

A G E N D A 2 - 16

**1. Introductions:**

- ◆ David Koch – City Attorney
- ◆ Zack Geary – Planning Commission Member

**2. Approval of Minutes:**

- ◆ October 15, 2015 and January 21, 2016

**3. Public Hearing (Quasi Judicial)**

◆ Docket CU 1-16

Request: Approval of a conditional use permit to allow a residential facility providing residential care for no more than 15 (fifteen) persons within an existing structure.

Location: 1420 NE Johnstone Court and is more specifically described as Tax Lot 03600, Section 16AB, T. 4 S., R. 4 W., W.M.

Applicant: Yamhill County Health & Human Services Department

**4. Public Hearing (Quasi Judicial)**

◆ Docket CU 2-16

Request: Approval of a day care facility within an existing structure.

Location: 470 NE Norton Lane and is more specifically described as a portion of Tax Lot 03700, Section 22, T. 4 S., R. 4 W., W.M.

Applicant: Tankersley, Wright & Strunk, LLC

**5. Old/New Business**

**6. Adjournment**

MINUTES

Members Present: Commissioners Butler, Hillestad, Morgan, Pietz, Stassens, Thomas, and Tiedge

Members Absent: Commissioners Chroust-Masin and Hall

Staff Present: Mr. Montgomery, Mr. Pomeroy, and Ms. Lorenzen

**1. Approval of Minutes: September 17, 2015**

Chair Stassens called the meeting to order at 6:32 p.m. and requested action on the minutes of the September 17, 2015 Planning Commission Meeting. Commissioner Tiedge MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Morgan. Motion PASSED unanimously.

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

♦ **Docket CU 2-15 (Continuation of Hearing from September 17, 2015)**

Request: Approval of a conditional use permit to allow a year-round social relief facility providing residential care for up to 13 (thirteen) persons and a year-round cold weather shelter providing emergency care for up to 35 persons

Location: 1234 NE 14<sup>th</sup> Street and 1315 NE Macy Street, and is more specifically described as Tax Lots 01500 and 01600, Section 16DC, T. 4 S., R. 4 W., W.M.

Applicant: Yamhill County Gospel Rescue Mission

Chair Stassens reopened the public hearing at 6:33 p.m. She advised that this public hearing had been continued from the Commission's last meeting date of September 17, 2015. She asked Commissioners Pietz and Thomas whether they had listened to the audio recording and reviewed the written materials that had been provided. Both Commissioners acknowledged that they listened to the audio recording and the written materials Chair Stassens called for abstentions and there were none.

Chair Stassens called for objections to jurisdiction. There being none, she requested the staff report.

Mr. Pomeroy advised that additional submissions had been received from Amy McNeil and Kaye Sawyer. He noted that there had been a great deal of emotional testimony provided at the September 17, 2015 public hearing. The Commission was reminded that their focus should be on the criteria listed on Page 2 of the staff report and that staff's prior recommendation for approval with seven conditions remains.

Chair Stassens asked for Commission discussion.

Commissioner Morgan noted that while the request of the applicant must be carefully considered and weighed against the criteria, he believed the thoughts of the adjacent property owners should also be considered. He advised he could support the conditional use request if Condition No. 4 were modified to say that in the event three or more complaints regarding off-street parking, noise, property damage, or trespassing were to be received by the Police or Planning Departments or shelter operators within a six-month time period, the Conditional Use permit would be scheduled for review at the next available Planning Commission meeting. He believed that two months as outlined by staff, was too short of a time period. He also suggested that the Planning Commission request a summary report from the neighbors to be submitted to the Planning Department on a six-month basis.

Commissioner Pietz agreed with Commissioner Morgan's concern regarding Condition No. 4. She explained that she believed an adequate time frame for complaints would be somewhere between two and four months. She referenced the complaint list that had been provided by staff and noted that the complaints came in a fairly sporadic manner. She also noted that she hoped the community members would continue to work with the shelter.

Commissioner Tiedge felt as though the outpouring of public support was laudable, but was not part of the criteria to which the Commissioners were bound. He said that when he looked at the application and proposal and how it related to Condition No. 4, he felt the condition was headed in the wrong direction because it shifted the burden of monitoring from the applicant to the neighbor. If the application cannot be recommended for approval without post issuance conditions, then it should not be recommended for approval. He further explained that because of the density issue related to this application and that it is the second such application within the block, the burden on the neighborhood, and that Condition No. 4 puts the burden of reporting on the neighbors, he could not support the application moving forward.

Responding to Commission Butler's inquiry regarding the second property, Commissioner Tiedge explained that this application was on a separate parcel from the original Gospel Rescue Mission home.

Following discussion, Commissioner Butler stated that he remembered similar reporting requirements for another Conditional Use request from several years previous when Thugs Off Drugs had requested a conditional use permit to allow their facility to operate within an existing residence. He recalled that no complaints had been fielded during the reporting period. He inquired as to when the time clock would begin should this current application be approved. He also suggested a full-year reporting period beginning from the time of occupancy.

Commissioner Hillestad agreed with Commissioner Butler's one-year recommendation. He suggested that all complaints be fielded with the Police and Planning Departments, with reporting back to the Commissioners after one-year.

Following lengthy discussion, the Commission came to consensus to review the complaints annually.

Chair Stassens called for a motion.

Commissioner Pietz MOVED that the Planning Commission approve CU 2-15 subject to modifying Condition No. 4 to reflect that the Planning Commission review, on an annual basis, the impact of the shelter on the livability of abutting properties through the consideration of significant complaints logged with the McMinnville Police and/or Planning Departments to include, but not limited to, hours of operation, intake procedures, occupancy limits or off-street parking. The motion was SECONDED by Commissioner Hillestad.

Commissioner Pietz amended her motion to add clarification to Condition No. 7 that the structures shall be modular and built to applicable State of Oregon and City of McMinnville building codes. Commissioner Thomas SECONDED the motion.

The motion was APPROVED by a majority vote. (NAY: Tiedge.)

### **3. Old/New Business**

Principal Planner Pomeroy reviewed agenda items for the Planning Commission's November 19, 2016 meeting. He noted that there would be a public hearing relative to a vacation home rental application and also a public hearing to review a residential subdivision application. Planning Director Montgomery reminded the Commission that annual elections would also be held at the November 19 meeting.

### **4. Adjournment**

Commission Hillestad MOVED to adjourn the meeting; SECONDED by Commissioner Butler. The motion PASSED unanimously. Chair Stassens ADJOURNED the meeting at 7:42 p.m.



Doug Montgomery  
Secretary

MINUTES

Members Present: Commissioners Stassens, Chroust-Masin, Hall, Pietz, Tiedge, Thomas and Hillestad

Members Absent: Commissioner Morgan

Staff Present: Mr. Montgomery and Mrs. Dyer

**1. Approval of Minutes: November 19, 2015 and December 17, 2015**

Chair Stassens called the meeting to order at 6:31 p.m., and called for a motion for approval of the Planning Commission minutes from the November 19, 2015 and December 17, 2015 meetings. Commissioner Hall MOVED to approve the minutes as presented. The motion was SECONDED by Commissioner Pietz and passed unanimously. Chair Stassens then acknowledged Mr. Frank Butlers' twelve years of service with the Commission and publically thanked him and awarded him with a plaque. Former Commissioner Butler expressed his appreciation for the opportunity to serve the community, and thanked the Commission and staff for their support.

**2. Docket VHR 12-15**

Request: Approval to allow for the operation of a vacation home rental establishment within an existing residence.

Location: 3489 NE Joel Street and is more specifically described as Tax Lot 9200, Section 09CA, T.4 S., R. 4 W., W.M.

Applicant: Nathan Ruden

Chair Stassens called the public hearing to order at 6:37 p.m. and called for abstentions, objections to jurisdiction, and disclosures. Four Planning Commissioners disclosed that they had visited the subject site. There being no abstentions or objections to jurisdiction, she requested the staff report. Planning Director Montgomery referred to his staff report and the application. For historical purposes, Mr. Montgomery reminded the Commission that since 2015, there had been 12 vacation home rental (VHR) and two bed and breakfast (B&B) properties approved for such use under the new Administrative Review process with no complaints registered to date. This request was brought to the Planning Commission at the request of a neighbor that was notified of the pending application, as provided by the current process. Mr. Montgomery noted that staff finds the application meets all the criteria required for approval as a VHR property.

Commissioner Tiedge asked if the parcel under review was subject to a variance of any kind. Mr. Montgomery replied no, but that the Commission had approved a planned development

overlay for the subject development, allowing certain modifications to the zone in relation to the alley provision and side yard setbacks.

Commissioner Hillestad asked if the Planning staff was aware that the subject residence was being used as a VHR prior to the application process of approval. Chair Stassens further asked if the applicant's home was a two or three bedroom.

Mr. Montgomery replied that staff had received information alleging the subject site's prior use as a vacation home rental, and that the home in question was currently a two bedroom with a loft.

Commissioner Hillestad asks if there were any ADA requirements to comply with once the property became a rental and/or VHR. Mr. Montgomery responded that there were none.

Chair Stassens called for the applicant's testimony at 6:45pm.

Allison Larsen, 848 NE Samson Street, McMinnville, stated that she was the sister of Nathan Ruden, the applicant. She stated that she was excited to be part of the community and the neighborhood.

Commissioner Hillestad asked Ms. Larsen if the property had been used in the past as a VHR and how wide the garage door was on the home.

Mr. Larsen replied that she did not know the exact size of the garage but that it seemed to be a standard two car garage with one large door. She also admitted and apologized for using the property as a VHR before it was approved and admitted that she didn't know the application process until recently.

Chair Stassens asked Ms. Larsen if there had been any previous problems or issues when it was in use.

Ms. Larsen replied that there had not been any problems so far and that the corner lot it sits on helped with that.

Chair Stassens asked if there were any additional questions and if anyone in favor of the applicant would like to speak, and there were none. Chair Stassens then asked if anyone in opposition to the proposal wanted to speak.

Lynette Studebaker, 3494 NE Joel Street, McMinnville, testified that her property faced Mr. Ruden's property and she had a direct view of it. Ms. Studebaker stated that parking was a major concern and believed that the size of Mr. Ruden's garage was not large enough for oversized vehicles or extended cab pickup trucks. Therefore, she noticed that these cars were parked on the street for the duration of the renters' stay. Ms. Studebaker also mentioned that she saw more than two vehicles per bedroom, and as many as one vehicle per guest. She would also like to go on record that she observed that many of the renters had children that played outside in the front yard and in the street. Since the renters were not familiar with the traffic of the neighborhood, she was fearful that a child will be hit by oncoming traffic. She furthered her concern stating that the landscaping was unkempt and was not being weeded in a timely fashion and worried that as a rental, the property will continue to not be maintained.

Commissioner Chroust-Masin asked Ms. Studebaker if there were currently any street signs that stated, "No Parking." Ms. Studebaker responded no.

Chair Stassens asked Ms. Studebaker if she preferred that the renters park their cars on Samson Street. She responded yes. Chair Stassens then asked if Ms. Studebaker knew who to contact and if she had their contact information in order to voice her concerns. Ms. Studebaker responded no.

Chair Stassens asked for any others who wished to speak in opposition.

Kathie Schumacher, 3497 NE Joel Street, McMinnville, stated that cars from the rental house in question parked on the street in front of her house, causing her personal guests to park around the corner. She also stated that she believed the garage was not large enough to accommodate two cars and that the landscaping needed to be tended to for the sake of the community. Ms. Schumacher went on to say that the streets were not wide enough for public parking and that the neighbors were concerned about outside citizens.

Commissioner Hillestad asked Ms. Schumacher if the representation of the neighborhood that was referred to was not the same as to what was purchased. Ms. Schumacher replied, no, the current neighborhood was not what she bought into.

Chair Stassens asked for any others who wished to speak in opposition.

Ingrid Van De Grift, 3511 NE Joel Street, McMinnville, testified that she received two notices about the hearing and wants to know if it was still in the application process.

Chair Stassens replied, yes, the review of this request was still in process, thus the reason for the hearing.

Ms. Van De Grift stated that the property in question was currently listed on Airbnb.com. She was frustrated that it was still being used as a vacation rental during the application process and that it had a history of use up until now. Ms. Van De Grift submitted to the record documents reflecting the activity of use. She also stated that she read that illuminated signs need to be posted for rental properties. Although she had not seen any, she worried how much more traffic a sign such as that will bring to the neighborhood. She vocalized her concern for the safety of the neighborhood and who was staying at the vacation home rental since it was such a tight knit community.

JW Millegen, 624 NE 2nd Street, McMinnville, approached and stated his concern regarding affordable housing. He mentioned that it cost 50% more to rent a house in McMinnville compared to Salem, now that McMinnville was a destination city. He stated that R-4 zoned land was being lost due to those high costs. He discussed the 21 day stay standard and difficulty that would be to enforce. He further noted that vacation home rentals were raising the cost of the housing market significantly, of which he did not approve.

Commissioner Chroust-Masin asked Mr. Millegen if there were standards that haven't been met in regards to the property proposed.

Mr. Millegen replied, yes, parking. He went on to state that he used to own a vacation home rental and it didn't work out but that he had not been to the proposed property to see if it had a garage to use.

Commissioner Chroust-Masin mentioned that the property met all the specifications and standards for parking in the garage with ample space. He asked again if there were any concerns about the standards.

Mr. Millegan responded no, that the standards seemed to have been met and that his concerns were more legislative in nature.

Chair Stassens asked if there were any more opposing comments. No one replied.

Mr. Montgomery replied that no public agencies had voiced concern regarding the requested action.

Chair Stassens asked Ms. Larsen if she wished to provide any rebuttal. Ms. Larsen said she did not.

Commissioner Hillestad asked if he could ask Ms. Larsen more questions. In response, Ms. Larsen replied that Allen and Nathan Ruden were very different people and that Allen was separate from the situation. She went on to say that Nathan purchased his property with his own money, just like everyone else.

Commissioner Hillestad asked what furniture was in the loft.

Ms. Larsen responded that the loft consisted of a sofa that was not a pull out, a television and some bookshelves.

Commissioner Hillestad then asked Ms. Larsen to explain why on one occasion there were numerous vehicles and guests at this property, as had been described by testimony earlier in the evening.

Ms. Larsen responded that she believed that particular incident occurred during Thanksgiving when her family came over and they had dinner at Mr. Ruden's residence since her house was not in the condition to accommodate them.

Commissioner Hillestad asked Ms. Larsen if the property was still being advertised online.

Ms. Larsen replied that it was but that it was blocked off for the remainder of the year so no one could book a reservation.

No person that participated in the hearing requested the record remain open or be continued for further testimony. Also, the applicant waived the seven day time period allowed to submit final written arguments in support of the application; Chair Stassens then closed the public hearing at 7:17pm.

Commissioner Hillestad voiced his concern that the applicant was operating the property before the approval process and that the narrowness of the neighborhood streets and the shortness of the length of garage were of great concern. He mentioned that there was not enough adequate parking for the unique circumstances of the neighborhood. He went on to state that there was not a requirement for width and standards of a garage that he can find but he strongly believed that there was inadequate parking for this proposed use.



Commissioner Chroust-Masin responded that he believed it fit all the standards and that the criteria were met.

Commissioner Pietz was also in favor of the vacation home rental and believed it also met all the criteria necessary to operate as a VHR.

Commissioner Thomas stated that, in her opinion, it met the criteria.

Commissioner Hall stated that he also felt that it met the criteria but asked the applicant to work hard and communicate to the potential renters about the parking situation and to not park on the street, in hopes of being a good citizen and making people feel heard.

Commissioner Tiedge stated that he does not believe the property met all the criteria since the zoning had changed to a variant R-4. He said that the overlay changes the dynamic and requirements of a normal unvaried R-4 zone. He asked if this impacted the current vacation home rental.

Chair Stassens asked staff how the previously approved planned development overlay provisions for this development impacted, if at all, the request before them and how they are to view the vacation home rental criteria.

Mr. Montgomery responded that the standards were exactly the same with everyone having the right to rent, sell or lease their property, or make application to use their home for vacation home rental purposes. He stated that he didn't see that the planned development changed, in any way, how the Commission was to review the application before them as the standards for a vacation rental are not addressed by the planned development.

Commissioner Tiedge asked Mr. Montgomery if a zero setback was less compatible with a VHR than if there wasn't one.

Mr. Montgomery responded that in his opinion it was not because the difference between a standard R-4 side yard setback and the provision allowed by the planned development for this property is but six feet.

Commissioner Hillestad said that, in his opinion, the neighborhood wasn't made for vacation home rentals but it was his job to be objective and "rubber stamp" the application, so that was what he was going to do, but with apprehension.

Chair Stassens stated that she felt the neighbors had valid points and suggested that their concerns needed to be addressed through better management. She followed by stating that the request, in her opinion, meets all the standards.

Commissioner Hall MOVED, based on the findings of fact, the conclusionary findings for approval, and materials submitted by the applicant to APPROVE VHR 12-15; SECONDED by Commissioner Chroust-Masin. The motion passed unanimously.

Following the close of hearing, the Commission discussed briefly the standards for approval of a vacation home rental.

Commissioner Pietz asked Mr. Montgomery about VHR's and their impact on the city and its residents. Mr. Montgomery responded that to date he had received no complaints regarding any of the licensed vacation home rentals or bed and breakfast establishments currently operating in McMinnville. He added that such uses represented some 1/10<sup>th</sup> of one percent of all housing units in McMinnville.

Commissioner Hall replied that it has been his experience that there were a number of fears voiced to the Commission in the past when these applications would come before them, but that time has shown that they seem to work well.

