

MINUTES

January 4, 2024
Planning Commission
Regular Meeting

6:30 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Sidonie Winfield, Matt Deppe, Dan Tucholsky, Gary Langenwalter, Beth Rankin, Rachel Flores, Brian Randall, Sylla McClellan, and Elena Mudrak

Members Absent:

Staff Present: Heather Richards – Community Development Director, Tom Schauer – Senior Planner, and Bill Kabeiseman – Bateman Seidel

1. Call to Order

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

2. Swearing in of New Commissioner Elena Mudrak

Chair Winfield swore in new Planning Commissioner Elena Mudrak.

3. Selection of Chair and Vice-Chair

The Commission selected Sidonie Winfield for Chair and Dan Tucholsky for Vice Chair.

4. Citizen Comments

None

5. Public Hearings

A. Quasi-Judicial Hearing: Planned Development Amendment (PDA 1-23), Subdivision (S 1-23) and Three Mile Lane Review (TML 5-23), for a Town Home Housing Development at 235 NE Dunn Place

(Continued from December 7, 2023)

Requests: The applicant is requesting concurrent review and approval of three applications for the Dunn Place 21-Lot Subdivision Townhouse Development: a Planned Development Amendment for an amended Master Plan (PDA 1-23), Subdivision Tentative Plan approval for the 21-lot subdivision (S 1-23), Three Mile Lane Review (TML 5-23). (VR 3-23). Tax Lot R44CD 01700

Applicant: Andrey Chernishov, HBH Consulting, on behalf of, property owner Evergreen Court Townhomes LLC, c/o Jason Flores

Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Mudrak abstained.

Commissioner Tucholsky had emailed Senior Planner Schauer about meeting out at the site with the opponents, but that did not take place. He visited the site, but did not speak with the applicant or any opponents during the site visit.

Most of the Commission visited the site.

Chair Winfield 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.

Commissioner Deppe had read an article in the *News Register*.

Staff Report: Senior Planner Schauer said this was a request for approval of a planned development amendment to replace the memory care plan with the proposed subdivision/townhouse plan, subdivision tentative plan, and Three Mile Lane review. The proposal was for a 21 lot subdivision, 20 townhouse lots, 1 additional residential lot, and a common tract. He discussed the additional information entered into the record after the December 28, 2023, meeting packet, subject site, site plan, elevations, previous approvals, and side by side comparison with the previous 2019 approval. He reviewed the applications, criteria, key issues noted from the December 7 hearing, and additional condition and findings.

There was discussion regarding what would happen if the proposal did not meet the geotechnical requirements in the additional condition and changing the condition to read, "Results shall be updated to meet calculated factor of safety, soil properties, and pseudo acceleration."

Applicant's Testimony: Jason Flores, Andrey Chernishov, Peter Glennie, and Randy Goode were there to answer questions.

There were questions regarding how the applicant was preserving the views of the river, homeowners association when there were tenants and concern about additional fees to tenants, addressing stormwater drainage concerns, plans for lot 21, variation of design, addressing streets, meeting the additional condition, adding a condition that lot 21 was not buildable, and working with the neighbors.

Proponents: None

Opponents: George Siegfried, McMinnville resident, spoke about his chiropractic clinic, which was on the riverbank at a setback of 180 feet, downstream from this development. He was concerned about the dangerous and unstable bank and potential impact to neighboring properties. He described how the bank was steadily slipping and sinking and how possible storm drainage failure could damage his driveway and ability to care for patients when they could not access the clinic. He questioned whether the storm drain could support the development in the long term. He viewed it as an ecosystem and the neighborhood and bank needed to be taken into consideration.

There was discussion regarding the difference in bank erosion from Dr. Siegfried's lot and those south of the property and engineers that came to his property years ago to stabilize the bank but said there was no guarantee.

Mike Full, McMinnville resident, discussed the area from his perspective and how it was the sharpest bend of the Yamhill River, which made it highly susceptible to erosion. The subject site had been a garbage dump at one time. If they were just looking at a restricted agenda, these issues could not be addressed. This piece of property was dangerous to build on and he thought the development needed to be less dense. He thought the geotechnical study was fundamentally flawed and should not be used.

