

## MINUTES

Members Present: Chair Butler; Commissioners Chroust-Masin, Drabkin, Hall, Hillestad, Morgan, Stassens, Tiedge

Members Absent: Commissioner Koch

Staff Present: Mr. Montgomery, Ms. Lynagh, Ms. Haines, Mr. Bisset, Ms. Kindel

### **1. Approval of Minutes – May 15, 2013**

Chair Butler called the meeting to order at 6:33 p.m., and called for action on the minutes from the May 15, 2013, Planning Commission meeting. He noted for the record that the only Commissioner who had been absent from the May meeting was Commissioner Chroust-Masin. Commissioner Morgan MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Hillestad. Motion PASSED unanimously.

### **2. Public Hearing (Quasi Judicial)**

#### **◆ Docket CU 3-13**

Request: Approval of a conditional use permit to allow for the construction of a 28-bed memory care facility on the ground floor with 16 one-bedroom or studio apartments for seniors on the second floor on a parcel of land 1.45 acres in size.

Location: West of Fircrest Drive, east of the existing Fircrest Assisted Living Facility, and north of Cumulus Avenue, and more specifically described as Tax Lot 1203, Section 23, T. 4 S., R. 4 W., W.M.

Applicant: PEG, LLC

Chair Butler opened the public hearing at 6:37 p.m., and requested disclosures, abstentions, or objections to jurisdiction. There were none from the Planning Commissioners that were present, and Chair Butler called for the staff report.

Ms. Lynagh displayed the 1.45-acre subject site on the overhead screen, and said the application was a proposal to construct a 28-bed memory care facility on the building's ground floor with 16 studio or one bedroom apartments above that. She noted that the applicants proposed to eliminate an existing driveway on the southern portion of the subject site, and to use an existing access on the northern portion exclusively. Ms. Lynagh said that the Planning Commissioners had been provided copies of two separate letters of opposition from Gwen Johnston and Lee Eggers, which had been received the previous week, and noted staff recommended approval of the application, subject to the seven conditions of approval detailed in the staff report.

Mr. Bisset addressed concerns with regard to traffic impacts as a result of the proposed project. He explained that Cumulus Avenue was identified as a minor collector in the city's transportation system plan, and included some access restrictions associated with it. He informed the Commissioners that there would eventually be a full traffic interchange at the east end of the corridor where the access to the Evergreen Museum was, with interchange improvements at the west end of the corridor, just west of

Norton Lane. Mr. Bisset also explained that the creation of the subject site had been through a series of three partitions which created lot configurations with access restrictions that prohibited vehicle access to Cumulus Avenue. He said that the restrictions were implemented to maintain the safety and functionality of the frontage road. He pointed out that the traffic impact of a 42-unit apartment building, which would be permitted under the current zoning of the subject site, would be much greater than the proposed conditional use; therefore, he concluded there would be no adverse traffic impacts to take into consideration with regard to approval of the request.

Chair Butler called for applicant's testimony.

Bruce Kenny, said he was the project architect for the construction of a memory care facility and senior apartments. He said that the project was, in part, in response to a request from the state licensing agency because of the need for such a facility. He explained that there were times when memory care patients had fully functional spouses, and the assisted living facility upstairs would enable the spouse to live close by. Mr. Kenny said they had met all of the criteria, and that with regard to concerns about vehicles on-site, they were required to provide turnaround space for fire trucks. Therefore, if there was enough room for fire trucks to turn around, there should be ample room for delivery vehicles or any other vehicles on the site. He discussed the installation and relocation of a new type of generator, which would be much quieter than the current one. He stated that he understood the concern about the appearance of the proposed facility along Fircrest Drive, and said they intended to make it as attractive as possible with features that might include Juliette balconies for the upstairs apartments. He said that the balconies would provide visual interest and also be a place for residents to have planter boxes or other things without creating a space so large that they could have unattractive things on the balconies.

There was no proponent testimony, and Chair Butler called for opponent's testimony.

James Cowan, said he was a resident of the Fircrest Village Condominiums as well as a caregiver for two residents within the community. He discussed his concerns with additional traffic that would be created by the project, in addition to the impact of the elimination of one access to the proposed facility, both of which he said would create safety hazards. He also said that, in his opinion, any large truck that entered the subject site would be unable to turn around on-site, and would have to back out; something that was an additional concern to him.

