



City of McMinnville
Planning Department
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MINUTES

February 21, 2019
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin, Susan Dirks, Christopher Knapp, Gary Langenwalter, Roger Lizut, Amanda Perron, Lori Schanche, and Erica Thomas

Members Absent:

Staff Present: Jamie Fleckenstein, Associate Planner, and Heather Richards – Planning Director

1. Call to Order

Chair Hall called the meeting to order at 6:30 p.m.

2. Citizen Comments

None

3. Approval of Minutes

- **November 15, 2018 Work Session Minutes**
- **December 20, 2018 Work Session Minutes**
- **December 20, 2018 Planning Commission Minutes**
- **January 17, 2019 Work Session Minutes**
- **January 17, 2019 Planning Commission Minutes**

Commissioner Langenwalter moved to approve the November 15, December 20, and January 17 minutes as presented. The motion was seconded by Commissioner Dirks and passed unanimously.

4. Public Hearing:

A. Planned Development Amendment (PDA 2-18) and Subdivision (S 2-18)

Request: Approval to amend Planned Development Ordinance 4990 to vary the underlying R-4 PD zone by reducing the average lot size from 5,000 square feet to 2,925 square feet and reducing the side yard setback from five (5) feet to three (3) feet, allowing

the development of an alley-loaded 28 lot subdivision, which would replace a similarly sized multi-family development that was planned for the lot, as previously approved under the "Overall Plan" submitted February 9, 2012.

Location: The subject site is zoned R-4 PD (Multiple Family Residential Planned Development) and is located at the northwest corner of NW McDonald Lane and NE Peyton Lane. It is more specifically described as Tax Lot 2100 and 2104, Section 9, T.4 S., R. 4 W., W.M.

Applicant: Alan Ruden

Chair Hall opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Several members of the Commission had visited the site. There was no discussion regarding the visits.

Associate Planner Fleckenstein said this was a request for a planned development amendment and subdivision at the corner of NW McDonald Lane and NE Peyton Lane. He described the subject site and surrounding area. The development would be a 28 lot alley-loaded bungalow style single family residential subdivision where homes would be approximately 700 to 1,200 square feet in size. He gave a background on the zoning of the property and history of the planned development. The site was currently zoned R-4 PD. The zoning and planned development was established in 2012 which included a site plan for the property. If the Commission did not approve the application, development similar to the multifamily cottages at Chegwyn Village were still permitted. The applicant was requesting to amend Ordinance 4990 to allow an alley-loaded small lot subdivision with the following standards: the average lot size of 2,925 square feet, front yard setback of 10 feet, interior side yard setback of 3 feet, increase in the allowed block length, lot depth to width ratio in excess of 2 to 1, and access easement providing access to more than three lots. Also requested was an amendment to the final development plan of Ordinance 4953 to reflect that the alley loaded small lot single family residential subdivision on the northeast portion of the site that was currently labeled multifamily. He gave a comparison of the densities allowed in the R-4 zone in response to concerns about the change from a designated multifamily site being proposed for single family development. The subject site was 1.88 acres and in the R-4 zone single family detached development was allowed on 5,000 square foot minimum lots which yielded 8.71 units per acre or on this site potentially 16 units. Townhomes could be developed on 2,500 square foot minimum lots, which yielded 17.42 dwelling units per acre or 32 units on this site. For multifamily, the minimum units per acre was 29.04 for two bedroom units or 24.89 for three or more bedrooms. For this site that meant 54 or 46 units. In comparison, the cottages at Chegwyn Village just south of the site had 36 multifamily units on 1.96 acres for a density of 18.36 units per acre. The application in front of the Commission tonight proposed 28 single family units on 1.88 acres for 14.89 dwelling units per acre. He thought the proposed density was within the density requirements of the R-4 zone. The maximum density development in the R-3 zone for townhomes was 10.89 units per acre which showed that the type of development proposed was only possible in the R-4 zone. He