Joseph Strunk, attorney, objected to the condition proposed regarding later submission of information for the geotechnical report. He thought that both the planned development amendment and subdivision plan required consideration of code provisions, goals, and policies regarding impact to surrounding properties. The geotechnical report did not go beyond the scope of the property and was extremely limited. He did not think the applicant had submitted sufficient evidence to support a finding of compliance. The 60 foot setback proposed was not adequate. The tests were not done on the bank they were talking about. There was substantial evidence in the record that did not support the applications and applicable criteria were not met.

Rebuttal: Mr. Goode clarified how the original borings were done to log samples.

Mr. Chernishov said the proposed buildings were going to be 80 feet back from the top of bank.

Mr. Flores said borings were not done on the hillside because they were not going to build on the hillside. They would be building on the flat area. He explained the locations of the boring, which were in the geotechnical report. They planned to capture the additional stormwater into the drainage system. A stormwater analysis was done by the City which was the capacity they had to make sure they did not exceed.

There was discussion regarding the additional condition and if they would be able to move forward with it. City Attorney Kabeiseman thought they could move forward based on the information that the City said the applicant had shown they met the criteria, they just needed to fill in the blanks.

Community Development Director Richards said the data that was needed was per code to define the design for the foundation to respond to the soil analysis.

Commissioner Randall MOVED to CLOSE the public hearing, SECONDED by Commissioner Langenwalter. The motion PASSED 7-1-1 with Commissioner Tucholsky opposed and Commissioner Mudrak abstaining.

Chair Winfield closed the public hearing.

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

Commission Deliberation: Commissioner Randall said in the Three Mile Lane Area Plan policies, development was supposed to reflect the wine/agricultural heritage of the area. He suggested adding a condition to the subdivision to rename the street to reflect the area.

Commissioner Langenwalter was not in support of the application due to the issues in the area, however he could not find anything in the code where he could say no.

Chair Winfield agreed. She would have liked to see documentation on what the opponents said and the geology of the area over time.

Commissioner McClellan appreciated the opposing testimony. However, they needed housing in the City and the setback was further than the required amount. The applications met the criteria.

Commissioner Deppe said the development was less dense than middle housing allowed. He agreed they needed housing.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and the evidence in the record, Commissioner Langenwalter MOVED to APPROVE PDA 1-23 with conditions and the added condition about the geotechnical report as amended. SECONDED by Commissioner Rankin. The motion PASSED 7-1-1 with Commissioner Tucholsky opposed and Commissioner Mudrak abstaining.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and the evidence in the record, Commissioner Tucholsky MOVED to APPROVE TML 5-23 with conditions. SECONDED by Commissioner Randall. The motion PASSED 8-0-1 with Commissioner Mudrak abstaining.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and the evidence in the record, Commissioner Langenwalter MOVED to APPROVE S 1-23 with conditions and the added condition about the street name. SECONDED by Commissioner Tucholsky. The motion PASSED 8-0-1 with Commissioner Mudrak abstaining.

Community Development Director Richards noted there were both state and local regulations that protected riparian corridors and floodplains.

Commissioner McClellan left the meeting.

B. Legislative Hearing: Comprehensive Plan Amendment (Docket G 1-22)

Proposal: **THE CITY OF MCMINNVILLE IS PROPOSING AN AMENDMENT TO THE MCMINNVILLE COMPREHENSIVE PLAN AS FOLLOWS:** A proposal to adopt the Fox Ridge Road Area Plan as a supplemental document to the McMinnville Comprehensive Plan.

Applicant: City of McMinnville

Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Langenwalter said he had been on the project advisory committee. Commissioner Tucholsky said his wife was chair on that committee. Commissioner Mudrak attended a few of the public meetings held by the committee.

Most of the Commission visited the site.

