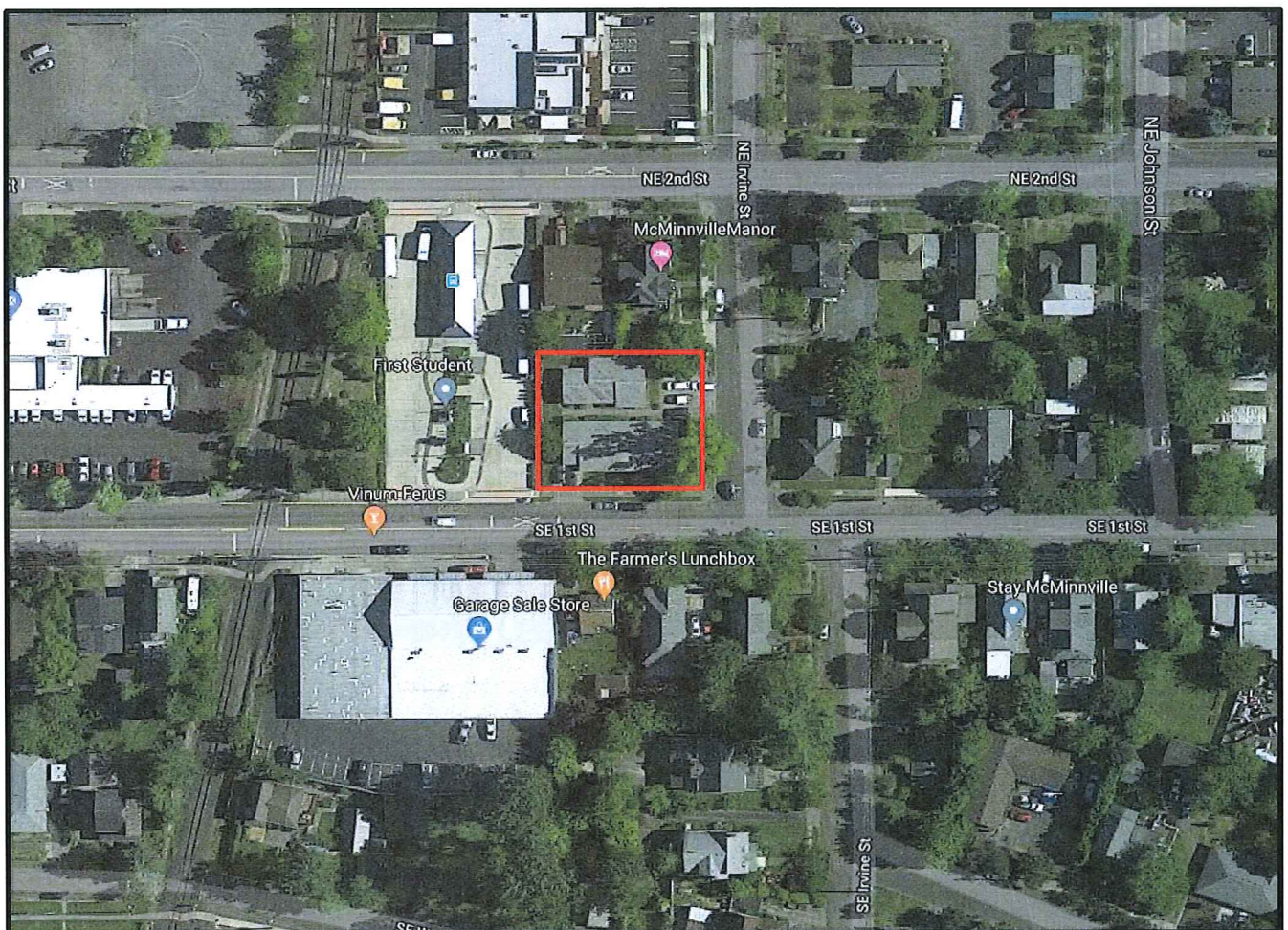
Date: Aug. 21, 2018

APPLICATION SUMMARY:

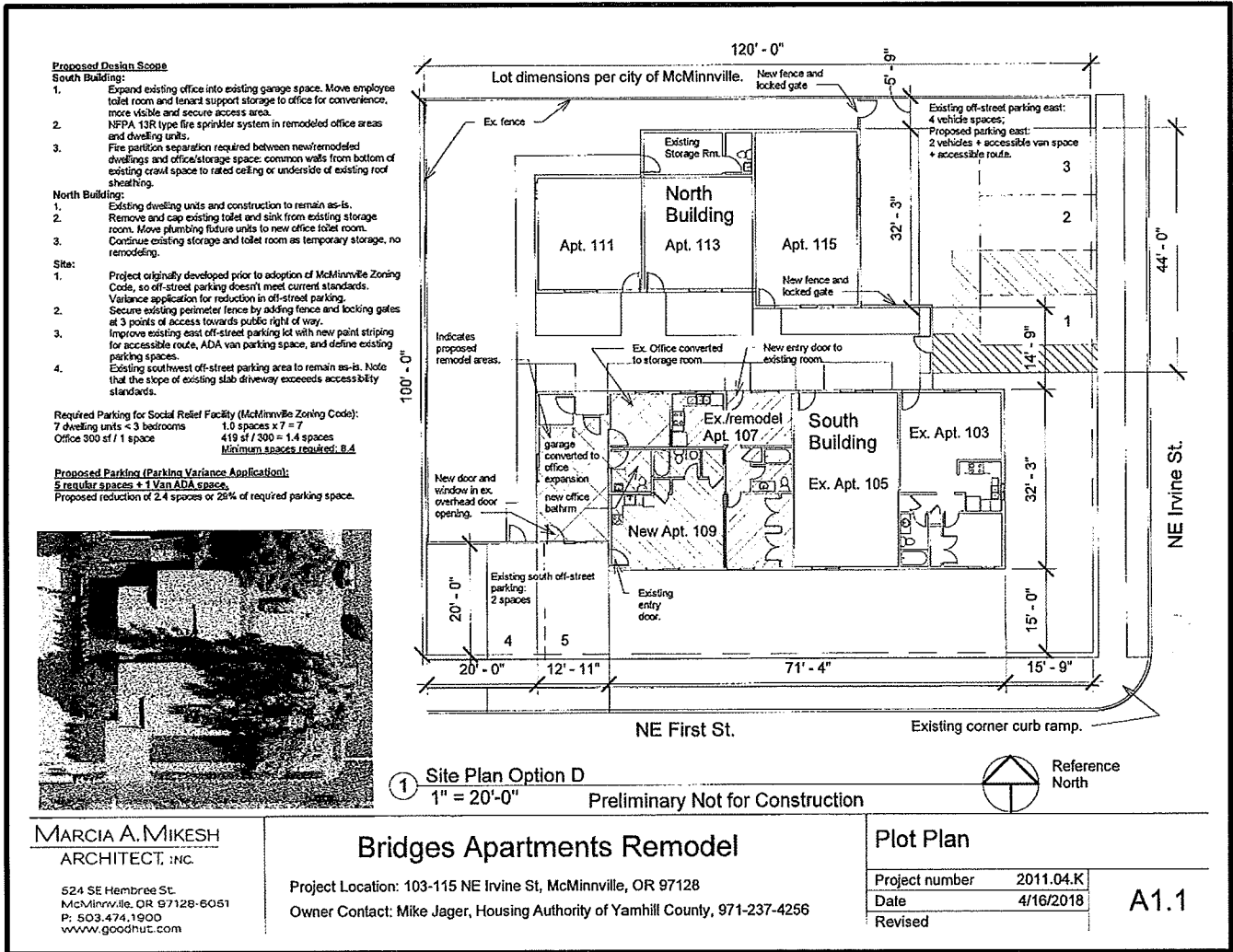
The applicant has requested a variance to reduce the existing required number of off-street parking spaces on a commercially zoned property from six (6) parking spaces to five (5) parking spaces. The subject site is located at 103-115 NE Irvine Street and is more specifically described as Tax Lot 9300, Section 21BD, T. 4 S., R. 4 W., W.M. In 1990, the Planning Commission approved a parking variance for the property that reduced the required number of parking spaces from nine (9) spaces to six (6) spaces. Now the applicant is requesting a second parking variance from the six (6) spaces approved to five (5) spaces for a Social Relief Facility.