Commissioner Hillestad replied that silence wasn't always a good thing and that some people just didn't want to bother contesting the issue. He asked what the point of the hearing was if all the Commissioners do are check boxes and believed that there should be a reconsideration of the entire process.

Commissioner Chourst-Masin responded that everyone can request a hearing which was what currently happened and then it goes to the Planning Commission.

Commissioner Hillestad replied that the one thing that has value was that if the applicants didn't follow the rules, they could be brought back to a hearing, which had weight and value on the process.

### **3. Old/New Business**

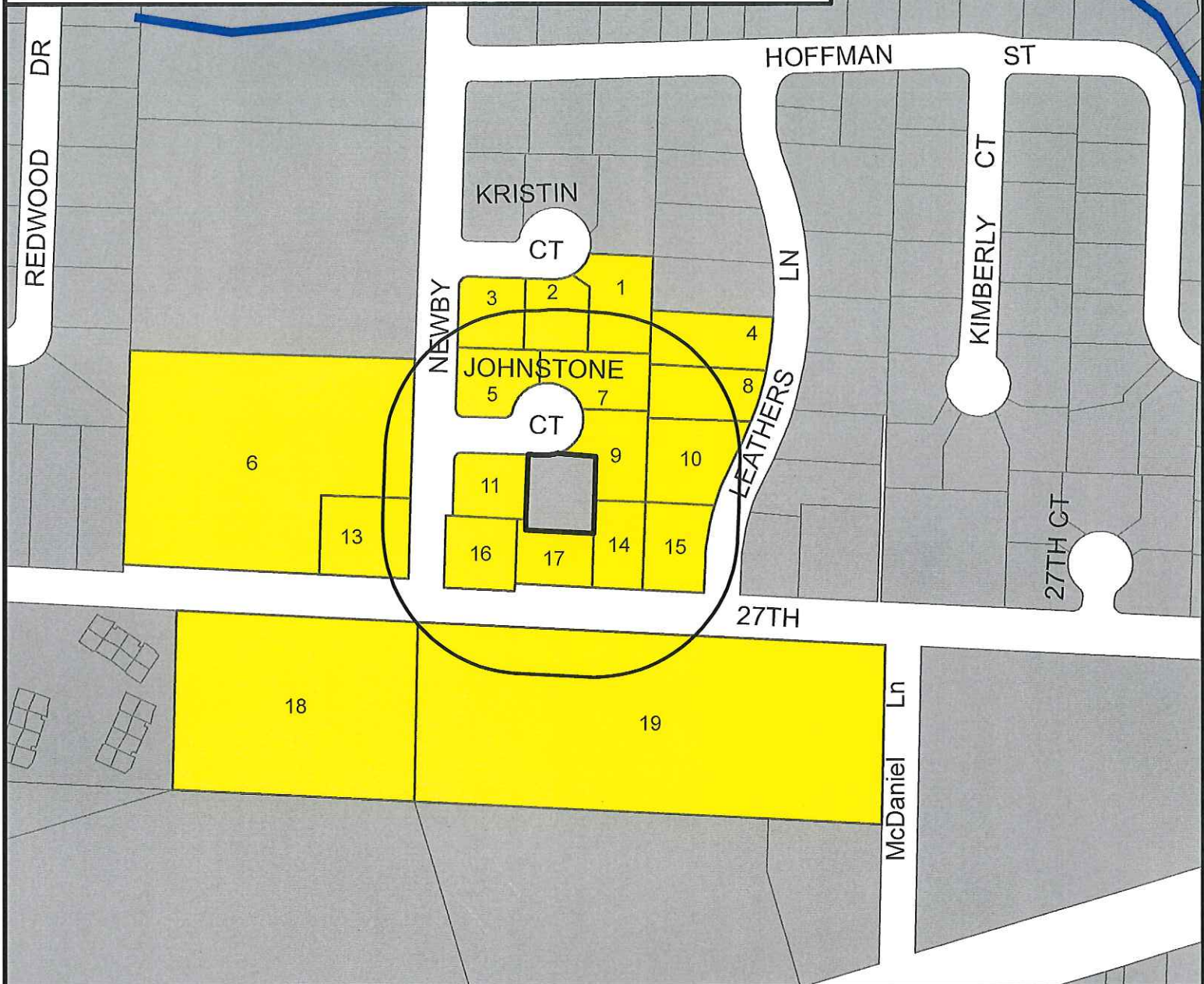
Mr. Montgomery introduced Zack Geary as a candidate for the currently vacant position on the Planning Commission and that he would be considered by the City Council for appointment at their January 26, 2016 meeting. He then closed by reminding the Commission of February's meeting.

### **4. Adjournment**

Commissioner Hall MOVED to adjourn the meeting. The motion was SECONDED by Commissioner Chourst-Masin, and passed unanimously. Chair Stassens ADJOURNED the meeting at 7:40pm.

  
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Doug Montgomery  
Secretary

# Notification Map



## CU 1-16

Yamhill County Health & Human Services Department is requesting approval of a conditional use permit to allow a residential facility providing residential care for no more than 15 (fifteen) persons within an existing structure.

## Recorded Owner:

Yamhill County Health & Human Services  
627 NE Evans Street  
McMinnville, OR 97128



APPROVED BY: PLANNING COMMISSION  
CITY COUNCIL

ATTESTED TO BY: \_\_\_\_\_



City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311



Request: Approval of a conditional use permit to allow operation of a residential facility with no more than fifteen (15) residents within an existing structure.

Location: The subject site is located at 1420 NE Johnstone Court, which is more specifically described as Tax Lot 03600, Section 16 AB, T. 4 S., R. 4 W., W.M.

Applicant: Yamhill County Health & Human Services Department

## **EXHIBITS**

1. Staff Report
2. CU 1-16 Application and Fact Sheet
3. Applicant's narrative
4. Applicant's site plan
5. List of property owners to whom notice was sent
6. Affidavit of Publication
7. Vicinity Sketch
8. Referrals
9. Email from Yamhill County Health and Human Services Recovery Coordinator Callie Gamble dated January 19, 2016

## **SUBJECT SITE**

The subject site is located along the south side of NE Johnstone Court, north of its intersection with NE 27<sup>th</sup> Street. The site is rectangularly shaped and is some 10,250 square feet in size. A two-story residence with an attached garage is situated in the approximate center of the lot. The site is virtually flat and generally enclosed with decorative and privacy residential wood fencing along its property lines. The site is landscaped with turf and a variety of shrubs, flowers and ground covers.

The site is provided access by a paved driveway that extends south from NE Johnstone Court. Paved on-site parking is provided for four (4) vehicles. NE Johnstone Court is a local residential street of cul-de-sac design that is paved and improved with curb, gutter and sidewalk throughout its entire length.

The subject site is zoned R-3 (Two-Family Residential) as are properties located to the north, south, east and west; all of which are developed with single-family residences. Property further to the south, across NE 27<sup>th</sup> Street is zoned C-3 (General Commercial) and developed with the Town Center Apartments, while property located further to the west, across NE Newby Street is zoned R-4 (Multiple-Family Residential) and improved with the Life Care Center; a short-term rehabilitation, long-term care and post-operative recovery center.

## **OBSERVATIONS**

- The applicant, Yamhill County Health and Human Services Department (HHS), has recently purchased the subject property with the intent of housing a residential facility within the existing residence. The application proposes to utilize this facility to accommodate up to five (5) women recovering from drug and/or alcohol addiction; up to ten dependent adolescent children may also be housed here. HHS has stated in their submitted narrative that the total

number of occupants would not exceed 15 at any one time. Increased exterior and landscape maintenance, and installation of backyard play equipment are anticipated for this property.

- By way of background, this residence was originally constructed in approximately 1885 and is a traditional farmhouse style with a cross gable roof. Given the original east-facing orientation of the residence, and with the 1991 platting of the Juliann Addition residential subdivision, of which the subject site is a part, what was once the front façade of the home now faces the site's rear yard. This residence is listed in the McMinnville Historic inventory and identified as a "B" (Significant) resource. This identification means that exterior renovations would need to adhere to guidelines noted in the city's Historic Resources ordinance (ORD No. 4401) adopted in 1987. However, it appears that years prior to the adoption of that ordinance a new front entry was created for the residence on the north "street side" of the house. Currently, as the applicant is not requesting any modification of the exterior of the residence, no review by the McMinnville Historic Landmarks Review Committee is required.
- Off-street parking for this property is provided by an existing concrete driveway extending southward from NE Johnstone Court leading to a concrete parking area and garage located along the north side of the residence, and provides on-site parking for four vehicles. The applicant has indicated that, because its residents typically cannot afford to own and operate a vehicle, demand for off-street parking is very limited. The history at other similar residential facilities currently owned and operated by the Yamhill County Health and Human Services Department, and housing similar numbers of individuals, is that there is rarely more than one vehicle parked at each facility at a time. Staffing parking is typically experienced as only one vehicle at a time and, on rare occasion, perhaps two. As the zoning ordinance requires the provision of three on-site paved vehicle parking spaces to meet the typical needs of a five or six bedroom home, the on-site parking provided for this five bedroom home exceeds this requirement.
- According to the applicant, residents of this facility are selected based upon stringent screening criteria, are closely supervised, and are expected to adhere to a strictly enforced code of conduct. A summary of the facility's operating procedures and policies are provided in Exhibit 9. Some of the key provisions include the following:
  - Certified alcohol and drug counselors are onsite seven days a week.
  - Residents are required to have a minimum of 30 days "clean" in the community before they can move in.
  - Drug and alcohol abstinence of the residents is required. Random urine analysis tests are conducted onsite as well as at treatment locations.
  - Quiet time is after 8:00 p.m. and bedtime for children is 8:00 p.m.
  - Male visitors are not allowed at any time with the exception of professional providers or the "hand off" of children to their fathers (this is limited to no more than five minutes).
- The criteria under which a conditional use permit request is to be reviewed are provided in Section 17.74.030 of the McMinnville Zoning Ordinance, and are repeated in Exhibit "A," attached to this report. In narrative form, the applicant's submittal speaks to these elements. In permitting a conditional use permit, the Planning Commission may impose conditions it finds necessary to avoid "detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole." These conditions are noted in Section 17.74.040. Based upon staff's review of this request, some conditions are recommended, should the Commission find in favor of this proposal.

- The applicant's narrative provides a brief history of the Transitional Treatment Recovery Services program managed by Yamhill County Health and Human Services (HHS). Although previously operating as the "Reflections" program, this outreach and assistance program has operated successfully in McMinnville since 1992. There are currently two such residential facilities managed by HHS in the same neighborhood as the proposed site. One such residence is located west of and adjacent to the subject site and fronts onto NE Newby Street. The second such residence is located diagonally behind and east of the subject site and fronts onto NE 27<sup>th</sup> Street. These two residential facilities have been in operation for approximately two years. Only some ten months ago, in April of 2015, was the McMinnville zoning ordinance amended making establishment of a residential facility a conditional use in the R-1, R-2 and R-3 zones. No neighborhood complaints or concerns have been received by the Planning Department during their tenure of these two adjacent facilities.
- In 1988, Congress amended the federal Fair Housing Act to classify people with disabilities as a protected class for which cities must make "a reasonable accommodation" in their zoning codes. A 1995 U.S. Supreme Court case<sup>1</sup> upheld the Act's application to zoning. Since the passage of these amendments, there has been a great deal of litigation concerning the Act's effect on the ability of local governments to exercise control over group living arrangements, particularly for persons with disabilities.

The Fair Housing Act prohibits a broad range of practices that discriminate against individuals based on race, color, religion, sex, national origin, familial status, and disability. Persons with disabilities (handicaps) are individuals with mental or physical impairments that substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, intellectual development disorder (IDD), alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term "major life activity" may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Act does not pre-empt local zoning laws. However, it does prohibit local governments from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities.

The Fair Housing Act makes it unlawful --

- To utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities, or a specific type of disability, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.
- To take action against, or deny a building permit for, a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons who were hearing or seeing impaired.
- To refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.

The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone

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<sup>1</sup> City of Edmonds v. Oxford House, Inc. 514 U.S. 725 (1995)

poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

A local government would break the law if it rejected a housing development proposal in a community because of neighbors' prejudice that such housing would be occupied by persons of a certain religion, race or national origin. Similarly, a local government can violate the Fair Housing Act if it blocks a residential care facility or group home in response to neighbors' fears or prejudices about persons with one or more disabilities. If the evidence shows that the decision-makers were responding to the wishes of their constituents, and that the constituents were motivated in substantial part by discriminatory concerns, which could be enough to prove a violation.

If the record shows that there were valid reasons for denying an application that were not related to the disability of the prospective residents, the courts will give little weight to isolated discriminatory statements. If, however, the purportedly legitimate reasons advanced to support the action are not objectively valid, the courts are likely to find that there has been discrimination.

- Copies of this application and requests for comment were forwarded to the City of McMinnville Fire Department, Engineering Department, Building Division, Parks Department, Police Department, City Manager, and City Attorney; McMinnville School District No. 40; McMinnville Water and Light; Yamhill County Public Works; Yamhill County Planning Department; Verizon; Comcast Cable, and Northwest Natural Gas. As of the date this report was written, the Planning Department had received no public comment. Of the agencies contacted, the Planning Department has received comment from McMinnville Water and Light, and the McMinnville Fire Department. Their comments are provided below.

McMinnville Water and Light:

"Existing water meter is a 5/8-inch. The meter may need to be upsized if a building sprinkler system (13D) is required off this meter. All costs to upsize will be at the owner/developer's expense."

McMinnville Fire Department:

"The change of use of the occupancy would require them to have fire sprinkler and alarm system systems installed. Yamhill County was made aware of these conditions and the need for permits to install at a pre-application meeting."

- The Findings of Fact and Conclusionary Findings are attached as Exhibit "A" to this report and are by this reference herein incorporated.

## **RECOMMENDATION**

In deliberating the merits of this conditional use permit, the Commission should keep in mind that McMinnville, like all cities in the United States, is significantly restricted by state and federal laws as to how such facilities are treated and regulated and, most importantly, that we must follow state and federal anti-discrimination housing laws. These laws are embodied within the federal Fair Housing Act (FHA), as well as State statutes and court cases. The FHA prohibits housing discrimination against handicapped persons, which by definition includes persons with mental or physical impairments that substantially limit one or more major life activities. According to the FHA, handicapped persons include recovering drug and substance users,

which is the population served by this proposed residential facility. The federal policy supports the unrestricted location of such facilities and further restricts the ability of cities to decide how and where they can be located.

State law affects us as well. Residential facilities are not considered businesses and therefore have the right to locate in residential zones. Within the confines of State and Federal law, cities can implement zoning regulations to a limited extent. Cities can adopt regulations, as McMinnville did, to specify how such facilities can be approved in each residential zone.

Our local land use and zoning regulations and activities must comply with federal and state fair housing laws that prohibit discrimination in housing against individuals with disabilities. Local zoning laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. In short, the Commission's consideration of this request must be blind to the population being served to avoid violation of the federal Fair Housing Act, unless it can be shown that the population would present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

Beyond these federal rules, and more specific to the application currently before the Commission, it is staff's observation that the applicant has operated similar adjacent facilities in McMinnville with strong "zero tolerance" policies for its residents. Additionally, the Planning Department is aware of no history of neighbor complaints regarding either of these two adjacent facilities. This is important to recognize in that the federal rules do not allow us to make distinctions between the populations that occupy this property when considering this conditional use permit request. Because of this and for the reasons cited previously, the information provided in the applicant's submitted materials, and the attached conclusionary findings for approval, staff recommends that the requested conditional use permit (CU 1-16) be approved, subject to the conditions as follows:

1. That the residential facility be limited to occupancy by women and their dependent children, to a maximum of 15 (fifteen) individuals at any one time.
2. That prior to use of the subject site for residential facility purposes, the applicant shall secure appropriate licensing from the Oregon Department of Human Services and provide proof of such licensing to the McMinnville Planning Department. Use of this property for residential facility purposes shall be contingent upon the requirements of this conditional use permit and maintenance of a valid state license. Should this license be revoked or suspended, as provided in ORS 443.440, use of the subject site for residential facility purposes shall cease immediately.

## MOTION

The Planning Department recommends the Commission make the following motion for approval:

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES CU 1-16, SUBJECT TO THE CONDITIONS AS RECOMMENDED STAFF.**



**EXHIBIT "A"**  
**FINDINGS OF FACT AND CONCLUSIONARY FINDINGS**  
**DOCKET CU 1-16**

**FINDINGS OF FACT**

1. The applicant is requesting approval of a conditional use permit to allow operation of a residential facility with no more than fifteen (15) residents within an existing structure. The subject site is located at 1420 NE Johnstone Court, which is more specifically described as Tax Lot 3600, Section 16 AB, T. 4 S., R. 4 W., W.M.
2. The subject property is currently zoned R-3 (Two-Family Residential) and is designated as Residential on the McMinnville Comprehensive Plan Map.
3. Sanitary sewer and municipal water and power are all available to the site. The municipal waste treatment plant has sufficient capacity to accommodate expected waste flows resulting from use of this property for residential facility purposes.
4. The City of McMinnville Engineering, Building, and Parks Departments; McMinnville Fire Department; City Manager; City Attorney; McMinnville School District No. 40; McMinnville Police Department; McMinnville Water and Light; Yamhill County Planning Department, and County Public Works; Frontier Communications; Comcast Cable; and, Northwest Natural Gas have been provided an opportunity to review the proposal. As of the date of this report, no comments in opposition to the request have been received.
5. Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 which are applicable to this request include:

Chapter V Housing and Residential Development

GOAL V 1 TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

General Housing Policies:

- 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.
- 64.00 The City of McMinnville shall work in cooperation with other governmental agencies, including the Mid-Willamette Valley Council of Governments and the Yamhill County Housing Authority, and private groups to determine housing needs, provide better housing opportunities and improve housing conditions for low and moderate income families.
- 67.00 Subsidized low-cost housing shall be dispersed throughout the McMinnville urban area. Dispersal plans shall be coordinated with appropriate agencies.

