



**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 PLANNED DEVELOPMENT AMENDMENT TO REMOVE PROPERTIES FROM AN EXISTING PLANNED DEVELOPMENT OVERLAY DISTRICT AT 600 SE BAKER STREET

- DOCKET:** PDA 1-18 (Planned Development Amendment)
- REQUEST:** Approval to amend the existing Planned Development Overlay District and Linfield College Master Plan boundary to remove properties from the Overlay District and Master Plan boundary. The original Planned Development Overlay District was adopted in 2000 by Ordinance 4739.
- LOCATION:** 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., respectively.
- ZONING:** The subject site's current zoning is R-4 PD (Multiple Family Residential Planned Development)
- APPLICANT:** MV Advancements, on behalf of property owner Linfield College
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** November 15, 2018
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** December 20, 2018. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- HEARINGS BODY:** McMinnville City Council
- DATE & TIME:** January 22, 2018 (tentative). Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- PROCEDURE:** A request to amend an existing Planned Development requires an application to be reviewed by the Planning Commission during a public hearing, as described in Section 17.72.120 of the McMinnville City Code.
- CRITERIA:** The applicable criteria are specified in Section 17.74.070 of the McMinnville City Code.
- APPEAL:** The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.72.180 of the McMinnville City Code.

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; and Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the Planned Development Amendment (PDA 1-18) to the McMinnville City Council, **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 – Application and Attachments
Other Attachments – See Attachment List

APPLICATION SUMMARY:

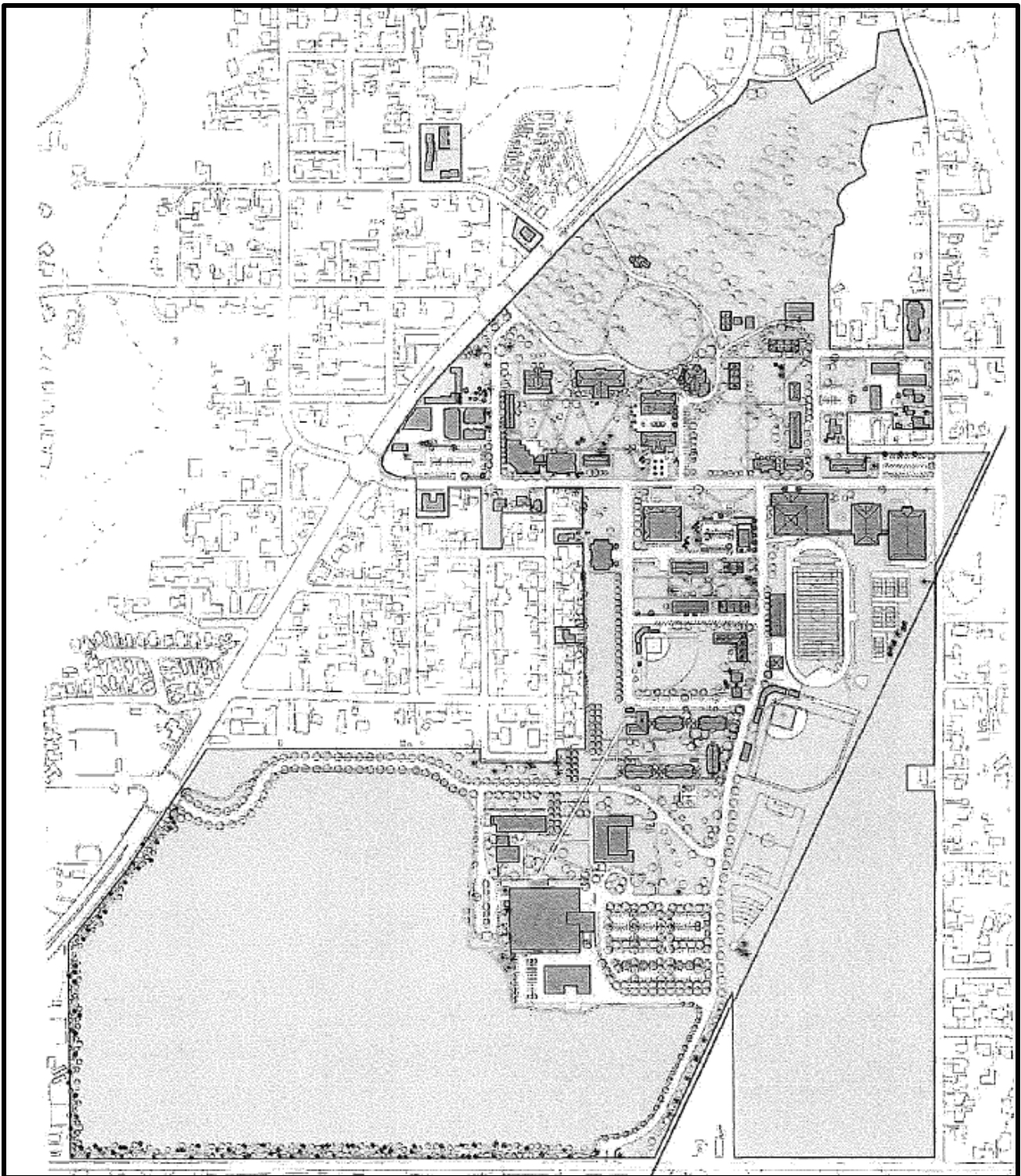
Preceding the proposed Planned Development Amendment were two related requests on the same properties and subject site. Those requests were to amend the Comprehensive Plan Map designation on a portion of the site from Residential to Commercial, and to rezone a portion of the site from R-4 PD (Multiple Family Residential Planned Development) to O-R (Office/Residential) to allow for development of an office use and future multiple-family residential uses on the subject site.

