



**City of McMinnville**  
**Planning Department**  
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## STAFF REPORT

**DATE:** February 12, 2019  
**TO:** Mayor and City Councilors  
**FROM:** Chuck Darnell, Senior Planner  
**SUBJECT:** **Ordinance No. 5061 - CPA 2-18 (Comprehensive Plan Map Amendment), ZC 4-18 (Zone Change), and PDA 1-18 (Planned Development Amendment) at 600 SE Baker Street**

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### **Council Goal:**

Promote Sustainable Growth and Development

### **Report in Brief:**

This action is the consideration of Ordinance No. 5061, an ordinance approving a Comprehensive Plan Map Amendment, Zone Change, and Planned Development requests on an existing property.

The property in question is currently designated as Residential on the Comprehensive Plan Map and zoned R-4 PD (Multiple Family Residential Planned Development). A portion of the property in question is designated as Flood Plain on the Comprehensive Plan Map and also zoned F-P (Flood Plain). The requests are to amend the Comprehensive Plan Map designation to Commercial, to rezone the property to O-R (Office/Residential) to allow for development of both office and residential uses, and to amend the existing Planned Development Overlay District to remove the subject site from the existing Planned Development. Those amendments would apply only to the areas of the subject site that are outside of the floodplain, and the current Flood Plain Comprehensive Plan Map designation and F-P (Flood Plain) zone would remain on the subject site as they exist today. The remainder of the subject site, outside of the Flood Plain designation and zone, would be changed to a Commercial designation and the O-R (Office/Residential) zone.

The subject site is located at 600 SE Baker Street, and is more specifically described as Tax Lots 101 and 200, Section 20DD, T. 4 S., R. 4 W., W.M.

This land use request was considered in a public hearing by the McMinnville Planning Commission on December 20, 2018. The public hearing was closed at the same meeting, following which the Planning Commission deliberated and then voted to recommend that the Council consider and approve the Comprehensive Plan map amendment, zone change, and Planned Development amendment requests subject to conditions of approval outlined in Ordinance No. 5061.