The subject site is located at 103-115 NE Irvine Street and is more specifically described as Tax Lot 9300, Section 21BD, T. 4 S., R. 4 W., W.M. Adjacent to the site to the west is located the McMinnville Public Transit Mall on land zoned C-3. All other adjacent properties to the north, to the east across NE Irvine Street, and to the south across SE 1st Street are commercially zoned properties with single family residential structures. Located one (1) block northwest of this site is the southern boundary of the “No Required Parking” portion of McMinnville’s downtown.

The subject site location can be seen below:



The proposed site plan can be seen below:



This is an existing property built prior to the McMinnville Zoning Ordinance, with a multi-family housing development and six parking spaces located in the C3 zone. The subject site is currently developed as a Social Relief Facility with six (6) 1 to 2 bedroom apartments and a 375 square foot office space providing supportive housing to individuals with chronic mental health and very low incomes. In 1990, the McMinnville Planning Commission approved a parking variance on the property for a Social Relief Facility reducing the required parking from nine (9) spaces to six (6). (Docket VR 1-90 – Variance). The basis for this original variance decision was that the residents of the Social Relief Facility did not all operate vehicles. Now the applicant would like to add one more dwelling unit to the Social Relief Facility and reduce the required parking to five (5) spaces.

The owner of this building intends to divide a two bedroom apartment into a one bedroom apartment and a studio apartment to be able to provide an additional dwelling unit to the target population. The existing office space will be expanded to 419 square feet and remodeled to consolidate functions for convenience, visibility, and more secure access. An accessible employee toilet room will be provided as a result of the remodel. The proposed remodel will also revise the existing parking layout. The six (6) existing standard off-street parking spaces will be revised to four (4) standard spaces and one (1) accessible van space with an adjacent accessible route to the apartments, for a new total of five (5) off-street parking spaces. When applying current parking standards to the proposed remodel, nine (9) parking spaces are required. However, the site has a current approved parking variance for six (6) parking spaces. As no additional space is available on the site for more off-street parking, the applicant

Attachments:
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is seeking a variance to an additional parking variance to reduce the required number of parking spaces to five (5) parking spaces to allow the remodel of the building to move forward.

CONDITIONS OF APPROVAL:

1. That the reduced parking requirements for the subject site apply only to the existing use and applicant; any future conversion of the apartment complex to that other than a Social Relief Facility shall require full compliance with City of McMinnville off-street parking requirements.
2. That the land use decision be final only after the applicant provides an approved Conditional Use Permit to allow a Social Relief Facility with six (6) or more people unrelated to the operator residing at the home at any one time, per McMinnville Zoning Ordinance Chapter 17.33.020(B)(2).

ATTACHMENTS:

1. Application and Attachments

COMMENTS:

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

- McMinnville Engineering Department:

We have reviewed proposed VR 1-18, and do not have any comments.

- McMinnville Water and Light:

MW&L has no comments on this application.

- McMinnville Building Department:

Building permits will be necessary for the remodel of spaces. Details of construction will be reviewed at the time of permit application.

- McMinnville Fire Department:

We have no issues with this proposal.