The Planned Development Amendment is necessary due to the type of zone change that was requested. The existing properties are included in the Linfield College Master Plan and Planned Development Overlay District, which were approved and adopted in 2000 by Ordinance 4739. The requested zone change would result in the properties being rezoned to O-R (Office/Residential), and no Planned Development is being requested. The properties would also no longer be owned by Linfield College, and would have no direct relationship to the operations of the campus, other than being located immediately to the north of the campus grounds. Therefore, the specific request is for a Planned Development Amendment to remove the subject site from the Linfield College Master Plan area and Planned Development Overlay District, effectively adjusting the boundary of the Planned Development Overlay District.

The Linfield College Master Plan included all properties owned by the college, and identified current and future uses for most areas of the campus. The overall master plan map adopted with the Linfield College Master Plan by Ordinance 4739 is provided below:

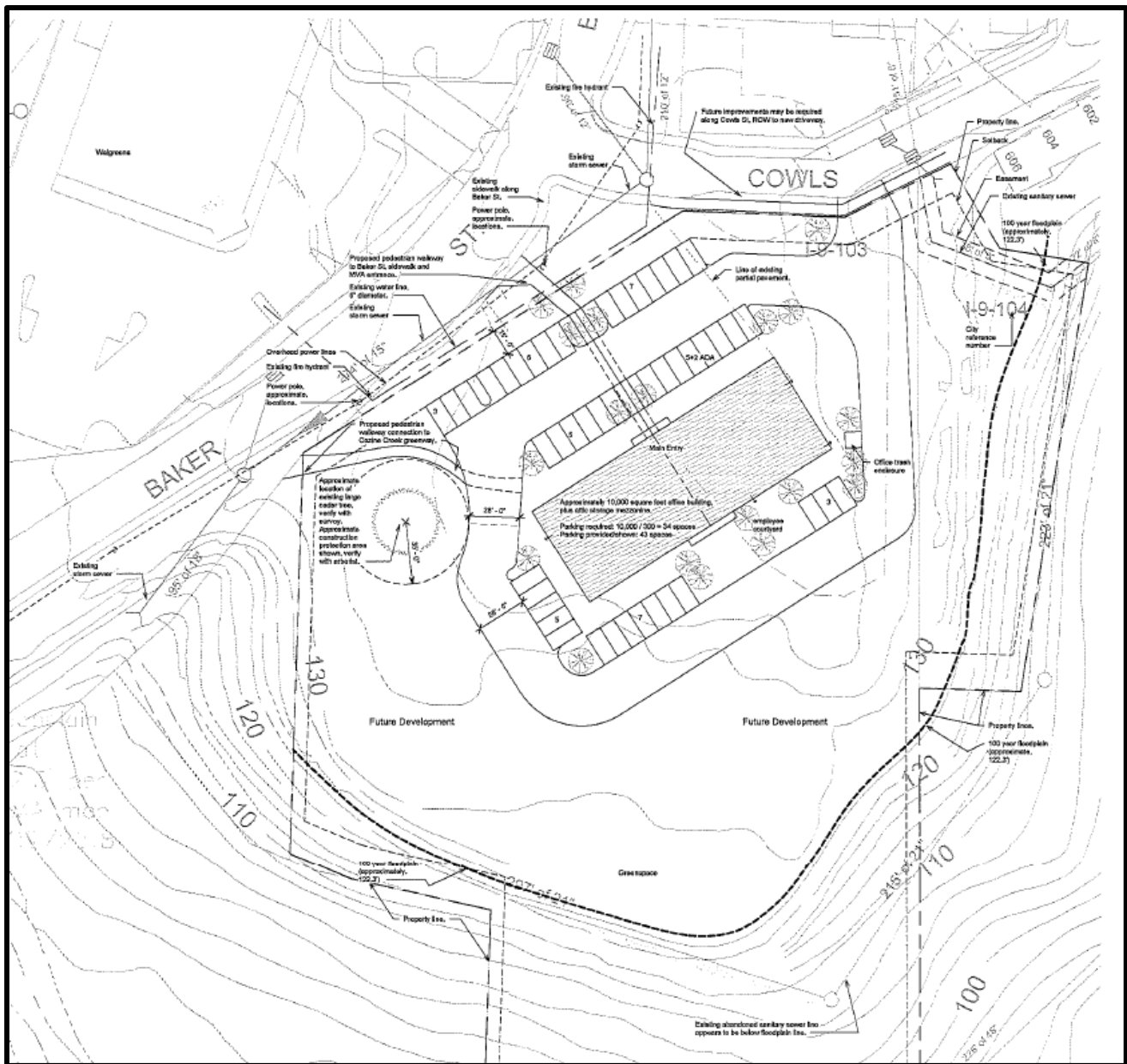
Attachments :