Lee Eggers, President of the Fircrest Village Condominium Homeowners Association, asked that the Planning Commission deny the application for reasons he had stated in a letter to Mr. Montgomery. He also expressed concerns about the ability of trucks to turn around on the subject site. Mr. Eggers questioned why the generator could not be placed at the south end of the proposed building, something, he said, that would mitigate the impact to the residents due to noise and fumes. In addition, he was concerned that the project would negatively affect property values in the area, due in part to the appearance of the building that, he said, was "going to be a blank wall." Further, he stated that residents in the area were forced to use either the parking lot or Fircrest Place and Fircrest Drive as places to exercise, because of the lack of sidewalks.

Following Mr. Eggers' statement that a resident who lived at 305 NE Fircrest Place had not received notification of the application and hearing, discussion ensued as regard the reason for the omission. Chair Butler noted that notice had, in fact, been mailed to the property owner, whose address was listed as 345 SW Hill Road.

Lorna Gosson, 323 NE Fircrest Place, said she was the resident whose bedroom was within 14 feet of the generator, and was pleased it would be moved; however, she was still concerned that the proposed location of the new generator would not eliminate the impact from fumes and noise. Ms. Gosson stated that she believed sidewalks should be installed on Fircrest Drive in the interest of public safety, which

would be affected by the elimination of the second access onto the subject site; something that would increase the traffic going onto Fircrest Place. She also pointed out that Fircrest Place was privately owned and maintained by the condominium association.

Mr. Bisset explained that the partition plats that created the lots the subject site was on, the condominiums were on, and one additional parcel had established access rights that allowed the two southern parcels to cross onto the private drive to get to Fircrest Drive. He also informed the Planning Commissioners that installation of sidewalks would be required when building permits were issued; although it would be the responsibility of the condominium residents to install sidewalks on the private street.

Commissioner Chroust-Masin said he did not see a condition of approval that would require the proposed development to maintain the private drive.

Mr. Bisset reiterated that responsibility for maintenance of the private drive had been established when the three partition plats were recorded in 1999, 2000, and 2003, and that information would have been included on the property deeds at the time the owners purchased their property. He stated that issue was resolved and not part of the consideration of the application request.

Donna Lynam, 359 NE Fircrest Place, discussed concerns about overflow parking from the facility that took up street parking on her street. She said that there was not adequate room for emergency vehicles to pass when vehicles were parked on both sides of the street, and suggested the issue should be addressed by the applicants.

Dianna Simmons, 305 NE Fircrest Place, said she was the resident who had not received notice of the hearing. She said that there was a concrete pad on the other side of her fence which was used as a smoking area by employees of the neighboring facility. She said the employees were loud, obnoxious, and foul mouthed, which prevented her from being able to take her live-in mother into the portion of her yard adjacent to the area. Ms. Simmons speculated that there would be additional employees congregating in that location if the project was approved. She also discussed issues caused by vehicles associated with the facility parking on their street.

Michael O'Brien, 335 NE Fircrest Place, said he was one of the residents who was within 15 feet of the existing generator, and was glad it would be moved. He also shared his concerns about the proposed location of the new generator, and questioned whether it was being moved far enough. He expressed the same concerns as others with regard to safety issues associated with increased traffic, access and maneuverability for large trucks on the subject site, and the elimination of one of the accesses. He further stated that there was a sign on the subject site that hampered visibility for drivers.

Candy Gordon, 311 Fircrest Place, said she and her husband owned two condominiums in Fircrest Village, one of which had belonged to her late mother-in-law. She shared some of her personal history with Fircrest Village Condominiums and the existing memory care facility with respect to her mother-in-law who had lived in each place. She praised the staff at the memory care facility and said that the building had been well designed and attractively landscaped. Ms. Gordon expressed concerns about the proposed project and the effect it would have on property values. She stated that they had purchased a condominium in Fircrest Village on May 3; something they might not have done if they had known about the proposed project, because she believed it would increase traffic and safety hazards, and would be an "eyesore." Now, she said they were worried whether they would be able to sell their mother-in-law's condominium if the proposal was approved.

There was no further opponent testimony, and Chair Butler called for the public agency report.

Ms. Lynagh said that all public agency comments had been included in the staff report.

Chair Butler asked the applicant whether he wished to respond to any of the testimony that had been presented.

Bruce Kenny stated that they would be installing a sidewalk along Fircrest Drive and extending along Fircrest Place on the north side of the proposed development. With regard to concerns about traffic, he admitted that vehicles would be going in and out of the same driveway; however, he said there would not be much traffic due to the fact that not many of the residents drove and there were not very many staff. He discussed the amount of room on-site for delivery vehicles, and repeated his earlier testimony that there was a requirement that a fire truck be able to turn around; therefore, it would not be necessary for vehicles to back up in order to get turned around.