Additional Testimony

Notice of the public hearing for this request was mailed to property owners located within 100 feet of the subject site on July 25, 2018. Nine (9) properties were notified, and as of the date this report was written, no letters or emails have been received.

FINDINGS OF FACT

1. The applicant, Mike Jager, on behalf of Housing Authority of Yamhill County, has requested a variance to reduce the required number of off-street parking spaces on a commercially zoned

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property from the existing requirement of six (6) parking spaces to five (5) parking spaces. The existing requirement is an approved parking variance from 1990. If current regulations were applied, the standard requirement would be nine (9) parking spaces.

2. The subject site is located at 103-115 NE Irvine Street and is more specifically described as Tax Lot 9300, Section 21BD, T. 4 S., R. 4 W., W.M.
3. The subject property is currently zoned C-3 (General Commercial) and is designated as Commercial on the McMinnville Comprehensive Plan Map, 1980.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, Public Works, Wastewater Services, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Their comments are provided in this exhibit.
5. A neighborhood meeting was held on June 14, 2018. One public comment was received at the neighborhood meeting.
6. Notice of the public hearing was provided by the City of McMinnville on July 25th, 2018. No public comment was received prior to the public hearing.
7. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS:

McMinnville’s Comprehensive Plan:

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

Finding: Goal V 1 and Policy 64.00 are satisfied in that the subject site is owned by Yamhill County Housing Authority and functions as a Social Relief Facility. As defined by the McMinnville Zoning Ordinance Chapter 17.06 Definitions, a Social Relief Facility is “a home or private institution operated for the care, treatment, and/or boarding and housing of socially impaired persons [...]”. The applicant notes that the facility provides supportive housing to individuals with chronic mental illness and very low incomes. The division of the 2 bedroom apartment this proposed parking variance would lead to will provide one additional dwelling unit for very low income individuals.

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 106.00: The City of McMinnville, through public and private efforts, shall encourage provision of facilities and services to meet the needs of the transportation disadvantaged.

Finding: Policy 106.00 is satisfied in that through the parking variance, additional housing for low income individuals can be provided adjacent to the Downtown Transit Center and thereby providing transportation options if needed. The applicant notes that only 15% of the population served by this Social Relief Facility as an active driver's license or access to use of a car.

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: Policy 127.00 is satisfied in that the subject site has maximized its opportunity to provide onsite parking.

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 and Decision Document prior to the McMinnville Planning Commission 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.

McMinnville's Zoning Ordinance:

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

Chapter 17.33 – C-3 General Commercial Zone

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

B. Social relief facility, 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.

Finding: The current use on the subject site is a Social Relief Facility with six (6) dwelling units (five (5) for residents and one (1) reserved for an on-site manager). The increase to seven (7) units (six (6) for residents and one (1) reserved for an on-site manager) will require a conditional use permit since there would be 6 or more people unrelated to the operator residing at the home. Staff recommends a condition of approval that the parking variance decision shall be final only when the conditional use permit has been approved.

Chapter 17.60 – Off-Street Parking and Loading

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17.60.060(A) Residential land use category:

4. Multiple Family Dwelling – [...] one space per dwelling unit which is expressly reserved for senior or handicapped persons.

17.60.060(C) Commercial land use category:

17. Professional Office (non-medical) – One space per 300 square feet of floor area.

Finding: Based on the use categories identified for this site and the square footage allocations provided by the applicant the total on-site parking need is for 9 parking spaces. There are currently 6 existing on-site parking spaces, as allowed by docket VR 1-90. After adjusting the existing parking stalls as described by the applicant, the total number of code compliant on-site parking spaces is five (5) which precipitates the need for this variance request.

17.74.100 Variance-Planning Commission Authority. The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

Finding: Section 17.74.100 is satisfied in that the Planning Commission found that special and unusual circumstances related to this a fully developed site, as described in more detail below, authorize the variance.