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CONDITIONS:

1. That Ordinance 4739 is amended to remove the subject site and properties from the Linfield College Master Plan area and Planned Development Overlay District, hereby adjusting the boundary of the Planned Development Overlay District. All other standards and conditions of approval adopted by Ordinance 4739 remain in effect.

ATTACHMENTS:

1. PDA 1-18 Application and Attachments (on file with the Planning Department)
2. Oregon Department of Transportation Review Documents and Comments (on file with the Planning Department)

Attachments :

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 Other Attachments – See Attachment List

COMMENTS:**Agency 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, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

- McMinnville Engineering Department

The application demonstrates that the transportation and sanitary sewer infrastructure is adequate to support the proposal. At the time of building permits, the appropriate infrastructure improvements will be required.

Thus, no comments or suggested conditions of approval.

- Oregon Department of Transportation

Attached are ODOT's comments on the subject TIA*. Specific questions on these comments should be directed to Keith Blair. Based on this review, we have no comments or objection to the proposed comprehensive plan amendment and zone change. Please include ODOT in any future notifications on this project including findings and conditions of approval.

*Note – Full ODOT comments referenced above are listed as an attachment and are on file with the Planning Department.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, December 11, 2018. As of the date of the Planning Commission public hearing on December 20, 2018, no public testimony had been received by the Planning Department.

FINDINGS OF FACT

1. MV Advancements, on behalf of property owner Linfield College, requested a Planned Development Amendment to remove properties from an existing Planned Development Overlay District. 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.
2. The site was designated as Residential on the McMinnville Comprehensive Plan Map, 1980. The site was zoned R-4 PD (Multiple Family Residential Planned Development) on the McMinnville Zoning Map. Prior to the proposed Planned Development Amendment, the Comprehensive Plan Map designation was amended to Commercial, and the site was rezoned to O-R (Office/Residential), creating the need for the proposed Planned Development Amendment.
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.

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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, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. No comments in opposition were provided to the Planning Department.
5. Notice of the application was provided by the City of McMinnville to property owners within 300 feet of the subject site, as required by the process described in Section 17.72.120 (Applications– Public Hearings) of the McMinnville Zoning Ordinance. Notice of the public hearing was also provided in the News Register on Tuesday, December 11, 2018. No public testimony was provided to the Planning Department prior to the Planning Commission public hearing.
6. 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 II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

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

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

Finding: Goal II 1 and Policies 2.00 and 9.00 are satisfied. The applicant has stated that they have no plans to develop the portion of the property that is located in the Cozine Creek floodplain. Based on wetland, flood plain and topographic maps, it is estimated that approximately 50% of the site is usable (124,575 SF / 2.86 acres). The areas of the subject site that are currently designated on the Comprehensive Plan Map as Flood Plain would keep that designation, and only the portions of the subject site outside of the Flood Plan designation would be subject to the proposed Comprehensive Plan Map Amendment. The applicant has further stated that they are aware that Linfield College, in conjunction with the Greater Yamhill Watershed Council, has plans to restore the Cozine Creek property between the Linfield campus and this property to its original, native plant species. The applicant has stated that it is their intent to fully cooperate with this restoration.

