



City of McMinnville
Planning Department
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MINUTES

August 15, 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, and Lori Schanche

Members Absent: None

Staff Present: Heather Richards – Planning Director and Tom Schauer – Senior Planner

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes

- **June 27, 2019 Planning Commission Minutes**

Committee Member Dirks moved to approve the June 27, 2019 Planning Commission minutes. The motion was seconded by Committee Member Schanche and passed 9-0.

4. Public Hearing:

A. Quasi-Judicial Hearing. Variance (VR 1-19) *(Exhibit 1)*

Request: Variance to the front yard setback of the R-3 zone from the required 15 (fifteen) feet to ten (10) feet to allow for the construction of a new porch.

Location: The subject site is zoned R-3 (Two Family Residential) and is located at 1032 NE Hembree Street. It is more specifically described as Tax Lot 12000, Section 16CD, T.4 S., R. 4 W., W.M.

Applicant: Hans Van Dale

Opening Statement: Chair Hall read the opening statement and described the application.

Disclosures: Chair Hall opened the public hearing and 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, but had no comments to make on the visits.

Staff Presentation: Senior Planner Schauer stated this was a request for a variance to the setbacks in the R-3 zone to allow the construction of a new porch on Hembree Street. No public testimony had been received on this application. He described the subject site and history of the area. It had been an area of R-3 for many years, and at one point the setback had been reduced from 20 feet to 15 feet. Most of this area was developed prior to the R-3 zoning, so much the existing development doesn't meet the current standards of the R-3 zone, which requires greater setbacks and larger lot sizes. He explained how the existing porch would be replaced with a wider porch that would be covered and have a greater depth. He showed the location of the proposed porch relative to the property line, and described the applicable regulations for setbacks that apply to the porch and stairs. With the variance, the porch and stairs would be allowed to be five feet closer to the front property line, with the porch setback at ten feet and the stair setback at five feet from the front property line on Hembree. The applicant had provided photographs and information about the existing setbacks in the area which showed that several homes and porches did not meet the 15 foot setback. He then discussed the applicable review criteria. This area developed prior to the R-3 zoning which made many properties non-conforming. What was being requested provided for development that was comparable to what was existing in this area which was unique compared to other R-3 zoned areas. A variance runs with the land, but the conditions would tie the variance to the specific proposal, so it is not an open-ended variance to the front setbacks for development that is not part of the current proposed porch. The zoning ordinance requires work to be initiated within one year of the approval, or the variance becomes void. He also recommended revising Condition #1 to clarify the proposal involved a variance on Hembree and also for encroachment into the setback on 11th Street for a portion of the width of the porch. The proposed porch is not closer to 11th Street than the side of the existing house which is nonconforming, but the side of the porch would also encroach into that setback, as reflected on the drawings submitted by the applicant.

Applicant's Testimony: Hans Van Dale thanked staff for their help with this application.

The Commission complimented Mr. Van Dale's application.

Public Testimony:

Proponents: Mark Houston, Mr. Van Dale's neighbor, said this was an eclectic neighborhood. It had been slowly improving over the last six years and this was another improvement. He was excited about this project and endorsed it.

Opponents: None

Chair Hall closed the public hearing.

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

Commission Deliberation: Commissioner Chroust-Masin thought the application met the criteria and he was in support.

Commissioner Knapp lived in this area of the City and was also excited about the project. Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and evidence in the record, Commissioner Schanche MOVED to APPROVE VR 1-19 including the revised Condition #1. SECONDED by Commissioner Knapp. The motion PASSED 9-0.

5. Commissioner/Committee Member Comments

Commissioner Butler thought it was strange that this neighborhood was rezoned to R-3 and that it was an undue burden to make the property owners in this area go through a variance process for this type of request.

Planning Director Richards explained if the Commission wanted to amend the existing zone so these types of variances were not required, staff could be directed to come back with the strengths and weaknesses of moving forward. She explained why this area was rezoned R-3. If the Commission wanted to change that, they would need to look for other areas where that zoning could apply because they still needed that type of zone. There was going to be a work session with the City Council on August 21 to discuss the Housing Needs Analysis and Housing Strategy. One strategy was to take the residential zones and make them all one zone allowing single family up to four-plexes and having one high density residential zone.

Commissioner Dirks said they might want to consider a future legislative action to evaluate broader zoning changes to the historic neighborhood. The question was if they wanted to work through the zoning ordinance to allow various types of changes in this designated historic area.


6. Staff Comments

Planning Director Richards explained what was on the next meeting's agenda. She would give an update on the Three Mile Lane planning process at the next meeting as well. She discussed the Council's decision on the Oak Ridge Meadows application which had passed 4-3. Some of the issues were the hydrology report, floodplain, and traffic.

There was discussion regarding the construction of Shadden Drive and updating the City's wetland maps.

7. Adjournment

Chair Hall adjourned the meeting at 7:28 p.m.



Heather Richards
Secretary