Mr. Kenny responded to some of the other issues and questions that had been raised by the opponents:

- **Aesthetics of building design:** Mr. Kenny said he intended to create a facility that was attractive, and would not detract from property values. He stated that he had been the architect for all of the Fircrest condominiums, and noted that the plan would be required to go through a design review process.
- **Displaced parking during holidays:** He said that the situation was typical for any street, and reminded the Planning Commissioners that the impact would be far greater if apartments were built on the subject site; a use that would be permitted in that zone.
- **Vision-obscuring sign on the subject site:** He said that the existing sign was in compliance with current city standards.
- **Elimination of one access onto subject site:** Mr. Kenny said that the elimination of one entrance was necessary in order to meet the state requirement for facility size and meet building setbacks without eliminating any required parking.

Discussion ensued as regard required parking for the proposed facility. Ms. Lynagh provided a recap of the section in the staff report that had detailed how the number of required parking spaces had been calculated.

Commissioner Chroust-Masin initiated a discussion about the maintenance of the private road. He stated that the plat noted the applicants would be partially responsible for maintenance of the private drive. Mr. Kenny stated that they would be willing to contribute to maintenance of the portion of the private road that would be crossed by traffic from their facility.

Ms. Simmons asked whether the applicants could widen the entrance to the north driveway.

Mr. Kenny said that, although they could widen the driveway entrance, he did not believe it would make any significant difference.

The applicant waived the allowed seven-day period to submit final written arguments in support of the application, and Chair Butler closed the public hearing at 7:57 p.m.

Commissioner Tiedge said he took issue with the use of the private road for a use that did not exist and was not even allowed at the time the easement was granted.

Mr. Montgomery said that the master plan from the late 1990s called for the development of apartments on the original 6.1-acre parcel. Therefore, he said that the intended use of the site had been multi-family housing for a long time.

Commissioner Tiedge pointed out that apartments would not have 24-hour employees, vendors, and service vehicles; so, in his opinion, the proposed use was different, and the request was to change the use of the property after having obtained an easement for a different use. Although the density of the two uses were not necessarily different, he said there was a difference between care units and apartments and the types of vehicles associated with each that would drive over the street.

Commissioner Morgan said that, while the proposal was not perfect, he believed it was better than an apartment complex. He said he sympathized with the opponents, but the applicants had met the criteria. He noted that the applicants had expressed a willingness to work with the residents who lived in the surrounding area.

Commissioner Stassens concurred with Commissioner Morgan, and said it was a good application and she hoped that the applicants and neighbors could work together to address any issues.

Commissioner Hall also said he was sympathetic to the opponents, but he felt that the applicant had adequately addressed their concerns.

Commissioner Drabkin echoed sentiments expressed by the other Commissioners, and said that many of the concerns raised by neighbors could not be taken into consideration. She said she hoped the neighbors and applicants could work together to resolve any issues, and stated that the application was thorough and met all of the requirements for approval.

Commissioner Chroust-Masin said he was initially appalled that the applicant would not be required to share responsibility for maintenance of the private road, but once he found a notation on the plat that stated the applicant was, in fact, responsible for maintenance, his anxiety was diminished. He said facilities like this were always needed, and as long as the issue of the road maintenance had been resolved fairly, he was in support of the application.

Chair Butler said that the project was located in one of McMinnville's gateway entrances, and he was pleased that the applicants had design plans that would provide visual relief to the side of the building. He said that much of the testimony from neighbors had been emotional, and he suggested the applicants work to maintain a harmonious relationship with residents in the adjacent neighborhood. He said that the application met all of the criteria for approval.

Mr. Montgomery said that, for the record, Commissioner Chroust-Masin's interpretation of the plat with regard to maintenance of the private road was incorrect. He clarified that the applicants were not mandated to maintain the private road.

Commissioner Chroust-Masin suggested they could add a condition of approval to require the applicants to maintain the portion of the private road that they would cross.

Mr. Bisset said that maintenance responsibility for the road had already been legally conveyed with the approval of the partition plats and establishment of the easement. He said that the applicants and the condominium association could reach an alternate agreement if they chose to.

Commissioner Chroust-Masin asserted that the common portion of the road should be maintained by both parties.