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

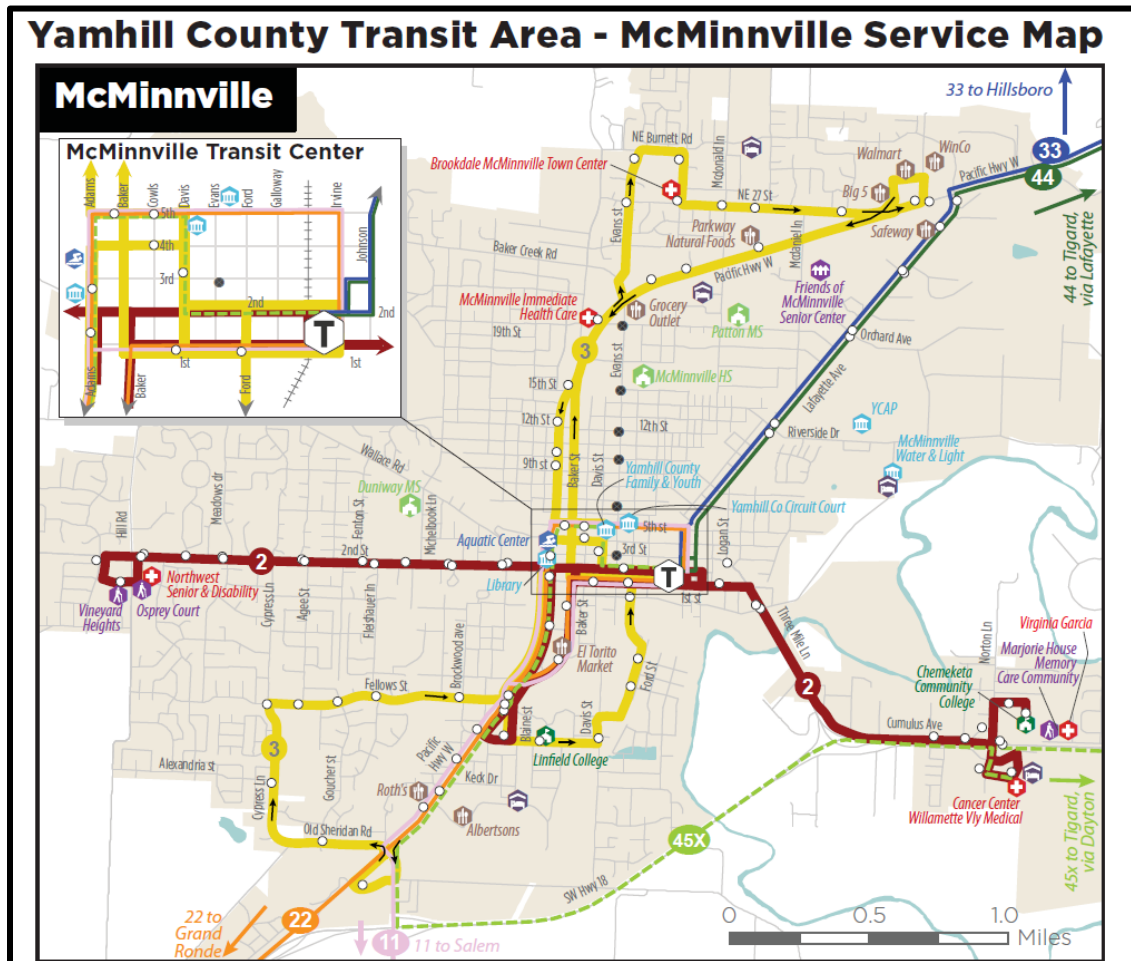
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Attachment 1 – Application and Attachments
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uses and the community as a whole, and the functions, land needs, and service area of the proposed facility.

Policy 14.00 The City of McMinnville shall strive to insure that future public community facilities, where possible and appropriate, are consolidated by locating the new structures in close proximity to other public buildings. This will be done in order to realize financial benefits, centralize services, and positively impact future urban development.