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### *Attachments:*

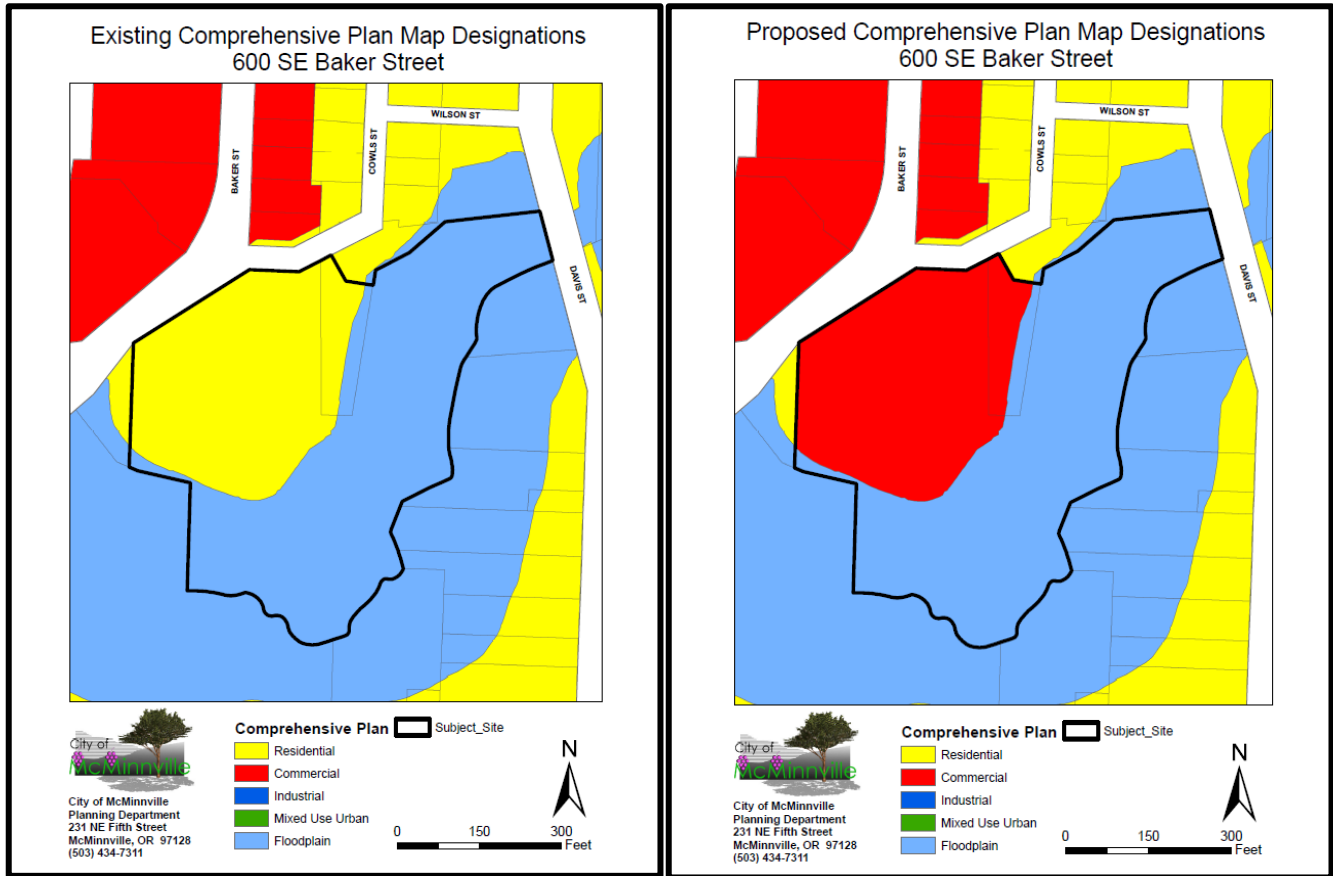
*Ordinance No. 5061 including:*

*Exhibit A – CPA 2-18 Decision Document*

*Exhibit B – ZC 4-18 Decision Document*

*Exhibit C – PDA 1-18 Decision Document*

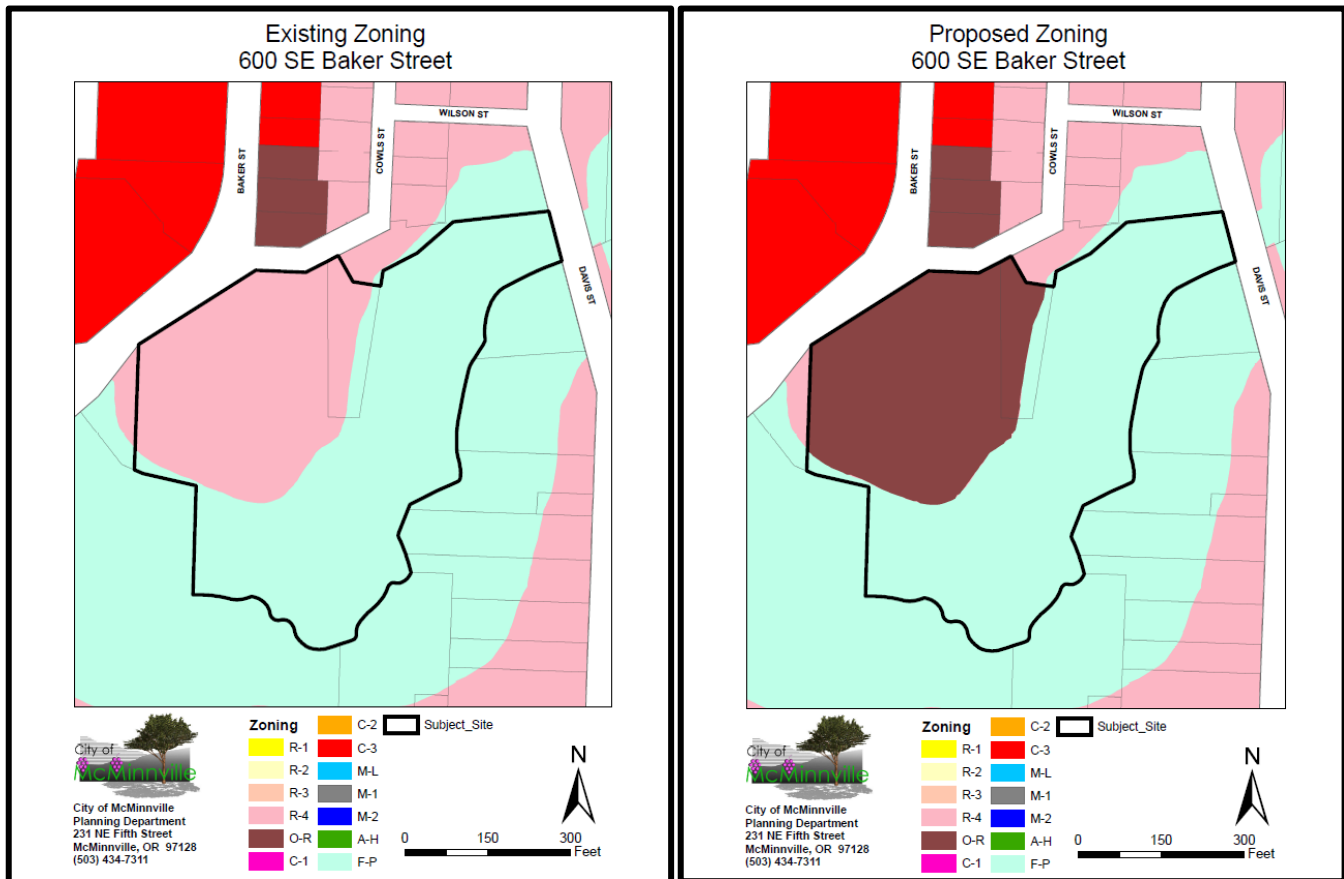




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There are three concurrent requests being made by the applicant. The first is a Comprehensive Plan Map amendment to amend the designation of a portion of the subject site from Residential to Commercial. The second is to change the zoning of the property from R-4 PD (Multiple-Family Residential Planned Development) to O-R (Office/Residential). The third, should the first two requests be approved, is a Planned Development Amendment to adjust the boundary of the Linfield College Master Plan area and Planned Development Overlay District to remove the subject site from that master plan and planned development area.