Staff Report: Senior Planner Schauer said this was a legislative public hearing where the Planning Commission made a recommendation to the City Council. The request was to adopt the Fox Ridge Road Area Plan as a supplemental document to the McMinnville Comprehensive Plan. In December 2020, the City and County adopted the McMinnville Growth

Management and Urbanization Plan. Updated policies in Chapter IX (Urbanization) of the Comprehensive Plan outlined successive levels of planning for UGB expansion areas. This application was the first of the area plans for the UGB expansion areas. He explained the Comprehensive Plan and Framework Plan for future land needs within the UGB expansion areas. The Fox Ridge Road area was approximately 230 acres in the western portion of the UGB west of Hill Road with a Comprehensive Plan designation of Urban Holding (UH). The plan for the area was primarily housing. A significant amount of the site was owned by the School District for a future high school. There would also be a partial Neighborhood Activity Center (NAC) and one neighborhood park. There would be opportunities for a natural resource community park, natural greenspaces, greenways, and trails. He described the Fox Ridge Road area planning process, what was included in the area plan and map, final preferred land use concept, agency comments noted in the staff report, and additional information for the record after the packet. Consistent with the Project Advisory Committee, staff recommended the Planning Commission recommend approval to the City Council with the following: incorporate editorial corrections to address scrivener's errors and clarify that tree grove protection would be based on the City's official inventory through a separate Goal 5 planning process.

There was discussion regarding properties being contiguous to City limits on the south side and not creating islands, natural resource area, how an area plan was not an expansion of the UGB but planning for future land uses in the UGB, sewer capacity, and market analysis for the neighborhood center.

Proponents: Sid Friedman, Project Advisory Committee member, thought the plan did a good job of mixing commercial uses, residential densities, and park uses. It respected existing natural features and he supported it.

Mark Davis, McMinnville resident, supported the plan. He thought it did a good job of getting more needed housing and acreage for parks. He commented on errors in the number of acres. He wanted to make sure they knew how much land was available for housing and parks. He noted the parks were proposed to be on non-buildable land.

Peter Van Patten, Fox Ridge Road resident, thought they had done a good job on the plan, however property owners did not know what the document meant. More outreach needed to be done. He was concerned about developing the quarry area as well.

Brian Morrissey, Fox Ridge Road resident, asked if the City had made any plans to purchase the quarry.

Community Development Director Richards said the City had no plans for purchasing any property in this area.

Sarah Tucholsky, Project Advisory Committee Chair, supported the plan. The committee and City had made a great effort to get community input. This was the vision for the area and did not necessarily mean it was set in stone.

Opponents: None

Commissioner Tucholsky MOVED to CLOSE the public hearing, SECONDED by Commissioner Rankin. The motion PASSED 8-0.

Commission Deliberation: There was discussion regarding outreach to the Fox Ridge residents.

Community Development Director Richards said notices had already been sent throughout the process to the property owners and they had conversations with many of the property owners as well. Another notice could be sent prior to the Council meeting letting people know this action did not rezone any property or bring any property into the City.

Commissioner Tucholsky suggested setting up an informal meeting to discuss the plan before the Council meeting. Staff would schedule a meeting.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and the evidence in the record, Commissioner Tucholsky MOVED to RECOMMEND the City Council APPROVE G 1-22. SECONDED by Commissioner Randall. The motion PASSED 8-0.

C. Legislative Hearing: Comprehensive Plan Amendment and Zoning Ordinance Amendment (Docket G 3-22)

(Continued from November 16, 2023)

Proposal: **THE CITY OF MCMINNVILLE IS PROPOSING AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR A NATURAL HAZARDS INVENTORY AND MANAGEMENT PROGRAM, AS FOLLOWS:** Amendment to the McMinnville Comprehensive Plan, Volume I - Background Element, adopting the Natural Hazards Inventory and Management Program Options and Recommendations; amendment to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled Natural Features; amendments to the McMinnville Municipal Code, Chapters 17.48, Flood Area Zone, and Chapter 17.49, Natural Hazard Overlay Subdistricts; and the adoption of the Natural Hazard Mitigation Zone (NH-M) and Natural Hazard Protection Zone (NH-P).

Applicant: City of McMinnville

Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Community Development Director Richards said staff needed more time to work through the process and requested a continuance.

Commissioner Langenwaller MOVED to CONTINUE the hearing for G 3-22 to March 7, 2024. SECONDED by Commissioner Rankin. The motion PASSED 8-0.

7. Commissioner Comments

Commissioner Tucholsky expressed thanks to former Commissioner Murray for her service.

8. Staff Comments

Community Development Director Richards discussed recruitment for two planning positions.

9. Adjournment

Chair Winfield adjourned the meeting at 10:07 p.m.