discussed the review criteria for the planned development amendment. The proposal's objectives for the development were to meet a market need for lower cost smaller single family dwelling units while still meeting the increased R-4 density zoning of the site. The applicant intended to create lower housing costs by having a reduced land cost brought about by the smaller lots and reduced material costs brought about by smaller homes with potentially no garage. There was a market need for lower cost homes in the City. He explained the Comprehensive Plan goals and policies that were pertinent to this application. Regarding transportation, the roadway network in the subdivision provided safe and easy access to every parcel via the alley behind each lot. Part of the development proposal was to extend McDonald Lane and Autumn Ridge Drive to City standards. Off street parking was provided at the rear of each lot accessed by the alley. It created a better utilization of the roadways around the property. Regarding facilities and services, adequate levels of sewer, storm, water, and power were available to the site. McMinnville Water and Light owned property north of the site which would be used for a future substation. There was an easement that ran through the subject site and as part of releasing that easement there was a condition of approval that the applicant provide McMinnville Water and Light infrastructure to allow expansion of the power supply network from the future substation site. The subdivision could be completed within one year and would be completed in one phase. With 28 lots, the projected added vehicle trips per day were 269. McDonald Lane was a minor collector and allowed for easy access for the extra vehicle trips in and out of the neighborhood. It was not expected that any noise, air, or water pollutants would result from the proposed development.

Associate Planner Fleckenstein then reviewed the subdivision criteria. Approval of the subdivision would be conditioned upon approval of the planned development amendments. One of those amendments was to allow the alley to serve all 28 lots in the subdivision. The alley was fully paved and was 20 feet wide. As part of the extension of McDonald Lane, the School District, who owned the eastern portion of road, was going to allow improvement and dedication of that land to the developer. The proposed north/south block length was 440 feet from Autumn Ridge Drive to Peyton Lane. It required a planned development amendment to allow the 440 foot block length. A 10 foot public utility easement would be provided for each lot and the McMinnville Water and Light easement that ran from the substation south through this property would be reduced to 17 feet. There were requirements for the size and shape of the lots to assure that they were appropriate for the proposed use. The average lot size requested was 2,925 square feet with a minimum lot size of 2,703 square feet and a maximum lot size of 3,789 square feet. Because of the small lots, the proposed lot depth to width ratio was 2.7 to 1. A portion of the subject site was not planned for development at this time and was intended to be conveyed to McMinnville Water and Light. Public testimony had been received and was placed in the record. New testimony was received that he entered into the record that night. One was an email from February 17 from Mark Davis who was concerned about losing multifamily land and the number of conditions needed for this application. Staff thought the proposed density was within the multifamily zone density range and most of the conditions did not change the planned development but were statements of standard code requirements. A letter was received on February 21 from a resident of the neighborhood who was concerned about potential carports being used in the alleys to cover the off street parking spaces. If those carports were used for storage, it would force parking to move onto the streets in front of the homes. Staff's response was the concept of carports was raised at the neighborhood meeting, but it was not identified on the subdivision plans. The development did not preclude construction of carports, garages, or exterior storage as long as it met the applicable setbacks. The use of alleys provided more opportunity for on

street parking. Staff recommended the Commission make a recommendation of approval of the application with conditions to the City Council. He then reviewed the conditions of approval.

Commissioner Butler asked if the alley would be one way or two way access. Associate Planner Fleckenstein said it was a 20 foot width alley and a travel lane on a street could be as narrow as 10 feet in width so potentially two cars could pass side by side.

Commissioner Langenwaller asked if they intended parking to be prohibited on the streets. Associate Planner Fleckenstein said the off street parking for residents was provided by the alley in the back. He pointed out that the alley-loaded design of the subdivision provided more on street parking for the neighborhood should it be needed.

Chair Hall thought the issue came down to enforcement as there was an expectation that each of these homes would have two parking spaces accessed from the alley. The concern was people would not use that parking and choose to park in front of their homes. Were they certain that the CC&Rs would include enforcement procedures?

Planning Director Richards said there were code criteria that required for every new dwelling unit they needed to provide two off street parking spaces. The City did not enforce that everyone used those off street spaces. Local streets did allow parking on street. If a development was going to generate more parking than normal, without curb cuts it would allow for more parking spaces on the street that people could use.

Commissioner Schanche noticed in the application that it stated there were four shared parking spaces that accessed the alley for every two units. It might end up as an agreement between neighbors for the number of spaces each unit used.

Commissioner Langenwaller asked about the proposed electrical substation and the health of the nearby neighbors. Planning Director Richards said there was no requirement in the City for separating substations from residential neighborhoods.