Finding: Goal III 1 and Policies 13.00 and 14.00 are satisfied. The applicant, MV Advancements, is an organization that provides social services to individuals who experience disabilities. The proposed Comprehensive Plan Map Amendment from Residential to Commercial will allow the applicant to locate office uses on the subject site, thereby providing their services in a location that is properly located to service the community. They have selected the subject site due to its location, being in close proximity to other community services that their clients would need to access. The proximity to downtown McMinnville and the other social service providers in that area allows for the MV Advancements site to still easily provide its services to the community. The site is located on a public transit route, an important locational factor for this social service use as many of their clients rely on public transit for transportation services. Both local routes (Route 2 and Route 3) serve the subject site, with northbound Route 2 passing immediately adjacent to the site, and southbound Route 3 passing close to the site on Adams Street just west of the subject site before Adams Street connects back with SE Baker Street heading southwest. Both of those routes run at regular 10-minute intervals throughout the day on all weekdays, providing connections throughout the city and also to the transit center where connections can be made with other routes.



Attachments :
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Other Attachments – See Attachment List

- Policy 72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.*
- Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.*
- Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.*
- Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowners association, assessment district, or escrow fund will be required to maintain the common area.*
- Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.*
- Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.*
- Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.*

Finding: Policies 72.00, 73.00, 74.00, 75.00, 76.00, 77.00, and 78.00 are satisfied by this proposal.

The proposed Planned Development Amendment results in the removal of the subject site from the Planned Development Overlay District and Linfield College Master Plan area. The removal of the property is necessary due to the approval of a Comprehensive Plan Map amendment and Zone Change on the subject sites that were found to meet all applicable Comprehensive Plan goals, policies, and review criteria. The Planned Development Amendment, as it is solely the removal of the subject site from a much larger Overlay District, does not result in any change to the remainder of the Planned Development Overlay District. Specifically, a condition of approval is included to ensure that all other standards and conditions of approval adopted by Ordinance 4739 in the approval of the original Planned Development Overlay District would remain in effect.

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

Attachments :

Attachment 1 – Application and Attachments
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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.

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.*

Attachments :

Attachment 1 – Application and Attachments
Other Attachments – See Attachment List

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 proposal.

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 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 153.00 The City of McMinnville shall continue coordination between the planning and fire 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. Emergency services departments have reviewed this request and no concerns were raised. Any requirements of the Oregon Fire Code or Building Code will be required at the time of development.

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.

Finding: Goal VII 3 and Policy 163.00 are satisfied. 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.

Attachments :

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

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. 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 advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville's City Code:

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

17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;
- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

Finding: Section 17.74.070 is satisfied by this proposal.

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The request is to remove the subject site and properties from the Planned Development Overlay District, so no other changes would be made to the existing Planned Development or changes to any of the regulations or conditions of approval contained within the Planned Development. Specifically, a condition of approval is included to ensure that all other standards and conditions of approval adopted by Ordinance 4739 in the approval of the original Planned Development Overlay District would remain in effect.

The subject site is currently included within the Planned Development Overlay District, but there are no specific future land uses identified in the Linfield College Master Plan for the subject site. More specifically, on Page 19 of the Master Plan, the Cozine Creek and surrounding areas (including the subject site north of the creek and southeast of Baker Street) are identified as a "Cozine Creek programmatic zone". However, on Page 18, the Master Plan identifies the northern boundary of the campus as the Cozine Creek. The Master Plan Goals, on Page 21, continue with a statement that "The College should decide whether to keep outlying parcels including the Columbus School Site...". Campus open spaces are discussed in more detail on Page 36, but the "Open Spaces" map shows a "Cozine Creek Park" that is more focused on the creek corridor and does not include the property in question to the north. Given that the Master Plan Goals consider the possibility of the property in question being released by the college, the fact that the application was submitted for removal of the properties from the Planned Development Overlay District is evidence that Linfield College has considered whether to keep control of the parcel, and decided not to and allow it to be sold and developed. This is further evidenced by the letter of support provided by the applicant from Linfield College, showing that the college is in support of the applicant's intended use of the properties.

Based on these descriptions of the subject site in the Linfield Master Plan, there are special objectives of the proposed development (that being the Comprehensive Plan Map amendment and zone change because a final site and development plan has not been submitted) that warrant the amendment of the Planned Development Overlay District to remove the subject site and properties. The resulting development, again being the Comprehensive Plan Map amendment and zone change, would not be inconsistent with the Comprehensive Plan goals, policies, and objectives, as described in the findings of fact in the Decision Documents for those land use requests. The applicant has provided a traffic impact analysis, which was also described in the findings of fact in the Decision Documents for the two prior land use requests, to show that future construction will not significantly impact the street network in the surrounding area. Also, the future build out of the site will be required to provide all required infrastructure, utilities, and drainage to support the buildings that are proposed at that time.

CD:sjs

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