Chapter VI Transportation System

Parking:

- 126.00 The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

## Chapter VII Community Facilities and Services

### Sanitary Sewer System:

- 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.

### Storm Drainage:

- 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.

### Water System:

- 144.00 The City of McMinnville, through the City Water and Light Department, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.
- 147.00 The City of McMinnville shall continue to support coordination between City departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with the City Water and Light Department in making land use decisions.

6. The following sections of the McMinnville Zoning Ordinance (No. 3380) are applicable to this request:

#### General Provisions:

"17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare."

#### Definitions:

"17.06.015 General Definitions.

- [..] Residential Facility – A residential care, residential training or residential treatment facility, as those terms are defined in OS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals (excluding staff) who need not be related."

Use:

"17.18.020 Conditional uses. In an R-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

[..] (P) Residential Facility as defined in Chapter 17.06 (Definitions)."

Parking:

17.60.060(A)(5) Single-family and two-family dwelling: Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.

Signs:

"17.62.40 (P) One indirectly illuminated or nonilluminated wall sign not exceeding one and one-half (1.5) square feet in area placed on any residential building. This type of sign is typically used as a name or address plate.

Section 17.74.030 of the McMinnville Zoning Ordinance states:

"Authorization to grant or deny conditional uses. A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform with the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;

- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes."

Section 17.74.040 of the McMinnville Zoning Ordinance states in part:

"Placing conditions on a permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole [...]"

## **CONCLUSIONARY FINDINGS FOR APPROVAL**

1. The subject request complies with applicable goals and policies of the McMinnville Comprehensive Plan, 1981 (Finding of Fact No. 5) as follows:
  - a. Goal V 1 is satisfied in that approval of this request will help to provide additional affordable, quality housing for city residents.
  - b. Policies 58 and 64 are satisfied in that the Yamhill County Health and Human Services Department proposes establishment of a residential facility to provide quality housing for individuals of lower income and who are covered by the federal Fair Housing Act.
  - c. Policy 67.00 is satisfied in that, while the proposed facility would be co-located with two existing adjacent residential facilities to better realize staffing benefits through economies of scale, other similar residential facilities operated by diverse agencies are dispersed throughout McMinnville and have operated for years to no demonstrable detriment upon the surrounding neighborhoods.
  - d. Policy 126.00 is satisfied in that provision of adequate, paved, off-street parking sufficient to support the proposed use is currently available.
  - e. Policies 136.00, 142.00, 144.00, and 147.00 are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, presently and adequately serve the site. Additionally, the Water Reclamation Facility has adequate capacity to continue to sufficiently serve the proposed use of this site. All municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards, and the City shall continue to support interagency cooperation to insure the coordinated provision of utilities to developing and redeveloping areas.
2. The subject request complies with the applicable requirements of the McMinnville Zoning Ordinance (Finding of Fact No. 6) as follows:
  - a. Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.

- b. Section 17.06.015 is satisfied by the request in that the proposed use complies with the adopted definition of a residential facility.
  - c. Section 17.18.020(P) is satisfied in that the required conditional use review process is being adhered to prior in order to make possible the establishment of the desired use.
  - d. Section 17.60.060(A)(5) is satisfied in that while three off-street parking spaces are required to support the proposed use, four such spaces are currently provided onsite.
  - e. Section 17.62.040 (P) is satisfied by the request in that no signage is being proposed for the site.
3. The proposal complies with the requirements of Section 17.74.030 as follows:
- a. The subject site is properly designated and zoned for the proposed use on the McMinnville Comprehensive Plan Map, 1980, and the McMinnville Zoning Map 1980, respectively. A residential facility is a conditional use allowed in the R-3 zone as stated in Section 17.18.020 (P).
  - b. Use of this property as a residential facility will have little or no impact on the livability or appropriate development of the surrounding properties and neighborhood when compared to the impact of any single-family residence or other uses permitted in the R-3 zone. The impacts of the proposed use will be similar or less when compared to some uses that are permitted outright in this zone. Vehicular access to and from the parking area will be provided by a paved residential driveway intersecting NE Johnstone Court (a Local Residential street) which is designed to accommodate the vehicle traffic generated by this use. Adequate public facilities and services necessary to serve the proposed use are available to and presently serve the site.
  - c. Operation of the proposed facility will be compatible with the surrounding neighborhood and is not anticipated to result in any significant adverse impact on the livability, value, or appropriate development or use of abutting properties.
  - d. The existing residence is presently designed, landscaped, and situated in a manner that is complementary to existing development, and does not visually detract from the surrounding area.
  - e. The residence located on the subject site and proposed for residential facility use is identified as a "B" (Significant) on the city's Historic Landmarks inventory. The applicant is proposing no modifications to the exterior of this residence therefore preserving the existing therefore preserving the existing character of this historic home.
  - f. The applicant has a bona fide intent and capability to use the site as proposed. There is no known inappropriate purpose for submitting the proposal.
4. Section 17.74.040 allows additional conditions to be imposed on a new conditional use. In this instance, in addition to those requirements provided in the McMinnville Zoning Ordinance and building, fire, life, and safety codes, the City has determined that two conditions of approval be adopted as noted above.



Planning Department  
231 NE Fifth Street • McMinnville, OR 97128  
(503) 434-7311 Office • (503) 474-4955 Fax  
[www.ci.mcminnville.or.us](http://www.ci.mcminnville.or.us)

Office Use Only:	
File No.	<u>CU 1-16</u>
Date Received	<u>1-14-16</u>
Fee	<u>\$1055.00</u>
Receipt No.	<u>16M0007</u>
Received by	<u>SP</u>

## Conditional Use Application

### Applicant Information

Applicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other \_\_\_\_\_

Applicant Name Yamhill Co. Health & Human Services Phone 503-434-7527

Contact Name Silas Halloran-Steiner Phone 503-435-7572  
(If different than above)

Address 627 NE Evans

City, State, Zip McMinnville, OR 97128

Contact Email halloras@co.yamhill.or.us

### Property Owner Information

Property Owner Name Same as above Phone \_\_\_\_\_  
(If different than above)

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Contact Email \_\_\_\_\_

### Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 1420 NE Johnstone Court, McMinnville, OR 97128

Assessor Map No. R4416-AB-03600 Total Site Area 10.165

Subdivision Juliann Add't Block 1 Lot \_\_\_\_\_

Comprehensive Plan Designation Res'l Zoning Designation R-3PD

1. State nature of the request in detail: \_\_\_\_\_

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2. Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance: \_\_\_\_\_

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3. Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development: \_\_\_\_\_

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- [illegible]

- [illegible]



6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how? \_\_\_\_\_

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7. Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: \_\_\_\_\_

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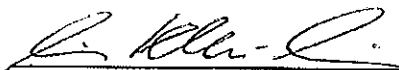
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In addition to this completed application, the applicant must provide the following:

- ☐ A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), clearly showing existing and proposed features within, and adjacent to, the subject site, such as: Access; lot and street lines with dimensions; distances from property lines to structures; structures and other proposed and existing improvements; north direction arrow; and significant features (slope, vegetation, adjacent development, drainage, etc.).
- ☐ A legal description of the property, preferably taken from deed.
- ☐ Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

  
Applicant's Signature

1/13/16  
Date

  
Property Owner's Signature

1/13/16  
Date

**Conditional Use Application  
Detailed Responses  
From Yamhill County Health and Human Services  
1420 Johnstone Court**

**State nature of the request in detail:**

Yamhill County Health and Human Services is requesting a Conditional Use Permit for a Residential Facility under 17.18.020 P of the Zoning Code for the R-3 Two-Family Residential Zone. Yamhill County Health and Human Services would like use the existing single-family home for the Transitional Treatment Recovery Services (TTRS) drug treatment program operated by Yamhill County Adult Behavioral Health. The 5-bedroom home will be occupied by up to five women in treatment and their children. It will not be used by the operators as a residence and will house no more than fifteen people not related to the operator, and thus meets the requirements for a Residential Facility.

What was once known as the “Reflections” program. The Transitional Treatment Recovery Services program has operated successfully in McMinnville since 1992. At the time, Reflections was licensed as a “transitional residential” facility by the state Addictions and Mental Health Division and was developed as one of two pilot project sites to reduce demand on the residential substance abuse treatment facilities in Oregon. The model was so successful that these facilities were licensed for over 20 years, even through periods of massive state budget cuts to substance abuse treatment. In mid-2013, Yamhill County Health and Human Services joined with Oregon’s Strengthening, Preserving and Reunifying Families Program and expanded Reflections into what is now known as the Transitional Treatment Recovery Services program. These homes seem to work best where access to core services is relatively easy due to relatively short travel distances, yet the area is large enough to have a continuous need for this level of housing and services. The adult residents are women receiving state-approved outpatient substance abuse treatment who have been in recovery for a minimum of thirty days. Since the opening of the TTRS homes in May 2014, the two women’s homes have housed twenty-six women and forty-two of their children; all of whom were homeless by the Housing Authority standards.

Program acceptance criteria for women include that the women are actively engaged in substance abuse treatment, are working hard at it, have demonstrated at least thirty days of success, but do not currently have a living situation which supports recovery from substance abuse. Many women will be working with Child Welfare to maintain or regain custody of their children, avoiding expensive and problematic permanent foster care placements. The TTRS program is designed to promote the return of children to their parent’s care sooner or eliminate entirely the need to place the children in foster care. TTRS does this by providing support and guidance to these women and their families in transition to a self-sufficient lifestyle. These women have many barriers; however, with effective support and services, they are able to become productive citizens and better parents.

Onsite TTRS staff observes residents daily. The multi-disciplinary team working with the residents includes probation officers, courts, mental health, public health, Provoking Hope, Lutheran Community Services, mental health therapists, and substance abuse counselors; all of

whom communicate regularly about the residents' performances. Urine samples are taken onsite and lab tested. Any documented drug use (including alcohol) may result in immediate termination. There is a full-time TTRS Coordinator and other staff, yet there is not a 24-hour, daily staffing plan. The state administrative rule pertaining to transitional substance abuse facilities provides for this as long as there is a designated resident to handle emergency situations. TTRS exceeds this requirement as all residents are trained to handle emergency situations. In addition, program staff carry a 24-hour pager (cell phone) for immediate access.

There are currently three other existing Residential facilities located in McMinnville operated by the Yamhill County Health and Human Services Department. As these facilities were established prior to recent zoning ordinance amendments making a Residential Facility a conditional use, these existing facilities are legally grandfathered. One of the three facilities has been in operation for over six years and the other two for almost two years. To date, our program has not received any complaints about the program's operation process, noise levels, or any other concerns. In addition, the R-3 Two-Family Residential Zone allows as many as fifteen residents in one home which our program will comply with as this residence will only have five adults and their children with no more than ten children at any one time.

Input from the women served has been obtained continuously since before 1992. Current and past residents relate how Reflections and now, the TTRS program have helped them solidify their recovery, regain custody of their children, start a good rental history, and provide safety and stability for their families.

**Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance:**

As a house, this request falls primarily under Comprehensive Plan Chapter V, Housing and Residential Development. Below is a list of Policies from Chapter V applicable to this application with an explanation of how the proposal would further this policy:

*58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.* Explanation: This request would provide housing for an element of the community for which there is a limited but important supply. The existing residence would provide a safe and supportive home for women in treatment for drug addiction and their children. The house itself is of typical design for the neighborhood and is within allowed density for the area. The proposal meets this policy.

*64.00 The City of McMinnville shall work in cooperation with other governmental agencies, including the Mid-Willamette Valley Council of Governments and the Yamhill County Housing Authority, and private groups to determine housing needs, provide better housing opportunities and improve housing conditions for low and moderate income families.* Explanation: Yamhill County Health and Human Services is the one bringing this request to accommodate an important need for affordable housing. As mentioned above, all the residents for the past several years qualified as homeless, clearly persons in need of better housing opportunities and improved housing conditions. The proposal meets this policy.

*67.00 Subsidized low cost housing shall be dispersed throughout the McMinnville urban area. Dispersal plans shall be coordinated with appropriate agencies.* Explanation: The Yamhill County Health and Human Services Department coordinates placement of such facilities with other area social service agencies in order to better meet clients' needs. In this instance, there are two similar facilities adjacent to the subject site that has operated seamlessly in the neighborhood for almost two years. By co-locating with adjacent homes, we are being good stewards of public funds due to economies of scale achieved with program co-location. Other similar facilities are located across town in the community. The Transitional Treatment Recovery Services program strives to be near transit lines where feasible to provide mobility for those without vehicles. The proposal meets this policy.

As for the requirements of the R-3 zone, this lot is in compliance as follows:

17.18.030 Lot size: The lot is approximately 10,250 square feet in size and exceeds the 7,000 square foot minimum. The proposal meets this zoning ordinance requirement.

17.18.040 Yard requirements: As shown on the attached site plan, the house currently meets all setback requirements. The proposal meets this zoning ordinance requirement.

17.18.050 Building Height: The house is two stories and definitely less than thirty-five feet in height. The proposal meets this zoning ordinance requirement.

17.18.070 Signs: There will be no sign designated for this project. The proposal meets this zoning ordinance requirement.

**Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have the minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development:**

Viewed from the public street or other nearby properties, the house does not look different from any of the other homes in the area, so it is compatible with the neighboring houses. The house is in "harmony" with the rest of the residences in that neighborhood. The utilization of public facilities and utilities are similar to any single-family house in the neighborhood.

Due to the income levels of the women residing at TTRS, most do not have vehicles. In addition to possibly one or two resident vehicles being parked at this residence, there is typically a vehicle present from Yamhill County Adult Behavioral Health. The amount of traffic generated at the site is not exceptional, certainly less than a family of four with two teenage drivers that would be allowed outright in the R-3 zone. One of the reasons this location was selected was its proximity to the City transit route. From our experience in this community, operation of this proposed Residential Facility will operate seamlessly within the neighborhood which is the history of our other local Residential Facilities.

**Describe what impact the proposed development may have on the livability, value, or appropriate development of abutting properties or the surrounding area when compared to the impact of permitted development that is not classified as conditional:**

As described in the previous response, the house fits right in to the neighborhood. To the casual passerby there will be nothing to indicate that this residence is not occupied as a typical single-family home. The abutting and surrounding properties should see women occasionally, coming and going to attend to their daily responsibilities, and they should see a few children playing in the yard; activities normal for the neighborhood.

**Describe how the location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants:**

The house is constructed in a fairly traditional manner on a typical subdivision lot.

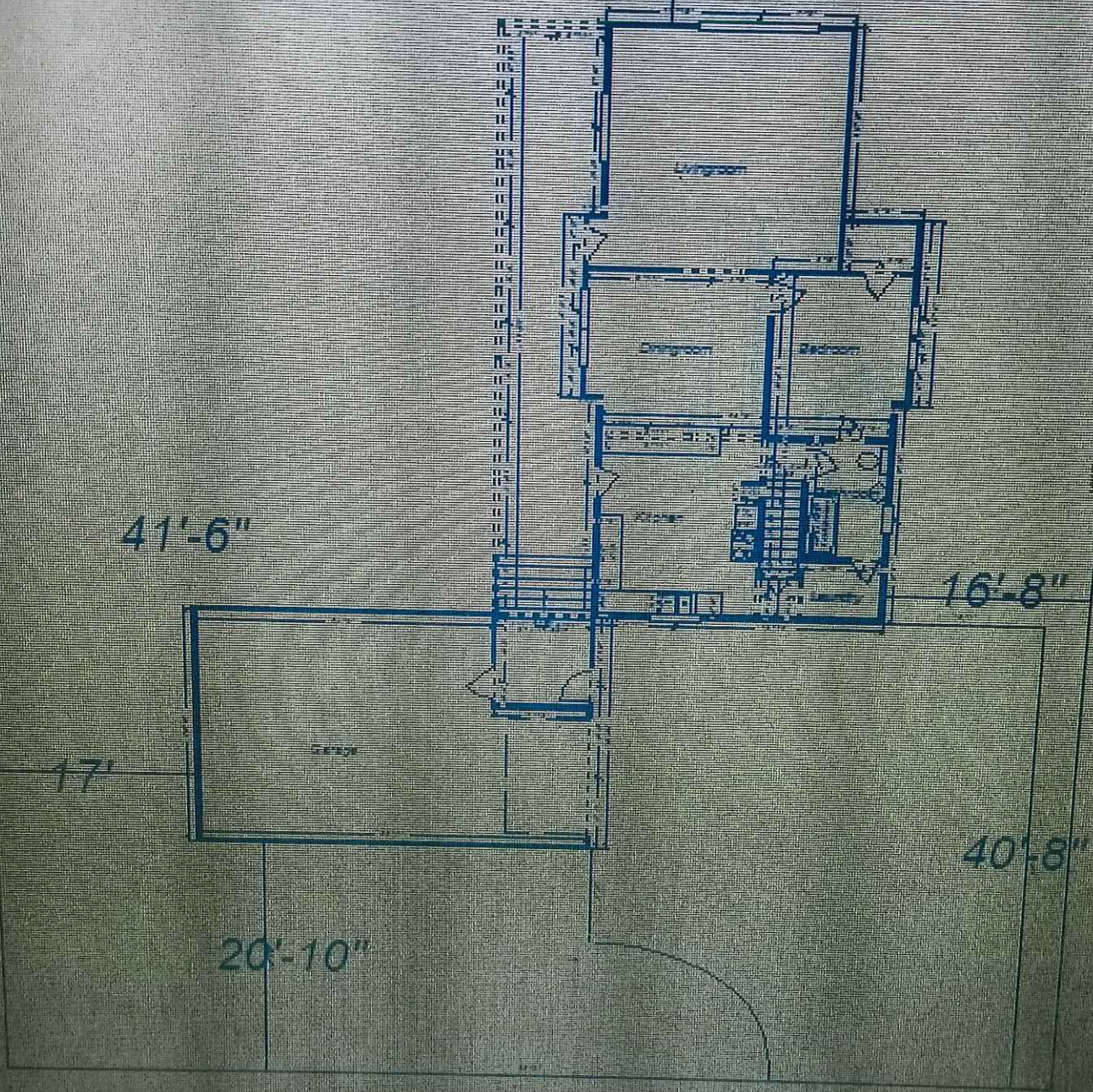
**Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how?**

There are no unique environmental assets, vegetation or topography on this residential lot.

**Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes:**

The use is exactly as stated above with no attempt to affect property values.





1420 NW Johnstone Ct Plot Plan



# NOTICE

NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 18th day of February, 2016, at the hour of 6:30 p.m. in the McMinnville Civic Hall Building located at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

DOCKET  
NUMBER

CU 1-16 Yamhill County Health & Human Services Department is requesting approval of a conditional use permit to allow a residential facility providing residential care for no more than 15 (fifteen) persons within an existing structure. The subject site is located at 1420 NE Johnstone Court and is more specifically described as Tax Lot 03600, Section 16AB, T. 4 S., R. 4 W., W.M.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a decision.

The Planning Commission's decision on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The requirements of McMinnville Ordinance No. 3380 (the Zoning Ordinance) with particular emphasis on Section 17.03.020 (Purpose), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.72 (Applications and Review Process), and Chapter 17.74 (Review Criteria).

Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Planning Commission opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon, during working hours.

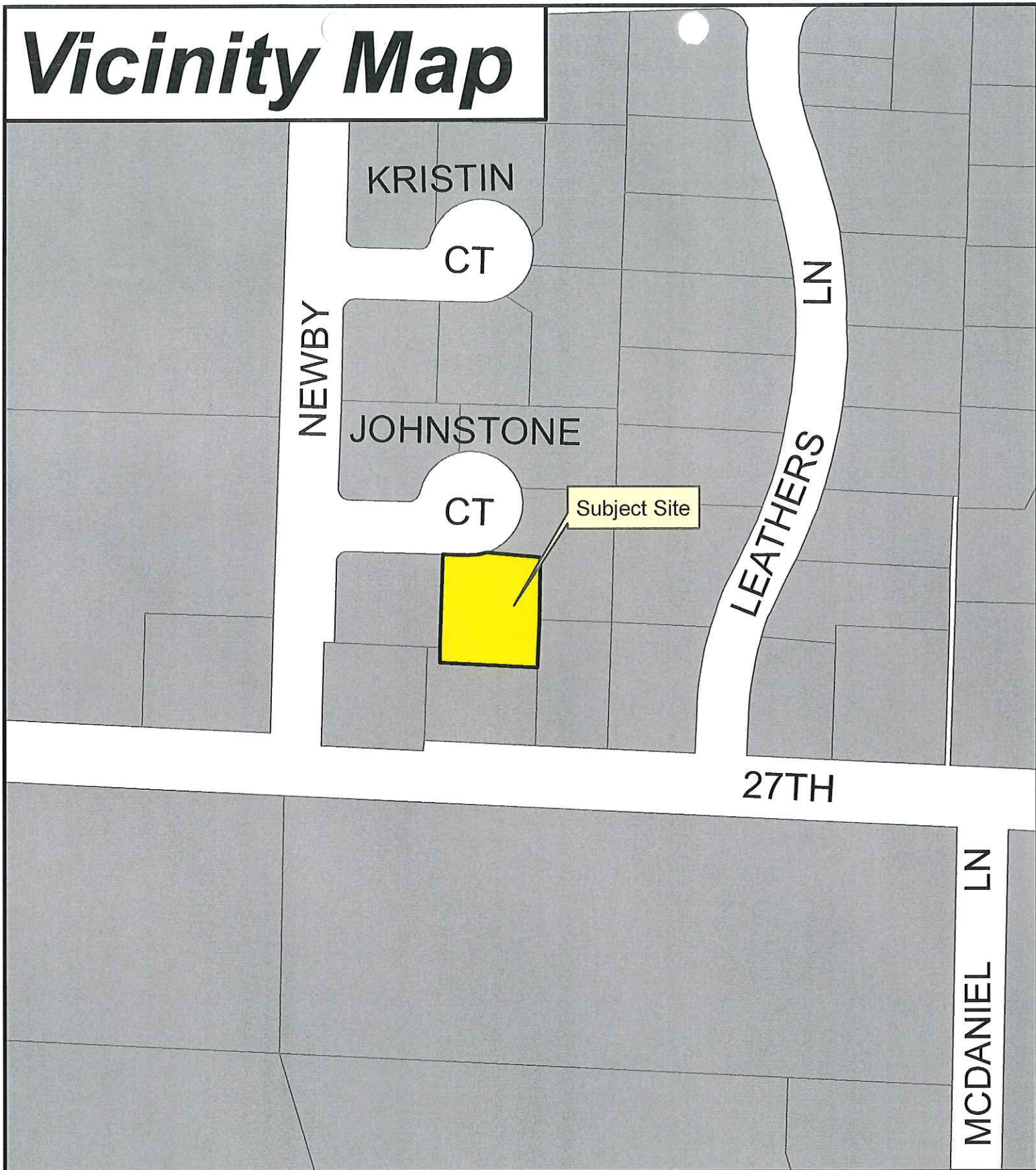
For additional information contact Ron Pomeroy, Principal Planner, at the above address, or phone (503) 434-7311.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

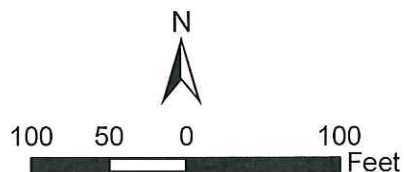
  
Doug Montgomery  
Planning Director

(Map of area on back)

# Vicinity Map



Geographic Information System



City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311



Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing	City State	Zip
1	R4416AB03000	1470 NE KRISTIN CT	KOTAICH KAMAL	KOTAICH LORI J	1470 NE KRISTIN CT	MCMINNVILLE OR	97128
2	R4416AB03100	1442 NE KRISTIN CT	EDER PAULINE	EDER PAULINE	1442 NE KRISTIN CT	MCMINNVILLE OR	97128
3	R4416AB03200	1420 NE KRISTIN CT	CONNELL ERIK	CONNELL ERIK C	1036 NW DEL MONTE DR	MCMINNVILLE OR	97128
4	R4416AB01900	2771 NE LEATHERS LN	MOTSINGER JACQUELINE	MOTSINGER JACQUELINE M	2771 NE LEATHERS LN	MCMINNVILLE OR	97128
5	R4416AB03300	1421 NE JOHNSTONE CT	LUCAS JUAN	LUCAS JUAN C	1421 NE JOHNSTONE CT	MCMINNVILLE OR	97128
6	R4416AB04200	1309 NE 27TH ST	MCMINNVILLE REAL ESTATE INVESTORS LLC	C/O LIFE CARE CENTERS OF AMERICA	3570 KEITH ST NW	CLEVELAND TN	37312
7	R4416AB03400	1433 NE JOHNSTONE CT	MID VALLEY	MID VALLEY REHABILITATION INC	16700 S HIGHWAY 99W	AMITY OR	97101
8	R4416AB01800	2743 NE LEATHERS LN	PARKS-BROWN SALLY	PARKS RONALD B	2743 NE LEATHERS LN	MCMINNVILLE OR	97128
9	R4416AB03500	1457 NE JOHNSTONE CT	MID VALLEY	MID VALLEY REHABILITATION INC	16700 S HIGHWAY 99W	AMITY OR	97101
10	R4416AB01700	2725 NE LEATHERS LN	BARTON KYLER	BARTON ALEXANDRA S	2725 NE LEATHERS LN	MCMINNVILLE OR	97128
11	R4416AB03700	2732 NE NEWBY ST	YAMHILL COUNTY HEALTH AND HUMAN SERVICES	ATTN SILAS HALLOLAN-STEINER	627 NE EVANS	MCMINNVILLE OR	97128
13	R4416AB04300	1341 NE 27TH ST	KNUTZ MIKE	KNUTZ TAMMY	1341 E 27TH ST	MCMINNVILLE OR	97128
14	R4416AB04000	1461 NE 27TH ST	YAMHILL COUNTY HEALTH AND HUMAN SERVICES	ATTN SILAS HALLOLAN-STEINER	627 NE EVANS	MCMINNVILLE OR	97128
15	R4416AB01600	1505 NE 27TH ST	DOTY BRIAN	DOTY TONI D	1505 NE 27TH ST	MCMINNVILLE OR	97128
16	R4416AB03800	1415 NE 27TH ST	THAYER JACK	THAYER JACK S	14855 TIDELAND RD	NEHALEM OR	97131
17	R4416AB03900	1427 NE 27TH ST	JOHNSTONE ROBERT	JOHNSTONE JULIANNE	PO BOX 912	MCMINNVILLE OR	97128
18	R4416AB00106	1310 NE 27TH ST	ORCHARDS LHTC LLC	% GUARDIAN MANAGEMENT LLC	PO BOX 5668	PORTLAND OR	97228
19	R4416AB00100	1500 NE 27TH ST	TOWN CENTER	TOWN CENTER APARTMENTS LLC	1605 CATALINA AVE	SEAL BEACH CA	90740
Owner	R4416AB03600	1420 NE JOHNSTONE CT	FEDERAL HOME	FEDERAL HOME LOAN MORTGAGE CORP	5000 PLANO PKWY	CARROLLTON TX	75010

From: Callie Gamble [gamblec@co.yamhill.or.us]  
To: Ron Pomeroy  
Cc:  
Subject: RE:

Sent: Tue 01/19/2016 2:51 PM

Hi Ron,

I believe I mentioned some of this in the application under criteria, but I would like to add that we tend to manage our programs much more tightly than Helping Hands. For instance:

- We have certified alcohol and drug counselors on site seven days-a-week.
- Residents are required to have a minimum of 30 days clean in the community before move in.
- We require abstinence of our residents who are not only randomly UA'd on site but also in treatment.
- We have many providers in the homes on a consistent basis such as parent coaches, certified recovery mentors, and house staff.
- We require community support meetings, AA and NA, a minimum of three times a week which residents have to turn in summaries of those meetings weekly.
- We require the residents to have a sponsor/mentor.
- Residents have chores they have to do daily by 6:00 p.m.
- No television before 5:00 p.m. Monday through Friday.
- Quiet time is after 8 p.m.
- Bedtime for the children is 8:00 p.m.
- Women can have female visitors up until 8 p.m. seven days-a-week but if a visitor is suspected of being under the influence of alcohol or drugs, they are asked to leave the premises.
- No male visitors are allowed with the exception of professional providers such as probation officers and DHS case workers with the exception of hand off of children to their fathers but even then, the hand off can only be a few to five minutes to discuss the children.
- The residents also have curfews. For the first 21 days of residency, their curfew is 5:00 p.m. After 21 days, if they have children, their curfew is 8:00 p.m. If they do not have their children, curfew is 10:30 p.m.
- Residents only have four passes a month which means they can stay out on a Friday or Saturday four times per month. They also have to make sure where they are going is approved by DHS staff and that house staff approves the passes.

There are many more guidelines/policies, but I think the above is the most major ones. If you have any questions or need more information, just let me know.

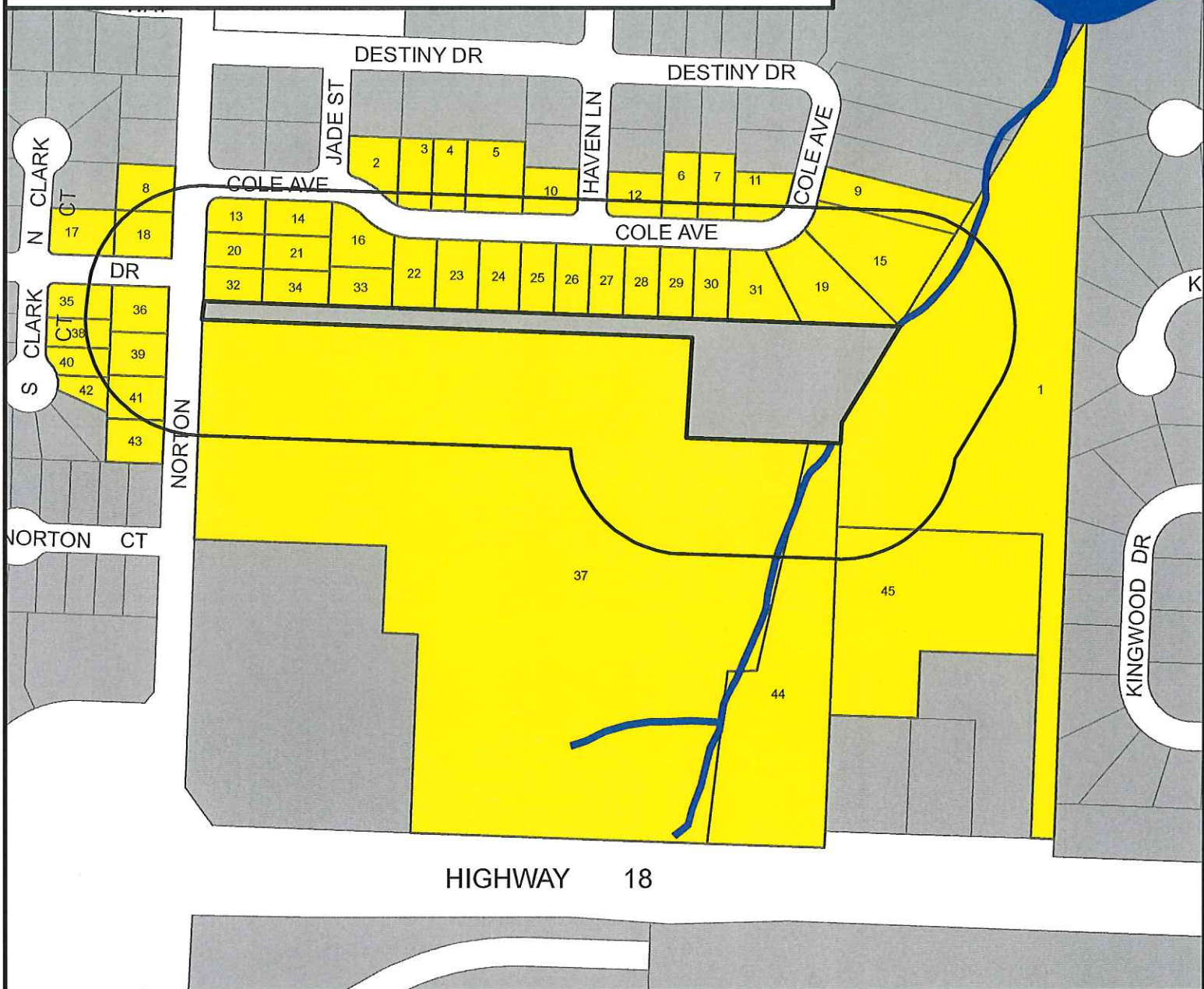
Thanks,

*Callie Gamble*

Transitional Treatment Recovery Services Coordinator  
420 NE 7<sup>th</sup> Street  
McMinnville, OR 97128  
Office: 503-474-4923  
Adult Behavioral Health: 503-434-7527 Ext. 4923  
Fax: 503-474-4949

This e-mail may contain client information protected under federal law. If you are not the intended recipient, reading or sharing in any way this client information violates federal law; please fully delete the e-mail immediately and notify me. If you are the intended recipient, client information may not be shared with any person not authorized by federal law (Part 2, 42 CFR, HIPAA).

# Notification Map



CU 2-16

Tankersley, Wright & Strunk, LLC,  
representing Chemeketa Community College,  
is requesting approval of a day care facility  
within an existing structure.

Recorded Owner:

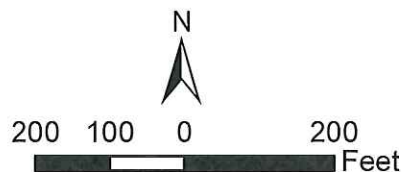
Chemeketa Community College  
PO Box 14007  
Salem, OR 97309



APPROVED BY: PLANNING COMMISSION

CITY COUNCIL

ATTESTED TO BY: \_\_\_\_\_



City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311



Request: Approval of a conditional use permit to establish and operate a day care facility within an existing structure.

Location: 470 NE Norton Lane, and more specifically described as a portion of Tax Lot 03700, Section 22, T. 4 S., R. 4 W., W.M.

Applicant: Tankersley, Wright & Strunk, LLC

## **EXHIBITS**

1. Staff Report and Findings of Fact
2. CU 2-16 Application and Fact Sheet
3. Applicant's narrative
4. Legal description for the proposed site
5. Aerial map provided by the applicant
6. Site plan provided by the applicant
7. McMinnville Ordinance 4506
8. List of property owners to whom notice was sent
9. Affidavit of Publication
10. Referrals
11. Vicinity Sketch

## **SUBJECT SITE**

The subject site is located east of NE Norton Lane and at the northeastern corner of the Yamhill Professional Center (home of Chemeketa Community College Yamhill Valley Campus). This site is also located directly south of and adjacent to the Norton Crest residential subdivision. The site is somewhat rectangularly shaped and is approximately two acres in size. The topography is generally flat with the exception of a steep downward slope along its eastern edge leading to a seasonal drainage ravine that flows into the South Yamhill River. A one-story residence with an attached garage is situated in the approximate center of the site with a large sheet metal clad outbuilding located to the northeast. The main portion of the site is residentially landscaped with turf grass and assorted decorative shrubs. A brick wall with structural concrete block pilasters exists along the south and west edges of the site. Combinations of mature evergreen and deciduous trees define the west and east edges of the property. The site is currently provided access by a private paved drive extending some 775 feet east from NE Norton Lane.