Commissioner Langenwaller requested that the Planning Department look into making that code change. Planning Director Richards said she could have McMinnville Water and Light look into the impact on residential neighborhoods and bring the information back to the Commission.

Commissioner Perron asked if there would be trash collection through the alley. Associate Planner Fleckenstein said yes, it would be through the alley and there would be a CC&R that the trash cans could not be stored in the alley. There should be enough room for cars to maneuver around the trash cans on garbage pick-up days.

Commissioner Langenwaller asked if these units would be owner occupied or would be rentals. Associate Planner Fleckenstein thought that could be a question for the applicant. Planning Director Richards said there were no code criteria mandating home ownership vs. rentals.

Commissioner Schanche shared a picture she took earlier that day showing trash cans in an alley.

Chair Hall thought all of the trash cans should be put on the same side of the alley.

Brian Ruden, applicant, was excited about this concept. He recognized it was different from the typical development in the City, but it would fill a need in the community. Regarding the parking issue, he intended to cover that in the CC&Rs and state that residents were to park two cars in the parking spaces provided. The way the plan was drawn there were four spots together that spanned the property line between two lots but those parking spots were designated for the lots. They could not prohibit on street parking, but the CC&Rs would state that the property owners needed to make sure two cars were parked in their designated parking spots before any additional vehicles were parked on the street. Enforcement was up to the home owners.

Commissioner Schanche asked if there would be carports. Mr. Ruden said they had not made a final determination on carports. They liked the idea that the parking spots were at least partially covered. He thought there would be some houses that had an attached garage, but they were not making it a requirement. It would be the same for a carport.

Commissioner Schanche asked if there was a way to restrict the alley so it did not become a giant parking lot. Mr. Ruden said it was important to recognize the size of homes that would be built. They would be 700 to 1,200 square feet and he doubted that those households would have more than two cars. He thought it was likely the residents would park in their designated parking spots.

Commissioner Chroust-Masin asked if the units would be single story or two level. Mr. Ruden thought it was likely there would be some of both. His preference was single story or at least a bedroom downstairs with a couple bedrooms upstairs. The designs were still being finalized. There would be no basements.

Commissioner Dirks asked if the style of the houses would be similar to those across the street. Mr. Ruden said yes, they would.

Commissioner Dirks said there had been some discussion regarding the CC&Rs and not allowing rentals. She personally did not see a problem with some of the units being rentals. Mr. Ruden said his intention was not to restrict the units from being used as rental properties. His preference was to sell the units to owner occupied buyers who would live in the homes. If they lived in the home for a few years and wanted to turn it into a rental, he would not preclude that, but in the CC&Rs it would state that tenants in non-owner occupied homes would be required to abide by the CC&Rs and that the owners of the property were required to make sure the tenants had a copy of the CC&Rs.

Commissioner Butler asked why he decided not to build townhomes on the property. Mr. Ruden answered there was not as much market demand for townhomes and he preferred to have homes to sell to people rather than keep them and rent them out. This was a creative way to keep the same density and make single family homes that people could purchase at a more affordable price point.

Commissioner Dirks asked what the price point would be and when they would be finished. Mr. Ruden clarified they would be below \$300,000. He thought they would be ready with the first homes in a year from now.

Commissioner Schanche asked about the easement. Mr. Ruden said they had been communicating with McMinnville Water and Light to make sure they were on the same page for the process.

Commissioner Dirks asked if any market analysis had been done for what they planned to build. Mr. Ruden explained since they started the bungalows project at Chegwyn Village in 2012, prices had gone up substantially and people had asked them about smaller homes at more affordable prices. They had also run the idea past several realtors who were all very positive about it. They would not really know until they were built and people bought them.

Bill Whiteman, McMinnville resident, said he bought a home built by the Rudens in this neighborhood. He discussed what 36 inches looked like, which was the distance between the fence and the house. He had found out that the qualifications for a parking space was a distance of 8.5 feet wide by 19 feet deep. His garage was 20x20 and there was no space to park his two vehicles. That was why people parked on the street. There were many people who already parked on the street in this neighborhood. For this application there was a zero lot line and he questioned where the garbage cans and carports were going to go. He suggested adjusting the zero lot line, especially for noise issues. He was in favor of small lots, but thought it should be more senior housing because there was no room for kids to play. He did not think they could force people not to rent these units or not to park on the street or to use the designated parking spaces that he thought would be too small. There would also be more traffic on McDonald and a school was not far from this development. He also questioned that the CC&Rs would be enforced as it was currently lacking in his own neighborhood.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Chair Hall closed the public hearing.