**Discussion:**

The Planning Commission held a public hearing at their regular meeting on December 20, 2018. No written testimony was provided prior to the public hearing. One resident provided oral testimony during the December 20, 2018 public hearing. The testimony provided was oppositional, and focused on the fact that the proposed comprehensive plan map amendment and zone change would result in a loss of R-4 (Multiple Family) zoned land within the city, when that type of land has been identified in previous and current draft studies as a needed land type.

The public hearing was closed on December 20, 2018, following which the Planning Commission deliberated. The Planning Commission discussed the oppositional testimony provided during the public hearing, and referenced the fact that the proposed zone change would still allow for residential uses, which is further supported by the applicant’s stated intent to develop up to 24 units of multiple family residential uses on the property for clients that utilize MV Advancements services or senior citizens.

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This intended use is stated to be further strengthened through the current owner's intent to include a restrictive covenant on the property to limit the residential uses to those described by the applicant. The Planning Commission also decided to add the condition of approval related to the provision of usable open space on the subject site, should it be developed with multiple family residential uses, per Comprehensive Plan Policy 71.13. The Planning Commission also decided to include an additional condition of approval to require that two large, mature, and distinctive trees on the property be preserved during the development of the site, per Comprehensive Plan Policy 80.00. The Planning Commission then voted, on a 7-1 vote, to recommend that the Council consider and approve the Comprehensive Plan map amendment, zone change, and Planned Development amendment requests, subject to conditions of approval outlined in detail in Ordinance No. 5061.

The City Council completed a first reading of Ordinance No. 5061 at their January 22, 2019 business meeting. A motion to move the ordinance to a second reading was not passed unanimously. Therefore, the second reading is proposed to take place during this current City Council meeting on February 12, 2019. There was no motion to schedule a public hearing during the January 22, 2019 City Council meeting, so this item is coming before the City Council again as a second reading of Ordinance No. 5061 with an opportunity for final action.

If the City Council did decide that it was necessary to re-open the record and schedule another public hearing for additional evidence or testimony to be provided, that public hearing would need to be scheduled out to the March 12, 2019 City Council meeting to allow time for staff to complete the public hearing notification requirements described in Section 17.72.120 of the MMC. The date of March 12, 2019, would be 117 calendar days from the date that the application was deemed complete, which would fall within the 120 day timeframe required by ORS 227.178 for the City to take final action on the applications, but final action would need to take place at that March 12, 2019 meeting.

Because the record was not re-opened, no additional evidence has been provided by the applicant and no additional testimony can be provided or entered into the record. The information provided to the City Council in the January 22, 2019 packet of meeting materials has therefore not been changed, and is still relevant. The details and staff's analysis of the proposed land use applications can be found in the previous Staff Report provided in the City Council's January 22, 2019 packet of meeting materials, beginning on page 57, here:

[https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/city\\_council/meeting/packets/9491/packet-compressed.pdf](https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/city_council/meeting/packets/9491/packet-compressed.pdf)

Ordinance No. 5061 is still attached to this staff report, and has been updated briefly to reflect the process that occurred at the January 22, 2019 City Council meeting. All other components and language in Ordinance No. 5061 remain the same as the version previously presented to the City Council and considered during the first reading of the ordinance.

**Fiscal Impact:**

None

**Alternative Courses of Action:**

1. **ADOPT** Ordinance No. 5061, approving CPA 2-18, ZC 4-18, and PDA 1-18 and adopting the Decision, Conditions of Approval, Findings of Fact and Conclusionary Findings.

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2. **ELECT TO HOLD A PUBLIC HEARING** date specific to a future City Council meeting. As discussed above, the date of a public hearing would need to be March 12, 2019.
3. **DO NOT ADOPT** Ordinance No. 5061, providing findings of fact based upon specific code criteria to deny the application in the motion to not approve Ordinance No. 5061.

**Recommendation/Suggested Motion:**

Staff recommends that the Council adopt Ordinance No. 5061 which would approve CPA 2-18, ZC 4-18, and PDA 1-18, subject to conditions of approval as recommended by the Planning Commission.

**“THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, I MOVE TO ADOPT ORDINANCE NO. 5061.”**

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