The subject site and land to the south and east is designated as Commercial on the comprehensive plan map and zoned C-3 PD (General Commercial Planned Development) and O-R PD (Office Residential Planned Development), respectively. The land to the south and southeast was originally developed as the Tanger Outlet Mall and is now identified as the Yamhill Professional Center housing the Chemeketa Community College Yamhill Valley Campus as well as offices for the Department of Human Services and Workforce Yamhill County in addition to a number of medical and dental services. Land across the drainage ravine to the east remains vacant. North of the site is land designated as Residential on the comprehensive plan map, zoned R-2 PD (Single-Family Residential Planned Development) and R-3 PD (Two-Family Residential Planned Development) and developed with the Norton Crest, Berkey Estates and Norton Estates residential subdivisions. Further to the east across NE

Norton Lane from the site's access drive is land developed with additional single-family residential subdivisions.

## OBSERVATIONS

- The Planning Commission's responsibility regarding this type of land use request is to conduct a public hearing and, at its conclusion, render a decision to approve, approve with conditions, or deny the proposed conditional use request.
- If approved, and as stated in the applicant's submitted narrative, Chemeketa Community College intends to remodel the existing residence, complete required site improvements and lease the site to Oregon Child Development Coalition (OCDC) for a period of at least ten years pursuant to a federal grant administered through the office of Head Start. OCDC will operate the child care facility to serve Migrant and Seasonal Early Head Start children. While the Early Head Start program is designed to serve infants and toddlers under the age of three, it is unclear from the submitted materials if children older than three years of age may also be allowed to attend this facility. It is anticipated that the day care facility will employ seven individuals and serve 16 children from the surrounding neighborhoods. In the future, OCDC may use the facility for children of Chemeketa Community College students and other children. This applicant also notes on the site plan (Exhibit 6) that the sheet metal clad outbuilding may be remodeled for additional indoor day care use in the future. OCDC also anticipates provision of an age appropriate outdoor play area for the children. Additional descriptive information can be found in the applicant's narrative.
- By way of background, the subject site was originally a platted parcel of land identified as tax lot 3600 on Section 22 of the Yamhill County assessor maps. In January of 2007, this site was purchased by Chemeketa Community College for future expansion purposes of the Yamhill Valley Campus. In June of 2009, a tax lot consolidation request was approved by Yamhill County and tax lot number 3600 was extinguished with the affected property then being combined into, and as part of, tax lot 3700 which encompasses a large portion of the local Chemeketa campus. This action consolidated property tax identification numbers but did not alter the legally platted parcels that are described by separate instrument. While the subject site is now a portion of tax lot 3700 for reference and tax assessment purposes, the subject site, for the purposes of this land use review, remains the platted two-acre parcel purchased by Chemeketa Community College in 2007.
- To provide adequate care for the children that would be attending this facility, the applicant indicates that there will be a staff of seven. Chapter 17.60 of the zoning ordinance requires the provision of one vehicle parking space for each teacher or supervisor resulting in a need for seven on-site parking spaces. As part of the remodel, Chemeketa Community College anticipates constructing the required seven parking spaces, an area for bus drop-off, and a vehicle circulation route to enable a parent drop-off location on-site (Exhibit 6). These improvements will necessitate removal of one or more portions of the existing brick wall in order to connect the site with the existing Chemeketa parking and circulation areas. -- The anticipated traffic flow is a counter-clockwise circular movement for vehicles entering from the existing Chemeketa parking area, through the new parking and drop-off area near the structure, and then completion of the counter-clockwise circular movement entering again into the Chemeketa parking area and then exiting the site through one of the available Yamhill Professional Center driveways. While the site's existing driveway providing direct access to NE Norton Lane may remain, the on-site parking and circulation pattern planned for the day care facility will bring vehicles almost exclusively through the Chemeketa Yamhill Valley Campus to enter the site from the shared parking and circulation area to the south.

Additionally, the applicant's narrative indicates that Chemeketa will allow their existing campus parking facilities to be utilized by the proposed day care facility should additional overflow parking accommodation be needed. Staff finds that both the proposed onsite and available adjacent parking is more than ample to satisfy the parking requirement for this use.

- The site has historically been served by on-site septic and wells systems. Chemeketa proposes to remove/decommission these systems. It also appears that the pump house for the well is located within the area of the proposed parking and transportation improvements and may need to be removed. The property is already connected to the municipal water system and Chemeketa will be installing a connection to the City's sanitary sewer system prior to the operation of the day care facility.
- Encumbering the site is Ordinance 4506 that was adopted by the McMinnville City Council in December, 1991. The adoption of this ordinance was in response to a periodic review notice from the Oregon Land Conservation and Development Commission (LCDC), identifying a local commercial land shortfall in meeting projected year 2010 commercial land needs. The Council's adoption of this ordinance changed the comprehensive plan and zoning designations on 98 acres of land within the City's jurisdiction. Exhibit "H" of that ordinance (Exhibit 7 of this staff report) includes the site that is the subject of this conditional use permit request. Section 9 of the ordinance notes that the subject site was rezoned from a County AF-20 (Agricultural/Forestry 20-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone subject to the provisions of Section 10 of the ordinance. Staff contends that the conditions and limitations of Section 10 are satisfied by the proposal for the reasons noted in Attachment "A" (Findings of Fact and Conclusionary Findings) of this report.
- Ordinance 4131 (as modified by Ord. No. 4572) also impacts this site and addresses signage within the Three-Mile Lane Planned Development Overlay portion of the Highway 18 corridor. This ordinance identified three zones within this corridor and the site that is the subject of the conditional use permit request is located in Zone 3. Applicable Zone 3 regulations allow one monument-type sign and flush mounted wall signage for this site. It is important to note that no signage is currently being proposed as part of this request. Any future proposed signage will be reviewed separately through a Building Department review process as is the standard in McMinnville.
- Copies of this application and requests for comment were forwarded to the City of McMinnville Fire Department, Engineering Department, Building Division, Parks Department, Police Department, City Manager, and City Attorney; McMinnville School District No. 40; McMinnville Water and Light; Yamhill County Public Works; Yamhill County Planning Department; Verizon; Comcast Cable, and Northwest Natural Gas. As of the date this report was written, the Planning Department had received no public comment. Of the agencies contacted, the Planning Department has received comments from McMinnville Engineering, Building and Fire Departments, and Frontier Communications. Their comments are provided below.

McMinnville Engineering Department:

- "At the time of building permits, the appropriate system development charges for the day care center will be assessed, with credit given for the prior residential use of the structure.
- At the time of building permits, the appropriated connection to the sanitary sewer system will be required and, and the existing septic system shall be abandoned.
- At the time of building permits, the existing driveway connection to Norton Lane shall either be removed, or upgraded to meet Public Right-of-Way Accessibility Guidelines (PROWAG).

- At the time of building permits, a sidewalk, meeting PROWAG requirements, shall be installed along the subject property's Norton Lane frontage."

McMinnville Building Department:

- The proposed occupancy will be a Group-I-4 occupancy. This will be a change of use and all code requirements for I-4 occupancy will apply.

McMinnville Fire Department:

- The change of use of the structures and remodel would require that the new day care facility adhere to current fire codes, and access and turnaround specifications per the 2014 Oregon Fire Code.

Frontier Communications:

- The applicant will need to coordinate with Frontier Communications if there will be work performed within the access drive portion of the site.
- Notice of this request was mailed to property owners located within 200 feet of the subject site. As of the date this report was written, no comments regarding the applicant's request had been received by the Planning Department from those who were notified.
- The findings of fact and conclusionary findings are attached as Exhibit "A" to this report and are, by this reference, incorporated herein.

## **RECOMMENDATION**

Staff finds that the proposal to establish and operate a child care facility within this existing structure is well-suited to this site. Staff also finds that this proposal complies with the applicable standards and requirements of the McMinnville Zoning Ordinance, and with the City's applicable Goals and Policies. Accordingly, staff recommends that the Planning Commission approve the applicant's request, subject to the following conditions:

1. That this Conditional Use permit approval shall be terminated if the change in use for the day care facility does not commence within one year of the effective date of this approval, or if the use once commenced lapses for any one-year period.
2. That signage on the site shall continue to comply with the requirements McMinnville Ordinance 4131 as modified by Ordinance 4572.
3. That a minimum of seven (7) off-street parking spaces are provided to serve the proposed use.
4. That all applicable requirements of McMinnville Ordinances 4506 and 4131 (as amended by ORD No. 4572) shall apply to this site and proposed use to include, but not limited to, those related to signage, lighting and landscaping.
5. That at the time of building permits, the appropriate system development charges for the day care center will be assessed, with credit given for the prior residential use of the structure.

6. That at the time of building permits, the appropriate connection to the sanitary sewer system will be required and, and the existing septic system shall be abandoned.
7. That at the time of building permits, the existing driveway connection to Norton Lane shall either be removed, or upgraded to meet Public Right-of-Way Accessibility Guidelines (PROWAG).
8. That at time of building permits, a sidewalk, meeting PROWAG requirements, shall be installed along the subject property's Norton Lane frontage.

#### **MOTION**

The Planning Department recommends the Commission make the following motion for approval:

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES CU 2-16, SUBJECT TO THE STAFF RECOMMENDED CONDITIONS.**

RP:msd



**EXHIBIT "A"**  
**FINDINGS OF FACT AND CONCLUSIONARY FINDINGS**  
**DOCKET CU 21-16**

**FINDINGS OF FACT**

1. The applicant is requesting approval to establish and operate a day care facility within an existing structure located at 470 NE Norton Lane, and more specifically described as a portion of Tax Lot 03700, Section 22, T. 4 S., R. 4 W., W.M.
2. The subject site is designated as Commercial on the McMinnville Comprehensive Plan Map, 1980, and is zoned C-3 PD (General Commercial Planned Development).
3. This request was referred to the following public agencies for comment: McMinnville Fire Department, Engineering Department, Building Department, Parks Department, Police Department, City Manager, and City Attorney; McMinnville School District No. 40; McMinnville Water and Light; Yamhill County Public Works; Yamhill County Planning Department; Verizon; Comcast Cable, and Northwest Natural Gas. As of the date of this report, no comments were received from any of these agencies indicating concerns or objections to the proposed additional use on this site. As of the date of this report, no comments were received from any of these agencies indicating objections to the proposed use on this site.
4. Goals and Policies from the McMinnville Comprehensive Plan which are applicable to the request are as follows:

CHAPTER III CULTURAL, HISTORICAL, AND EDUCATIONAL RESOURCES

GOAL III 3: TO PROVIDE FOR THE EDUCATIONAL NEEDS OF MCMINNVILLE THROUGH THE PROPER PLANNING, LOCATION, AND ACQUISITION OF SCHOOL SITES AND FACILITIES.

CHAPTER IV ECONOMY OF MCMINNVILLE

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

General Policies:

22.00      The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.

CHAPTER VI TRANSPORTATION SYSTEM

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

Streets:

- 117.00        The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.
- 126.00        The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.

CHAPTER VII COMMUNITY FACILITIES AND SERVICES

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.

Policies:

Sanitary Sewer System:

- 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.

Water System:

- 144.00        The City of McMinnville, through the City Water and Light Department, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.
- 147.00        The City of McMinnville shall continue to support coordination between City departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with the City Water and Light Department in making land use decisions.

Energy Conservation:

- 178.00        The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

5. The following sections of the McMinnville Zoning Ordinance (ORD 3380) are applicable to this request:

General Provisions:

"17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial

relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare."

C-3 General Commercial Zone:

"17.33.020 Conditional uses. In an R-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.72 and 17.74:

A. Day care facility"

Off-Street Parking and Loading:

"17.60.060(B)(5) Spaces--Number required.

5. Day care, preschool, nursery, or kindergarten  
-- One space for each teacher or supervisor."

Section 17.74.030 Review Criteria of the McMinnville Zoning Ordinance states:

"Authorization to grant or deny conditional uses. A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform with the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;

- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes."

Section 17.74.040 of the McMinnville Zoning Ordinance states in part:

"Placing conditions on a permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole [...]"

- 6. Sections 9 and 10 of Ordinance 4506 are applicable to this request and are noted in Exhibit 7 of this staff report.

## **CONCLUSIONARY FINDINGS FOR APPROVAL**

- 1. The subject request complies with the applicable McMinnville Comprehensive Plan Goals and Policies (see Finding of Fact No. 4) as follows:
  - a. Goal III-3 is satisfied by this request in that the applicant proposes to meet the educational needs of pre-school aged children by utilizing an existing developed space within the Chemeketa Yamhill Valley Campus. The subject parcel adjoins residential development to the north and educational development to the south and is an appropriate setting for such use.
  - b. Goal IV 3 and Policy 22 are satisfied by this request in that the applicant proposes to utilize an existing commercially planned and zoned site and existing improvements to provide additional support for child care and educational needs in the community. This site is located at the northeast corner of the Chemeketa Yamhill Valley Campus and does not expand strip commercial development.
  - c. Policies 126.00 and 178.00 are satisfied by this request, in that the establishment of a day care facility within the commercially zoned, vacant residence is both land intensive and energy efficient. The proposed use will utilize the existing residence, landscaped grounds and other improvements to support area residents and perhaps attendees of the Chemeketa Community College campus.
  - d. Goals VI-1 and VII-1 and Policies 136.00, 144.00, and 147.00 are satisfied by the request in that a coordinated and sufficient transportation surrounds and supports this site, and that adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, presently serve or are available to the site. Additionally, the Water Reclamation Facility has adequate capacity to sufficiently accommodate the proposed use of existing development on this site. All municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards, and the City shall continue to support interagency coordination to insure the coordinated provision of utilities to developing areas.

2. The subject request complies with the applicable requirements of the McMinnville Zoning Ordinance (Finding of Fact No. 5) as follows:
  - a. Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.
  - b. Section 17.33.020(A) is satisfied in that the subject site is properly designated and zoned for the proposed use on the McMinnville Comprehensive Plan Map, 1980, and the McMinnville Zoning Map, respectively, subject to receiving approval of this conditional use permit request. Day care facilities are conditional uses according to the provisions of the C-3 (General Commercial) zone.
  - c. Section 17.60.060(B)(5) is satisfied in that the applicant proposes to provide the seven onsite required vehicle parking spaces as part of the intended site improvements. In addition, the applicant states that Chemeketa Yamhill Valley Campus parking areas will also be available for use should they be needed in the future.
  - d. Section 17.74.030 is satisfied in that the proposal to allow a day care facility to operate from this site is compatible with and will have minimal impact on the existing and continued development of abutting properties and the surrounding neighborhood. The proposal complies with all applicable criteria for approval. Existing access to the site from NE Norton Lane will remain as it is part of the site and remains its direct access to the public right-of-way. However, the proposed circular vehicle movement pattern through the site will bring vehicles almost exclusively through the Chemeketa Yamhill Valley Campus. The proposed use will be compatible with the surrounding neighborhood and is not anticipated to cause significant adverse impact on the livability, value, or appropriate development of abutting properties. In addition, this portion of the site has no environmental assets of particular interest to the community; therefore, subsection E of Section 17.74.030 is not applicable to the subject request. Staff finds that the applicant has demonstrated a bona fide intent and capability to use the land as proposed.
3. The subject request complies with the applicable requirements of McMinnville Ordinance 4506 (Finding of Fact No. 6) as follows:
  - a. The estimated number of trips per day based on Institute of Traffic Engineers data is approximately just five percent (5%) of the 1,500 daily trips allowed by the ordinance.
  - b. There will be no direct access from this site to Highway 18.
  - c. There are no proposed off-street loading facilities, outdoor display of merchandise for sale, or outside of display of non-retail goods. The only outdoor on-site improvements for the day care facility would be a play area that will be screened from view by the existing brick walls and wooden residential fences along the property's edges.
  - d. Outdoor lighting will not be directed toward the residential area that exists to the north.
  - e. The majority of the site is currently residentially landscaped. After additional site improvements are complete, existing landscaping will still greatly exceed the 14 percent required by this ordinance.

- f. Does not apply to this use.
- g. Does not apply to this use as the buildings are pre-existing.
- h. No signs are currently proposed for this site.

RP:msd





**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128  
(503) 434-7311 Office • (503) 474-4955 Fax  
[www.ci.mcminnville.or.us](http://www.ci.mcminnville.or.us)

**Office Use Only:**

File No. CU 2-16  
Date Received 1-14-16  
Fee \$1055.<sup>00</sup>  
Receipt No. 16m0009  
Received by SPA

## Conditional Use Application

### Applicant Information

**Applicant is:** ☐ Property Owner ☐ Contract Buyer ☐ Option Holder ☒ Agent ☐ Other \_\_\_\_\_

Applicant Name Tankersley, Wright & Strunk, LLC Phone (503) 472-0344

Contact Name Joseph M. Strunk Phone (503) 472-0344  
(If different than above)

Address PO Box 625

City, State, Zip McMinnville, Oregon 97128

Contact Email joe@twslaw.net

### Property Owner Information

Property Owner Name Chemeketa Community College Phone \_\_\_\_\_  
(If different than above)

Contact Name Bill Riffle Phone (503) 399-6594

Address 326 NE Norton Lane

City, State, Zip McMinnville, Oregon 97128

Contact Email bill.riffle@chemeketa.edu

### Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 470 NE Norton Lane

Assessor Map No. R44 - 22 - 3700 Total Site Area See attached site plan.

Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Comprehensive Plan Designation Commercial Zoning Designation C-3

1. State nature of the request in detail: Please see attached information.

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2. Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance: Please see attached information.

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3. Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development: \_\_\_\_\_

Please see attached information.

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4. Describe what impact the proposed development may have on the livability, value, or appropriate development of abutting properties or the surrounding area when compared to the impact of permitted development that is not classified as conditional:\_\_\_\_\_

Please see attached information.

5. Describe how the location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants:\_\_\_\_\_

Please see attached information.

6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how? \_\_\_\_\_

Please see attached information.

7. Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: \_\_\_\_\_

Please see attached information.


In addition to this completed application, the applicant must provide the following:

- ☒ A site plan (drawn to scale, legible, and of a reproducible size), clearly showing existing and proposed features within, and adjacent to, the subject site, such as: Access; lot and street lines with dimensions; distances from property lines to structures; structures and other proposed and existing improvements; north direction arrow; and significant features (slope, vegetation, adjacent development, drainage, etc.).
- ☒ A legal description of the property, preferably taken from deed.
- ☐ Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

  
Applicant's Signature

14 Jan 2016  
Date

  
Property Owner's Signature  
for Chemeketa  
Community College

Jan. 14, 2016  
Date

**Conditional Use Application**  
**Tax lot 4422-3700**  
**Owner: Chemeketa Community College**  
**Applicant: Tankersley, Wright & Strunk**  
**Zoning & Use: C-3; Child Care Facility**

This information supplements the application made by Tankersley, Wright & Strunk as agents for Chemeketa Community College to allow as a conditional use the operation of a child care facility on tax lot 3422-3700 (the "Property"), as shown on the attached preliminary site plan. Tax Lot 3422-3700 includes the campus for Chemeketa Community College ("Chemeketa") located on Norton Lane. The Property is located in a C-3 zone, which allows child care facilities as a conditional use. (See Section 17.33.020(A)). A preliminary site plan, showing the area for which approval is sought and proposed improvements, is attached.

Chemeketa intends to immediately remodel an existing building that is currently in residential use and is shown on the attached site plan. In the future, Chemeketa may remodel the other existing building that is shown on the site plan as an ancillary or additional building for the child care facility. The facility will be leased to Oregon Child Development Coalition (OCDC) for a period of at least ten years pursuant to a federal grant through the office of Head Start. OCDC will operate the child care facility to service Migrant and Seasonal Early Head Start children. It is anticipated that the day care facility will employ seven individuals and service 16 children from the surrounding neighborhoods. In the future, OCDC may use the facility for children of Chemeketa students and other children.

Chemeketa will permit existing parking to be used for the day care facility, and as a part of the remodel, Chemeketa anticipates constructing additional parking spaces, an area for bus drop-off, and a through-way to route drop off traffic from South to North. The total number of parking spaces available will be greater than the anticipated number of teachers and employees at the child care facility. At least one of the proposed parking spaces will meet handicap standards and allow for appropriate access to the entrance. Chemeketa will also remove and decommission an unused, existing well and septic tank while installing connections to City sewer. The Property is already connected to the city water system. OCDC intends to construct an age appropriate outdoor play area.

It is anticipated that motor vehicle ingress and egress will be minimal because most if not all of the students will be bused. In addition, an existing public bus line stops on the Chemeketa campus.

Of course, Chemeketa intends to obtain all necessary permits to perform the anticipated improvements. Applicant and Chemeketa believe that the intended child care facility complies with the requirements of Section 17.74.030 for the following reasons:

**1. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;**

Applicant has reviewed the Comprehensive Plan, zoning ordinance, and applicable policies for the City of McMinnville and believes the proposed conditional use is consistent, as detailed below. The tax lot on which the proposed site is located is already in commercial and educational uses and would be ideal for the proposed day care facility.

The Comprehensive Plan for the Property is commercial uses, and the Property and

surrounding properties are in commercial use. The Property is in a C-3 zone, and a child care facility is listed as a conditional use in C-3 zones. See Section 17.33.020(A).

The proposed use will have a minimal impact on the surrounding area for several reasons. The child care facility will utilize existing buildings on a tax lot that is already in multiple commercial uses, Chemeketa Community College being one of them. Because of this, access will be through existing roadways and intersections that already serve multiple commercial uses. The impact on these existing roadways and intersections will be minimal because of the size of the child care facility (initially 16 students and 7 employees) and the fact that most of the student ingress and egress will be by bus. In the future the child care facility may be utilized by Chemeketa to provide day care for its students' children, which would maximize the use of existing roadways and intersections because the ingress and egress of children will be with Chemeketa students already using the roadway to access Chemeketa. In addition, the Property is serviced by an existing public bus line.

Because the child care center will minimally impact existing commercial uses and their roadways and accesses, and maximize the use of existing roadways and intersections, it furthers Transportation System Plan ("TSP") policies, more particularly TSP policies 119 and 120, which provide:

"119.00 The City of McMinnville shall encourage utilization of existing transportation corridors wherever possible before committing new lands.  
120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows."

The minimal use of existing roadways and access points also promotes safety because it utilizes existing, modern roadways and intersections, furthering TSP policy 117, which provides:

"117.00 The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel."

As indicated in the site plan, the owner of the child care facility intends to provide some additional and existing parking, furthering policy 126.00: "The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes."

Similarly, the child care center's minimal utilization of existing roadways and access points located in a C-3 zone that is already utilized for multiple commercial uses furthers the policies of Goal II to preserve the quality of air, water, and land resources. It also furthers the directions of Goal IV policies, more specifically:

22.00 The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.

25.00 Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of



development are or can be made available prior to development.

Again, the child care facility will be located on a tax lot already devoted to commercial uses, with one of those uses being Chemeketa's campus, and will service children from surrounding neighborhoods and potentially Chemeketa students.

Similarly, Goal VI encourages utilization of existing infrastructure. More specifically, policies 119 and 120 provide:

"119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.  
120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows."

The proposed conditional use will remodel existing buildings on a tax lot already devoted to similar commercial uses with a minimal impact on the corridors and access points. It will also be located in an area that is serviced by an existing public bus line.

Goal III directs the city of McMinnville 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". Allowing a child care facility in the proposed location furthers this goal by expanding access to Head Start facilities to children in an area of the City that is already devoted to academic and commercial uses. Additionally, the child care center will service children from the surrounding neighborhoods. As the population of McMinnville continues to increase, so will the need for schooling and child care services. Accordingly, Policy 13.00 provides:

"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 uses and the community as a whole, and the functions, land needs, and service area of the proposed facility."

Applicant believes the proposed use directly and indirectly furthers the policies of Goal IV, which generally encourages the growth of the economy. By providing child care services in conjunction with Head Start, the proposed use will prepare future generations for employment while providing opportunities for their parents to work while their children have reliable day care.

Finally, the proposed conditional use is consistent with Goal VII for many of the reasons stated above. The child care facility will be located in existing buildings on a tax lot with existing commercial and academic uses. Because of the small number of anticipated students, the child care facility will not significantly impact the services detailed in Goal VII that will be utilized by the child care facility and already service the surrounding commercial and academic uses.

Applicant believes that it has addressed goals and policies that are applicable to this

application. Applicant will address other goals or policies not specifically addressed, or expound on the analysis provided herein, at the request of the City.

**2. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;**

As detailed above, the child care facility will be located on a tax lot already devoted to commercial and academic uses, namely Chemeketa's campus. A child care facility is consistent and beneficial to the surrounding area, specifically the Chemeketa campus and neighborhoods in which the children who will use the facility live. The small number of anticipated students and employees, as detailed above, will not significantly impact the existing roadways, access points, or surrounding neighborhood. The child care facility will be located in an existing building with only minimal renovations and remodeling anticipated, so the conditional use will not significantly alter the current site or surrounding neighborhood.

**3. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;**

When compared against the multitude of uses permitted in a C-3 zone, the impact of a child care facility of the size proposed is considerably less. The existing roadways and access points will only be utilized by a small number of families and only at times which students are traditionally transported, mostly by bus. The proposed use seems even less significant when considered against some of the outright permitted uses allowed in this zone, namely banks, a variety of retail stores, hospitals, offices, RV parks, sewage pump stations, and taverns. All of these outright permitted uses would have a significantly greater impact on the existing infrastructure and surrounding neighborhood than a child care facility of the size proposed.

**4. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;**

The child care facility will be located in existing buildings in close proximity to Chemeketa and other commercial uses. Chemeketa plans to maintain the current look of the buildings to the greatest extent possible to preserve the landscaping and home-like feel appropriate for a child care facility, a college campus, and the surrounding neighborhoods.

**5. The proposal will preserve environmental assets of particular interest to the community;**

Locating a child care facility in the proposed location maximizes a tax lot that is already zoned and used for commercial uses, including a significant academic campus, that may be serviced in the future by the proposed conditional use. Chemeketa intends to preserve the appearance and condition of the buildings and landscaping to the greatest extent possible to provide an attractive home-like setting appropriate for the surrounding college campus and

neighborhoods. The Property is served by a public bus line, and it is anticipated that the students serviced by the day care facility will come from the surrounding neighborhoods.

**6. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.**

The Owner of the Property is in active negotiations with the intended lessee of the child care facility and funds are available to make the minor remodels and renovations proposed. Applicant believes that utilizing the Property for a child care facility would not increase the value of the Property as much as other outright permitted uses would, and Applicant cannot conceive an inappropriate purpose for requesting the allowance of a child care facility.

Upon request from the City, Applicant and Owner are prepared to submit additional information to address the criteria listed above, or provide additional information of use in processing this application.

A LEGAL DESCRIPTION FOR THE PROPERTY IS ATTACHED



After recording return to:  
 Chemeketa Community College / Rebecca Hillyer  
 P.O. Box 14007  
 Salem, OR 97309

Until a change is requested all  
 tax statements shall be sent to  
 The following address:

Chemeketa Community College  
 P.O. Box 14007  
 Salem, OR 97309

Escrow No. 16-000001  
 Title No. 010360Y

SWD

OFFICIAL YAMHILL COUNTY RECORDS  
 JAN COLEMAN, COUNTY CLERK



\$31.00

00259684200700021240020021  
 200702124 11:55:19 AM 1/29/2007  
 DMR-DDMR Cnt=1 Stn=3 SUSIE  
 \$10.00 \$10.00 \$11.00

### STATUTORY WARRANTY DEED

Michael A. Lambert and Kathy A. Lambert, Grantor(s) hereby convey and warrant to Chemeketa Community College, Grantee(s) the following described real property in the County of Yamhill and State of Oregon free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

Tax Account #167571

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is \$450,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 25 day of January, 2007

Michael A. Lambert  
 Michael A. Lambert

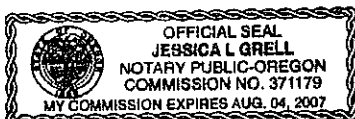
Kathy A. Lambert  
 Kathy A. Lambert

State of Oregon  
 County of Yamhill

This instrument was acknowledged before me on January 25, 2007 by Michael A. Lambert and Kathy A. Lambert.

Jessica L. Grell  
 (Notary Public for Oregon)

My commission expires 8/4/07



AmeriTitle 010360Y 16-000001

31

1/2

Exhibit "A"

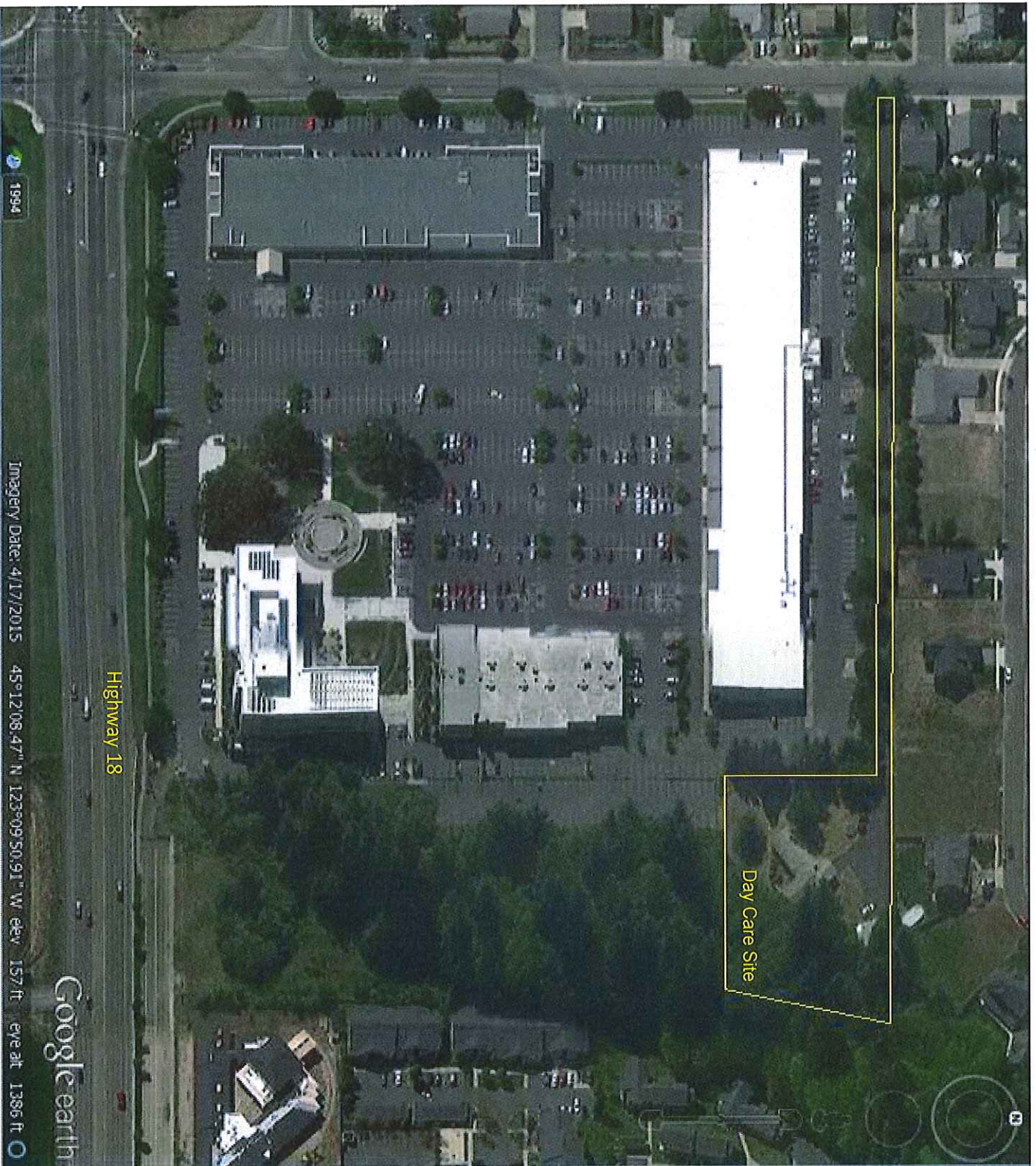
Parcel I:

Beginning point marked by an iron pipe set on the North line of and South 88°28'45" East 834.8 feet from the West line of that tract conveyed by Deed recorded in Film Volume 20, Page 397, Yamhill County Deed Records, said point being also South 3350.32 feet and East 1939.77 feet from the Northwest corner of the Isiah Johns Donation Land Claim in Section 22, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence South 88°28'45" East 382.49 feet along said North line to the Southeast corner of U.S. Resettlement Survey Unit 26 and the East line of that tract conveyed to John Maloney, et ux, by deed recorded in Book 116, Page 10, Deed Records; thence South 31°48'45" West along the East line of said Maloney tract, 241.69 feet; thence North 88°38'45" West 260.58 feet to an iron pipe; thence North 1°31'15" East 208.7 feet to the point of beginning.

Parcel II:

The North 25 feet of the following described premises:

Beginning at an iron pipe set on the West line of that tract conveyed to John T. Maloney, et ux, by deed recorded October 4, 1939 in Book 116, Page 10, Deed Records at the Southwest corner of U.S. Resettlement Survey Unit 26 in Section 22, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, said Southwest corner being 3328.17 feet South and 1175.26 feet East from the Northwest corner of the Isiah Johns Donation Land Claim; thence South 88°28'45" East, 834.8 feet along the North line of that tract described in Film Volume 20, Page 397, Yamhill County Deed Records; thence South 1°31'15" West 208.7 feet; thence North 88°28'45" West 834.8 feet to an iron pipe; thence North 1°31'15" East 208.7 feet to the point of beginning.