Commissioner Lizut said he was on the advisory committee for the buildable lands inventory and housing needs analysis that the City was currently conducting. The map of the buildable lands inventory showed there were only small pieces of land left in the City to develop. One of the larger areas was at the far western end of South Street, however the constraints on that property made it not viable for affordable housing. There were not many possible sites where reasonably priced housing could be built. He thought this project was a perfect solution of what they needed to do to address the issues of affordable housing. He asked the Commission to put this in the larger context of what they were trying to do with the constraints they had in terms of land that was available and reasonable housing costs. He was in support of approving the project. He agreed there were some issues, but it was a step forward and a model of what they needed for an important issue in the City.

Commissioner Chroust-Masin stated when he looked at this project and this property being zoned multifamily, they were basically losing half of the potential residential units if the property was built to the zone. They could have 54 units that would be more affordable than the 28 units that would cost \$250,000 to \$300,000 to buy. It did not make sense to him to waste space like this as there were not many multifamily zoned parcels left. Also there was no greenspace in the proposal.

Planning Director Richards clarified the code defined multifamily as three units or more in one structure, and the 54 units per acre was the maximum allotment that could be built.

Commissioner Butler thought the best use of this land was for multifamily housing, such as condos that people could own. They did not need more single family homes, they needed more affordable homes. She thought they should make a stand on that point.

Commissioner Langenwaller asked if they could condition the application to include a Homeowners Association.

Planning Director Richards said they had conditions in the past that required a Homeowners Association for privately held common areas. This was the fifth phase of a planned development that was passed in 2006/2007. There were private alleys in other phases of the planned development, and the City did not require an HOA for managing the CC&Rs. Staff recommended maintaining that process moving forward for this last phase. It was not what she recommended moving forward for new planned developments.

Commissioner Langenwaller asked if they would be prohibited from adding a condition for an HOA for this application to maintain the common alley.

Planning Director Richards said they were not prohibited from adding that condition. If the Planning Commission was interested in requiring an HOA to maintain the private alleyway, she recommended continuing the hearing for staff to prepare the condition language and bring it back to the Commission.

Commissioner Schanche was in favor of this development. They did not have anything like this in the City and she saw this as housing for young couples. She thought it should be approved. The neighborhood did not have an HOA now and the neighborhood looked good.

Commissioner Langenwaller did not think an HOA would be practical for only 28 homes rather than the larger neighborhood.

There was consensus not to add a condition to create an HOA for this development.

Commissioner Dirks was also concerned about the issues that had been raised, however this entire development met the criterion for having a variety of different types of housing in an area. There was a need for starter homes. It was a small development and would encourage a neighborhood that was oriented towards front porches and involvement with your neighbors. There was a big park nearby and the school as well.

Commissioner Langenwaller pointed out on Condition 8, the last line should say "proposed dwelling units" instead of "proposed apartments" that intersected McDonald Lane.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Lizut MOVED to RECOMMEND that the City Council APPROVE Planned Development Amendment (PDA 2-18) subject to the conditions of approval and with the editorial amendment made by Commissioner Langenwaller. SECONDED by Commissioner Schanche. The motion PASSED 7-2 with Commissioners Chroust-Masin and Butler opposed.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Lizut MOVED to APPROVE Subdivision (S 2-18) subject to the conditions of approval. SECONDED by Commissioner Schanche. The motion PASSED 7-2 with Commissioner Chroust-Masin and Butler opposed.

5. Old/New Business

None

6. Commissioner/Committee Member Comments

None

7. Staff Comments

Planning Director Richards gave an update on the buildable lands inventory and housing needs analysis project and how they were discovering the City needed more land. There would need to be community discussion on how dense they wanted to grow and if they grew into greenfield development what that would look like. She played the video that had been created to introduce these concepts to the community.

8. Adjournment

Chair Hall adjourned the meeting at 8:35 p.m.



Heather Richards
Secretary