Mr. Montgomery said that the terms for the road maintenance was public record and had been put in place before anything was built on the parcels. He stated that the conditional use permit approval would be voided if the Commissioners mandated the parties to enter into a private arrangement if they were unable to come to an agreement.

Discussion ensued as regard who should maintain the private road, and Commissioner Chroust-Masin withdrew his support of the application.

Commissioner Morgan MOVED based on the findings of fact, the conclusionary findings for approval, and the materials submitted by the applicant, to APPROVE CU 3-13, subject to the conditions noted in the staff report; SECONDED by Commissioner Stassens. Motion PASSED by a majority vote, with five Commissioners voting in FAVOR of the motion; one Commissioner voting in OPPOSITION (Chroust-Masin), and two Commissioners ABSTAINING (Drabkin and Tiedge).

Chair Butler called for a recess at 8:22 p.m., and reconvened the meeting at 8:32 p.m.

### 3. Public Hearing (Legislative)

#### ◆ Docket G 3-13

Request: In accordance with Oregon Revised Statute (ORS 457.085 (4)), the McMinnville Planning Commission will review the proposed McMinnville Urban Renewal Plan and accompanying report, including its relationship to the McMinnville Comprehensive Plan.

Applicant: City of McMinnville

Chair Butler opened the public hearing at 8:33 p.m., and called for the staff report.

Mr. Montgomery noted for the record that this was a public meeting, and not a public hearing. He gave a brief history of the development of the urban renewal plan and report, and explained that it was the Planning Commission's role to review the item, evaluate whether the draft plan conformed to the comprehensive plan, and make a recommendation to the City Council.

Elaine Howard, Elaine Howard Consulting, said that, together with EcoNorthwest, she had prepared the urban renewal plan and report for the City of McMinnville. She reiterated that the role of the Planning Commission was to evaluate whether the plan was in conformance with the comprehensive plan, and explained that was a requirement established by state statute. Ms. Howard said that the Commission was charged with assessing the portions of the comprehensive plan that generally addressed the goals, objectives, and projects in the urban renewal plan in order to determine whether those things were in conformance with the comprehensive plan. She pointed out that, if the Commissioners found the urban renewal plan to be in conformance with the comprehensive plan, their recommendation to the City Council would need to be contingent on the McMinnville City Council's adoption of the Northeast Gateway planned development overlay. The reason for this, she said, was because the urban renewal plan would not be in conformance with the planned development overlay until after its adoption.

In response to a question by Commissioner Stassens, Ms. Howard explained that tax increment funds had to be spent to repay debt; for instance, it would require that the city become "indebted" for the amount of a project, and then be reimbursed the indebtedness amount with tax increment funds.

Ms. Howard responded to a question from Commissioner Hillestad, and explained that \$30 million was the total amount of money that would be available to spend on projects, programs, and administration in an urban renewal plan over the life of the plan.

Commissioner Drabkin said she believed the plan was a good one, and that it basically conformed with the comprehensive plan. However, she noted that there did not seem to be supporting evidence for Goal 7 with regard to parks, recreational facilities, open spaces, and scenic areas, as a component of streetscape, and, for that reason, it did not appear that section was in conformance.

Mr. Montgomery pointed out that the plan included streetscape in a public plaza project, as well as a project to develop a recreation corridor along the railroad track. Further, he said there was funding allocated in the plan for acquisition of properties for public plazas, although no specific sites had been identified.

Commissioner Chroust-Masin asked what was proposed for the Cook School site, and Mr. Montgomery explained that the School District's plans into the foreseeable future were to maintain it as a school property.

Commissioner Hillestad MOVED that, based on the information provided in the staff memorandum dated June 12, 2013, and contingent on the adoption of the Northeast Gateway planned development ordinance, the McMinnville Planning Commission had found the McMinnville Urban Renewal Plan to be in conformance with the McMinnville Comprehensive Plan; SECONDED by Commissioner Stassens. Motion PASSED unanimously.


Mr. Montgomery thanked Commissioners Stassens and Drabkin for their involvement in the preparation of the draft urban renewal plan. He also thanked Councilor Scott Hill for his efforts throughout the process, and said he had attended every meeting and made work on the project a priority.

#### **4. Old/New Business**

There was no discussion of old or new business.

#### **5. Adjournment**

Commissioner Hillestad MOVED to adjourn the meeting; SECONDED by Commissioner Hall. Motion PASSED unanimously, and Chair Butler adjourned the meeting at 8:55 p.m.

  
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Doug Montgomery  
Secretary