1994

Imagery Date: 4/17/2015

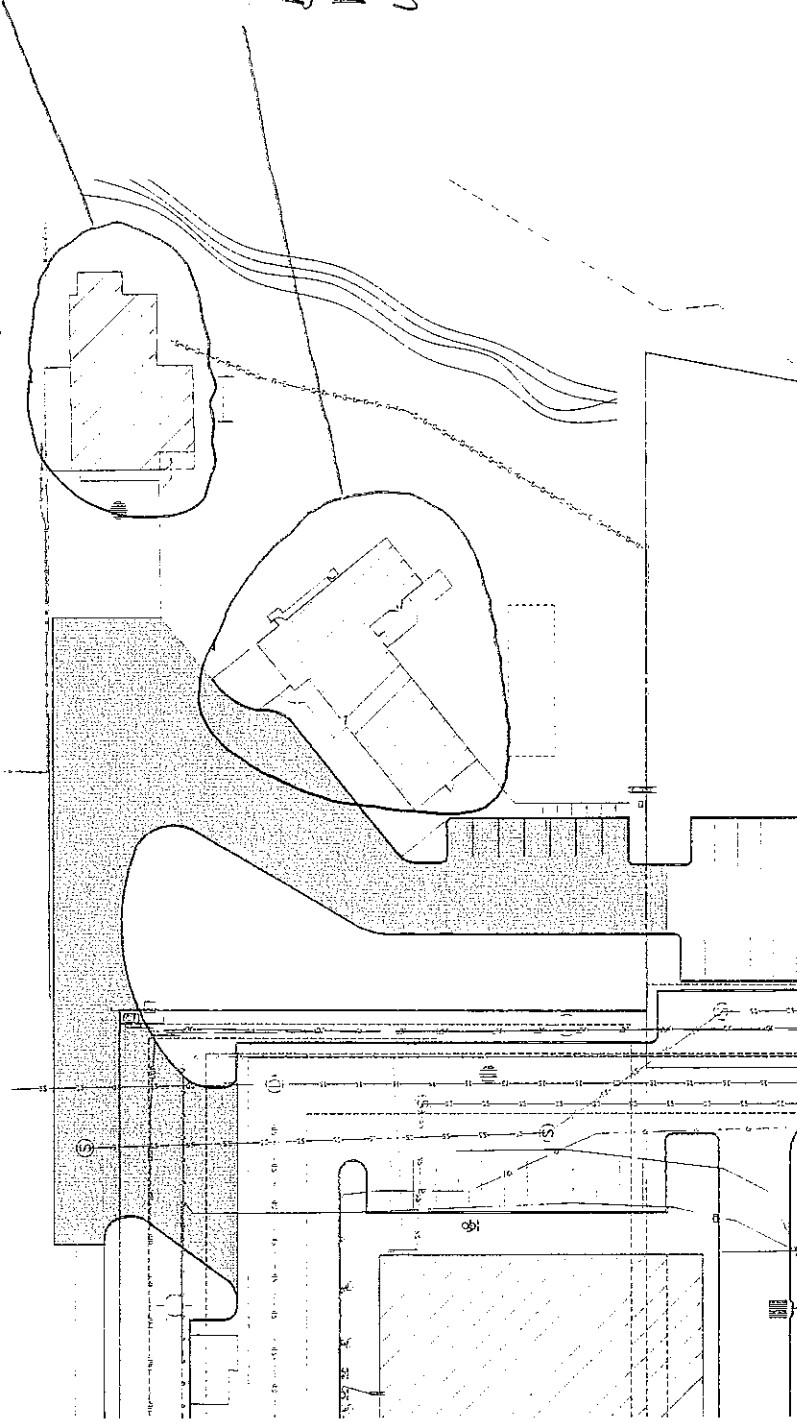
45°12'08.47" N 123°09'50.91" W elev 157 ft. elev at 1386 ft

Google earth



# Preliminary Site Plan

- Grey area represents additional paving
- Parking Spaces are approximations; final Parking Spaces will be a minimum 8.5' x 19'
- Number of actual Parking Spaces will be greater than the number of anticipated teachers and employees and at least one parking space will meet handicap standards



Additional Building that may be remodeled for use in the future

Residential Building to be remodeled upon approval

PRELIMINARY  
NOT FOR CONSTRUCTION

THIS SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

NO. 100 2018.0121

DATE JAN. 11, 2018

DESIGNER MWS

REVISIONS



ARCHITECTURE  
COMMUNITY

1000 N. 10TH ST., SUITE 100  
DENVER, CO 80202  
720.333.1111

CCC MOMINVILLE

THE ARCHITECTURE  
COMMUNITY OF DENVER  
IS A 501(C)(3) NON-PROFIT

1 SITE PLAN - NEW

SCALE 1" = 30'



5 SHEETS

A1.2

Portion of Tax Lot 4422-3700

ORDINANCE NO. 4506

An Ordinance adopting and approving certain changes to the McMinnville Comprehensive Plan Map, 1980, and the McMinnville Zoning Map, 1980; setting certain conditions of development; amending Ordinance Nos. 4082, 4214, and 4410; and repealing Ordinance Nos. 4381, 4441, 4453, and 4466 in their entirety.

RECITALS:

The City's periodic review notice from the Land Conservation and Development Commission requires that the City review its Comprehensive Plan for compliance with new or amended goals or rules. To comply with the commercial and economic development rule (OAR 660-09), the City completed an economic resources inventory and a land needs projection. It was concluded that an additional 98 acres of commercially designated land would be needed to accommodate the City's commercial land needs to year 2010.

The Citizens Advisory Committee worked on the topic to determine those areas where commercial expansion would be most logical over time. The product of their work was a recommendation to the Planning Commission that some 146 parcels located in several areas of town and totalling 98 acres be redesignated and rezoned to commercial.

The Planning Commission then held a public hearing and a special work session on the Citizen Advisory Committee's recommendation and ended up removing some of the recommended parcels while adding some others. The Planning Commission then forwarded their recommendation to the City Council.

The City Council reviewed the Planning Commission recommendation at an August 26, 1991 work session. A public hearing on the recommendation was held by the Council on October 8, 1991 and a public hearing on this Ordinance which implements the Council's decision on the matter was held on November 12, 1991.

It is the desire of the City Council to adopt the changes to the Comprehensive Plan Map within the City's urban growth boundary and to adopt the changes to the zoning map within the corporate limits of the City at this time in order to bring the City into compliance with the statewide planning statutes found in ORS Chapters 197 and 227, and specifically with the City's periodic review notice from the Land Conservation and Development Commission; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the City's Comprehensive Plan Map shall be amended as follows:

- (a) That parcels 1, 2, and 3 as shown on Exhibit "A," which is attached hereto and incorporated herein by this reference, be amended from a residential designation to a commercial designation; and that parcels 1, 2, 3, 4, 5, 6, 7, 21, 22, 23, 24 and 25, as shown on Exhibit "B," which is attached hereto and incorporated herein by this reference, likewise be amended from a residential designation to a commercial designation.

- (b) That parcels 1 through 22, inclusive; 24 through 32, inclusive; 35 through 48, inclusive; and 50 through 56, inclusive, as shown on Exhibit "C," which is attached hereto and incorporated herein by this reference, be amended from an industrial designation to a commercial designation; and that parcel 23 shown on Exhibit "C" be amended from a residential designation to a commercial designation.
- (c) That parcels 57, 60, 61, and 62 as shown on Exhibit "D," which is attached hereto and incorporated herein by this reference, be amended from an industrial designation to a commercial designation.
- (d) That parcels 1, 2, and 3 as shown on Exhibit "E," which is attached hereto and incorporated herein by this reference, be amended from a residential designation to a commercial designation; and that parcel 4 as shown on Exhibit "E" be amended from an industrial designation to a commercial designation.
- (e) That parcel 5 as shown on Exhibit "F," which is attached hereto and incorporated herein by this reference, be amended from a residential designation to a commercial designation.
- (f) That parcels 1, 2, 3, 4, and 6 as shown on Exhibit "G," which is attached hereto and incorporated herein by this reference, be amended from a residential designation to a commercial designation.
- (g) That parcels 1, 2, 3, 4, 5, and 6 as shown on Exhibit "H" which is attached hereto and incorporated herein by this reference, are hereby redesignated from the mixture of industrial and residential designations which encumber the property to a commercial designation and that Ordinance No. 4214, Section 2, be amended by striking all reference to the above described property and by amending the map adopted by said Ordinance to exclude the above described properties (CPA 1-82).

Section 2. That parcels 1, 2, and 3 as shown on Exhibit "A" are hereby rezoned from AH PD (Agricultural Holding Planned Development) to C-3 PD (General Commercial Planned Development), from R-1 PD (Single-family Residential Planned Development) to C-3 PD (General Commercial Planned Development), and from R-1 (Single-family Residential) to C-3 PD (General Commercial Planned Development), respectively, subject to the following conditions:

- (a) That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontage. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines where adjacent to residentially zoned lands.

- (b) Detailed plans showing elevations, site layout, signing, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission before actual development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible.
- (c) No use of any retail commercial use shall normally occur between the hours of 12:30 a.m. and 6:00 a.m.
- (d) No building shall exceed the height of 35 feet.
- (e) That if outside lighting is to be provided, it must be directed away from residential areas and public streets.
- (f) That signs located within the planned development site be subject to the following limitations:
  - 1. All signs must be flush against the building and not protrude more than 12 inches from the building face, except that up to two free standing monument-type signs not more than six feet in height and which meet the requirements of (2) and (3) below are allowed;
  - 2. All signs, if illuminated, must be indirectly illuminated and nonflashing;
  - 3. No individual sign exceeding thirty-six (36) square feet in size shall be allowed.
- (g) All business, service, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
  - 1. Off-street parking and loading.
  - 2. Temporary display and sales of merchandise, providing it is under cover of a projecting roof and does not interfere with pedestrian or automobile circulation.
- (h) That Section 3 of Ordinance No. 4082 is hereby amended by substituting the words "C-3 PD (General Commercial Planned Development)" for the words "AH PD (Agricultural Holding Planned Development)". All other applicable provisions of Ordinance 4082 remain in full force and effect.
- (i) That Ordinance No. 4410, Section 2, be amended by removing the above described parcel 2 as shown on Exhibit "A" from the adopted description and map of those properties effected by Ordinance No. 4410.

Section 3. That the properties described as parcels 1, 2, 3, 4, 5, 6, 7, 21, 22, 23, 24, and 25 on Exhibit "B" of this Ordinance are hereby rezoned from an R-4 (Multiple-family Residential) zone to an O-R (Office/Residential) zone.

Section 4. That the properties described as parcels 1 through 22, inclusive; and 41 through 48, inclusive; as shown on Exhibit "C" of this Ordinance are hereby rezoned from an M-1 (Light Industrial) zone to a C-3 (General Commercial) zone. That the properties described as parcels 50 through 56, inclusive, as shown on Exhibit "C" of this Ordinance are hereby rezoned from an M-1 PD (Light Industrial Planned Development) zone to a C-3 (General Commercial) zone. That the properties described as parcels 25 through 32, inclusive; and 35 through 40, inclusive; as shown on Exhibit "C" of this Ordinance are hereby rezoned from an M-2 (General Industrial) zone to a C-3 (General Commercial) zone; and that the property described as parcel 23 on Exhibit "C" of this Ordinance is hereby rezoned from an R-4 (Multiple-family Residential) zone to a C-3 (General Commercial) zone.

Section 5. That the properties described as parcels 57, 60, 61, and 62 on Exhibit "D" of this Ordinance are hereby rezoned from an M-2 (General Industrial) zone, an M-1 (Light Industrial) zone, an M-2 zone, and an M-1 zone, respectively, to a C-3 PD (General Commercial Planned Development) zone subject to the following condition:

(a) All uses permitted in Chapter 17.33 of the McMinnville Zoning Ordinance (Ordinance No. 3380) are allowed subject to the provisions of that Chapter except for the following uses, which are not allowed:

1. Boarding house, lodging house, rooming house;
2. Public or private school;
3. Hotel or motel;
4. Single-family or multiple-family dwelling.

Section 6. That the properties described as parcels 1 and 2 on Exhibit "E" of this Ordinance are hereby rezoned from an R-2 (Single-family Residential) zone to a C-3 (General Commercial) zone. That the property described as parcel 3 on Exhibit "E" of this Ordinance is hereby rezoned from an R-4 (Multiple-family Residential) zone to a C-3 (General Commercial) zone. That the property described as parcel 4 on Exhibit "E" of this Ordinance is hereby rezoned from an M-1 (Light Industrial) zone to a C-3 (General Commercial) zone.

Section 7. That that portion of the property described as parcel 5 on Exhibit "F" of this Ordinance which is presently within the corporate limits of the City of McMinnville is hereby rezoned from an R-1 (Single-family Residential) zone to a C-3 (General Commercial) zone.

Section 8. That the properties described as parcels 1 and 2 on Exhibit "G" of this Ordinance are hereby rezoned from an R-3 (Two-family Residential) zone to an O-R (Office/Residential) zone. That the properties described as parcels 3 and 4 on Exhibit "G" of this Ordinance are hereby rezoned from an R-2 (Single-family Residential) zone to an O-R (Office/Residential) zone. That the property described as parcel 6 on Exhibit "G" of this Ordinance is hereby rezoned from an R-4 (Multiple-family Residential) zone to an O-R (Office/Residential) zone.

Section 9. That those portions of the properties shown as parcels 2 and 3 on Exhibit "H" of this Ordinance which are presently within the corporate limits of the City of McMinnville are hereby rezoned from an AH PD (Agricultural Holding Planned Development) zone to a C-3 PD (General Commercial Planned Development) zone, subject to the provisions of Section 10 below. That the property described as parcel 5 on Exhibit "H" of this Ordinance is hereby rezoned from a county AF-20 (Agricultural/Forestry 20-acre minimum) zone to a City C-3 PD (General Commercial Planned Development) zone, subject to the provisions of Section 10 below. That the property described as parcel 6 on Exhibit "H" of this Ordinance is hereby rezoned from an M-L PD (Limited Light Industrial Planned Development) zone to a C-3 PD (General Commercial Planned Development) zone, subject to the provisions of Section 10 below. That those properties shown on Exhibit "H" of this Ordinance as parcels 1 and 4, and those portions of the properties as shown on Exhibit "H" as parcels 2 and 3 but which are outside the corporate limits of the City, shall be zoned C-3 PD (General Commercial Planned Development) upon annexation to the City, shall be subject to the provisions of Section 10 below, and such requirements shall be noted on the face of the Comprehensive Plan Map.

Section 10. The provisions of Chapter 17.33 of Ordinance No. 3380 (the McMinnville Zoning Ordinance) shall apply to the development of the properties noted on Exhibit "H" of this Ordinance subject to the following conditions and limitations:

- (a) No individual use which according to the latest version of the Institute of Traffic Engineers Trip Generation Manual would generate in excess of 1,500 trips on an average week day is permitted.
- (b) No direct access onto Highway 18 (Three Mile Lane) is permitted.
- (c) All business, service, repair, processing, and merchandise displays shall be conducted wholly within an enclosed building except for the following:
  - 1. Off-street parking and loading.
  - 2. Temporary display and temporary sales of merchandise, providing it is undercover of a projecting roof and does not interfere with pedestrian or automobile circulation.



3. Outside storage of non-retail goods, provided it is screened from visibility beyond the property lines.

- (d) That all outside lighting must be directed away from residential areas.
- (e) That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed on the street frontages. An arborvitae hedge or some similar type of planted screen shall be required along the north property line where the commercial zoning abuts residential zoning. Special attention shall be paid to the landscaping along Norton Lane where the commercial area is across the street from the residential portions of the Bend O'River Village First Addition subdivision.
- (f) The following list is exempt from Section 10 (c) above: automobile, truck, trailer, boat, golf cart, or other type of implement sales, and nursery sales which require outdoor displays are allowed subject to strict interpretation and application of subsections (e) and (g) of Section 10.
- (g) That plans and elevations for all buildings must be submitted to and approved through a design review process to be conducted by a person or persons to be appointed by the City Council before any development may take place. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance shall be used as the basis for such review. The decision(s) of the design review person or persons may be appealed to the Planning Commission.
- (h) That only two free-standing signs, limited to a maximum of 30 feet in height, are allowed, one on the west side of Norton Lane and one on the east side of Norton Lane. All other signs must either be flush against the buildings and not protrude more than 12 inches from the building face, or they must be non-illuminated or indirectly illuminated monument-type signs not exceeding six feet in height nor 100 square feet in area.

Section 11. That Ordinance Nos. 4381, 4441, 4453, and 4466 are hereby repealed in their entirety.

Section 12. That this Ordinance shall be subject to the terms and conditions of Ordinance No. 3823, entitled "Initiative and Referendum," for a period of 30 days.

Passed by the Council this 10th day of December, 1991 by the following votes:

Ayes: Aleman, Windle, Massey, Blanchard, Dell, Hansen

Nays: \_\_\_\_\_

Approved this 10th day of December, 1991.