17.74.110 Conditions for Granting Variance. A variance may be granted only in the event that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;

Finding: The site was fully developed prior to the adoption of the McMinnville Zoning Ordinance to the extent that the applicable building setbacks allowed. The original development has six (6) 1 to 2 bedroom apartments and a 375 s.f. office, and six (6) off-street parking spaces. When applying current parking requirements based on use and square footage, eight parking spaces would be required (1 per dwelling unit, and 1 space per 300 s.f. of office space). The existing parking does meet current requirements, but is approved through docket VR 1-90. Because the site is fully developed within the setbacks, there is no opportunity for expansion of the parking to meet the requirements of the planned remodel. Following the interior remodel to 7 apartments and a 419 s.f. office, nine parking spaces would be required (1 per dwelling unit, and 1 space per 300 s.f. of office space). The applicant has requested that the Planning Commission recognize the unusual predicament currently limiting the use of this site and has requested recognition of the site's history and is asking for relief from a standard that cannot realistically be met. Based upon these circumstances, the Planning Commission finds that this criterion is satisfied.

- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;

Finding: The applicant notes that granting this variance will allow Yamhill County Housing Authority and Yamhill County Health and Human Services to continue to provide supportive housing to individuals

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with chronic mental illness. The variance is necessary for the preservation of the property right to pursue full utilization of this existing social relief facility with uses and facilities more appropriate for the population being served than those realized when the building was first constructed (prior to adoption of the McMinnville Zoning Ordinance). The main purpose in requiring the provision of onsite parking is for each development to have the ability to accommodate the anticipated parking needs of tenants. In this case, disallowing the variance request would be harmful to the property owner in that its denial would be to withhold a legally viable remedy to a decades old problem that seems to otherwise have no reasonably viable solution. The inability to maximize the square footage of the buildings to better serve a population in need would deny a service to the greater community as desired by the applicant. No public need would be served by denying this variance request and no other remedy knowingly exists to afford the owner the ability to work within the existing footprint to increase services to a population in need. Therefore, the Planning Commission finds that this criterion has been satisfied.

- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;

Finding: The applicant notes that the proposed additional dwelling unit is a modification to the existing use of the site, and is not expected to affect traffic or daily trip counts to the site. Emily Piper, YCHHS Community Support Services Manager, states “Based on a recent YCHHS review of current residents placed within three facilities in McMinnville which provide supported housing to individuals with chronic mental illness, I have estimated that approximately 15% of the population has an active driver’s license or access to use of a car.” At this rate, it could be projected that 1 of 7 residents in this facility has an active driver’s license or access to use of a car that would utilize one of the five proposed off-street parking spaces. The applicant further claims that the existing off-street parking is generally used by vehicles marked as Housing Authority of Yamhill County or Yamhill County Health and Human Services, and on occasion there is a personal vehicle or accessible transport vehicle using the off-street parking. The applicant also notes that the proposed additional dwelling unit that this parking variance would lead to is accessed from an existing walkway interior to the site.

The applicant, by way of this variance request, is also proposing modification of on-site parking to ensure it is compliant with current codes and that there is a safe accessible route for handicapped mobility provided to the residential apartments. These efforts are materially beneficial to the purposes of this title and within the vicinity within which this property is located. As the existing state of parking at this site is legally non-conforming, since they predate the current code requirements, it is this vehicle of the requested parking variance that allows the City to require their compliance as a condition of approval of this request. Therefore, the Planning Commission finds that this criterion has been satisfied.

- D. The variance requested is the minimum variance which would alleviate the hardship.

Finding: The variance requested is the minimum possible that would alleviate the hardship while providing code-compliant on-site vehicle parking opportunities as there is no room on this site to expand parking availability. Additionally, employee/staff parking can be encouraged to occur off-site without detriment to the surrounding neighborhood as indicated by relevant portions of the parking study recently conducted by the McMinnville Urban Renewal Agency. Therefore, the Planning Commission finds that this criterion has been satisfied.

JF:sjs