Attest:

Carolyn Benedict  
RECORDER

Edward J. Gormley  
MAYOR



EXHIBIT 'A'

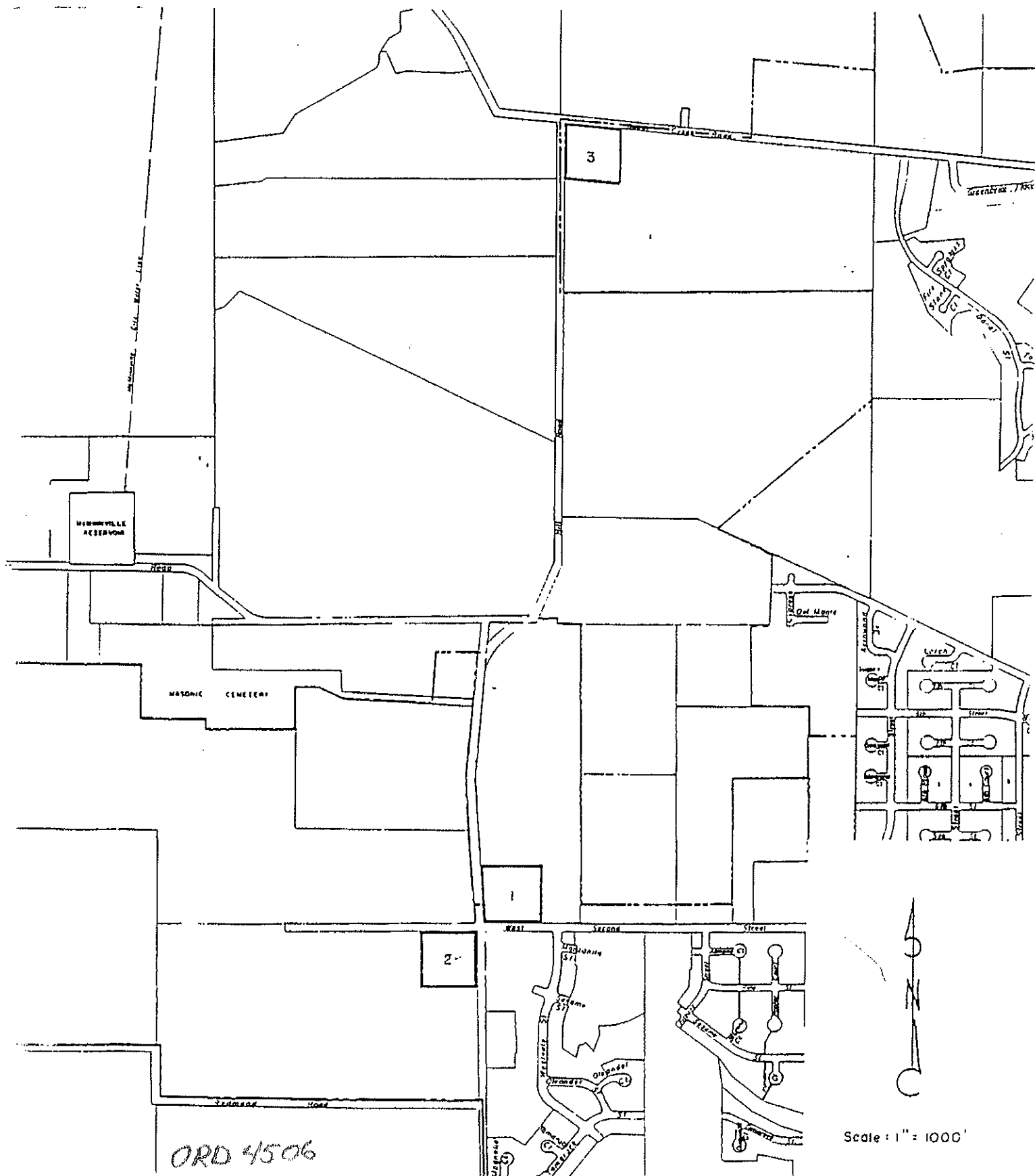


EXHIBIT "B"



ORD 4506

Scale: 1" = 400'

\_\_\_\_\_

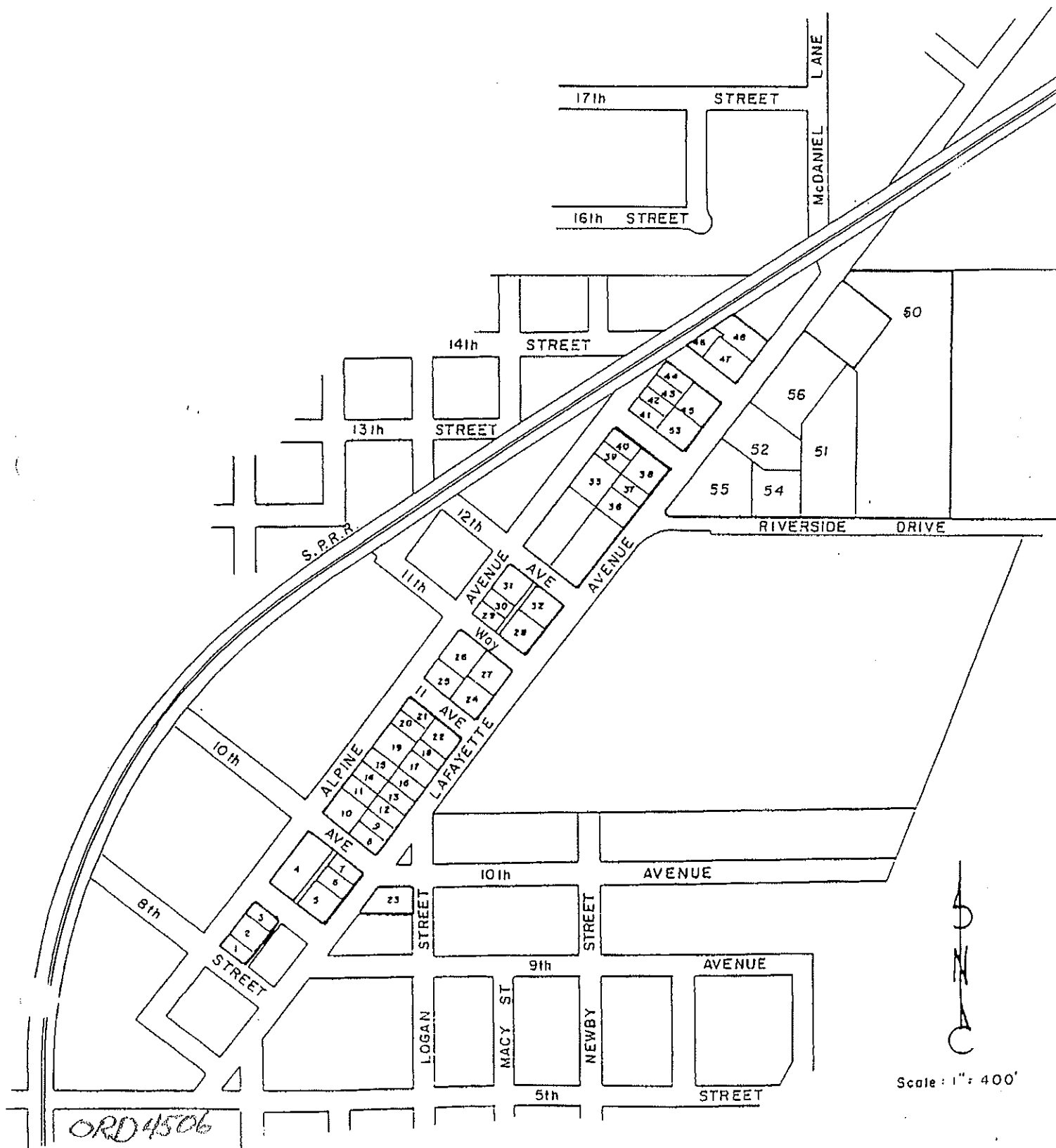
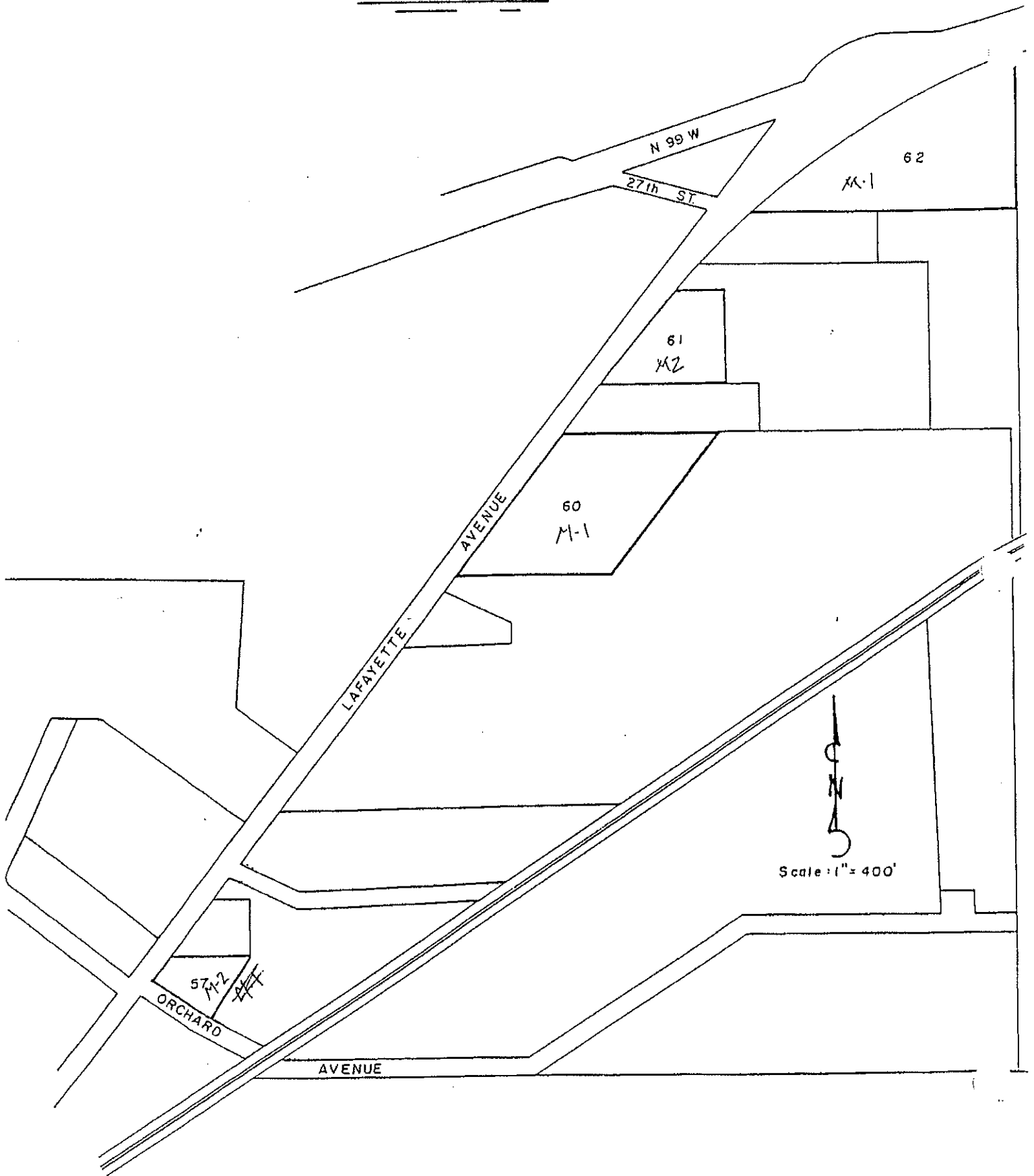


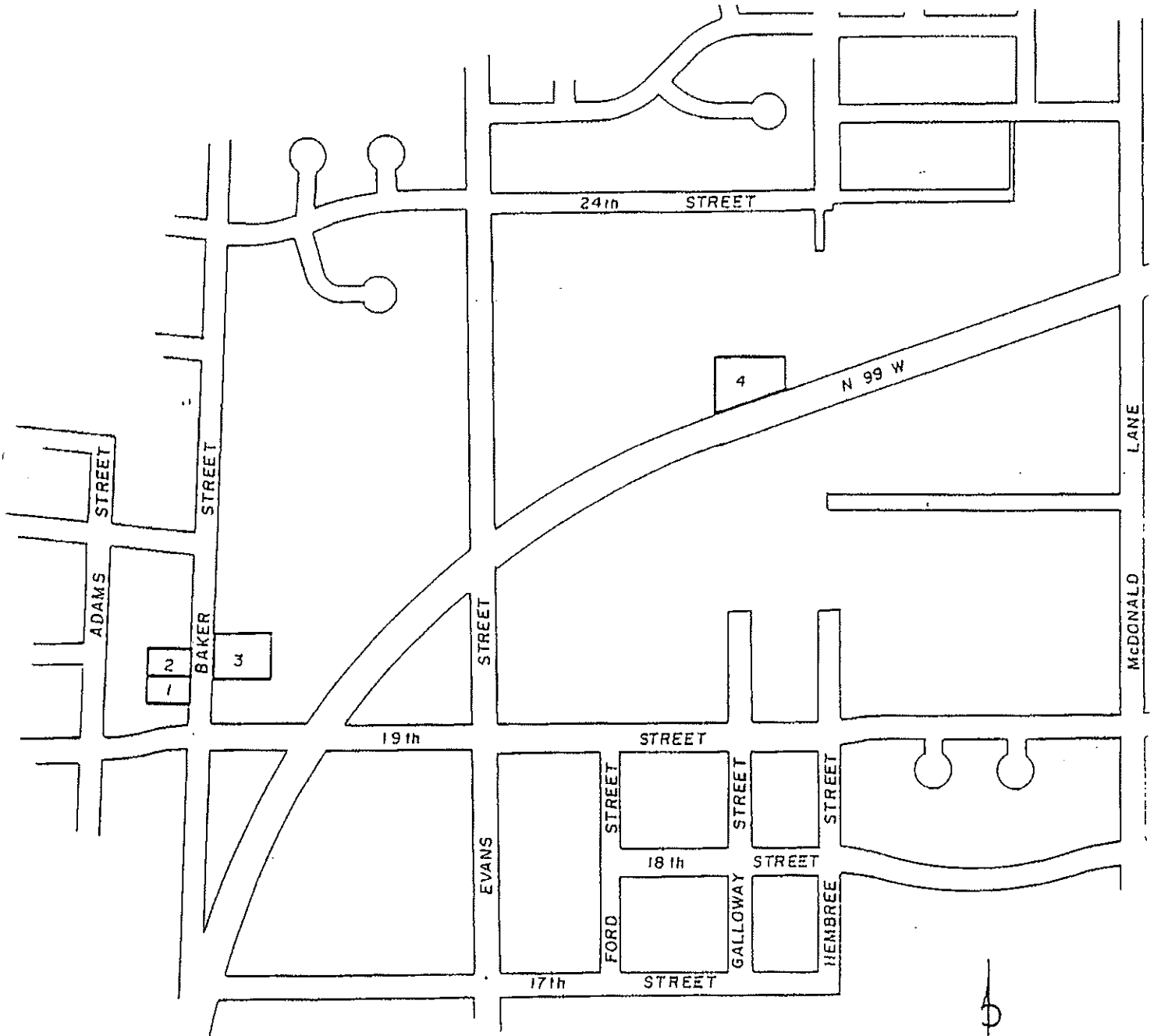


EXHIBIT "D"



ORD 4506

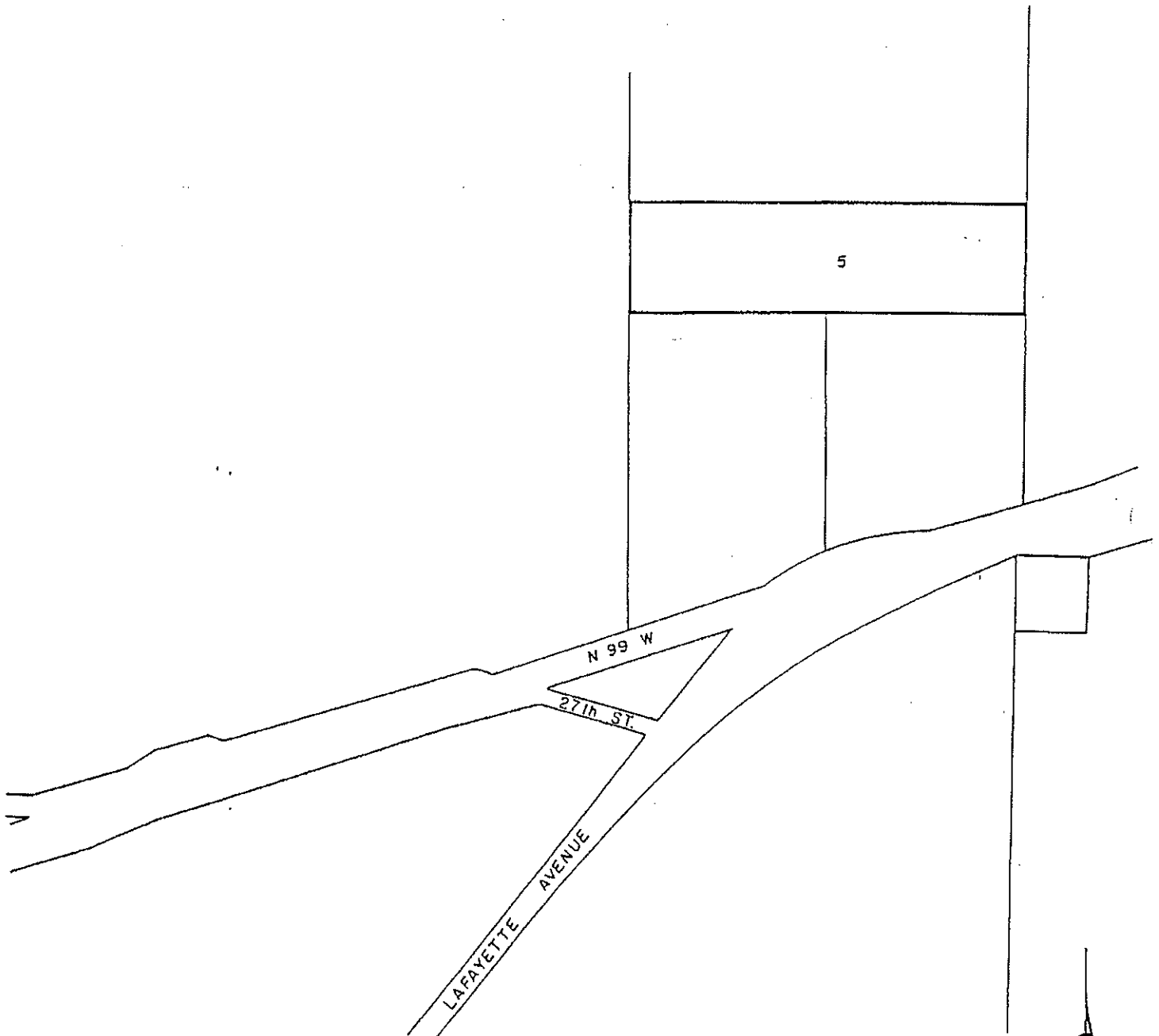
EXHIBIT "E"



ORD4506

Scale 1" = 400'

EXHIBIT "F"



ORD 4506

Scale: 1" = 400'

EXHIBIT "G"

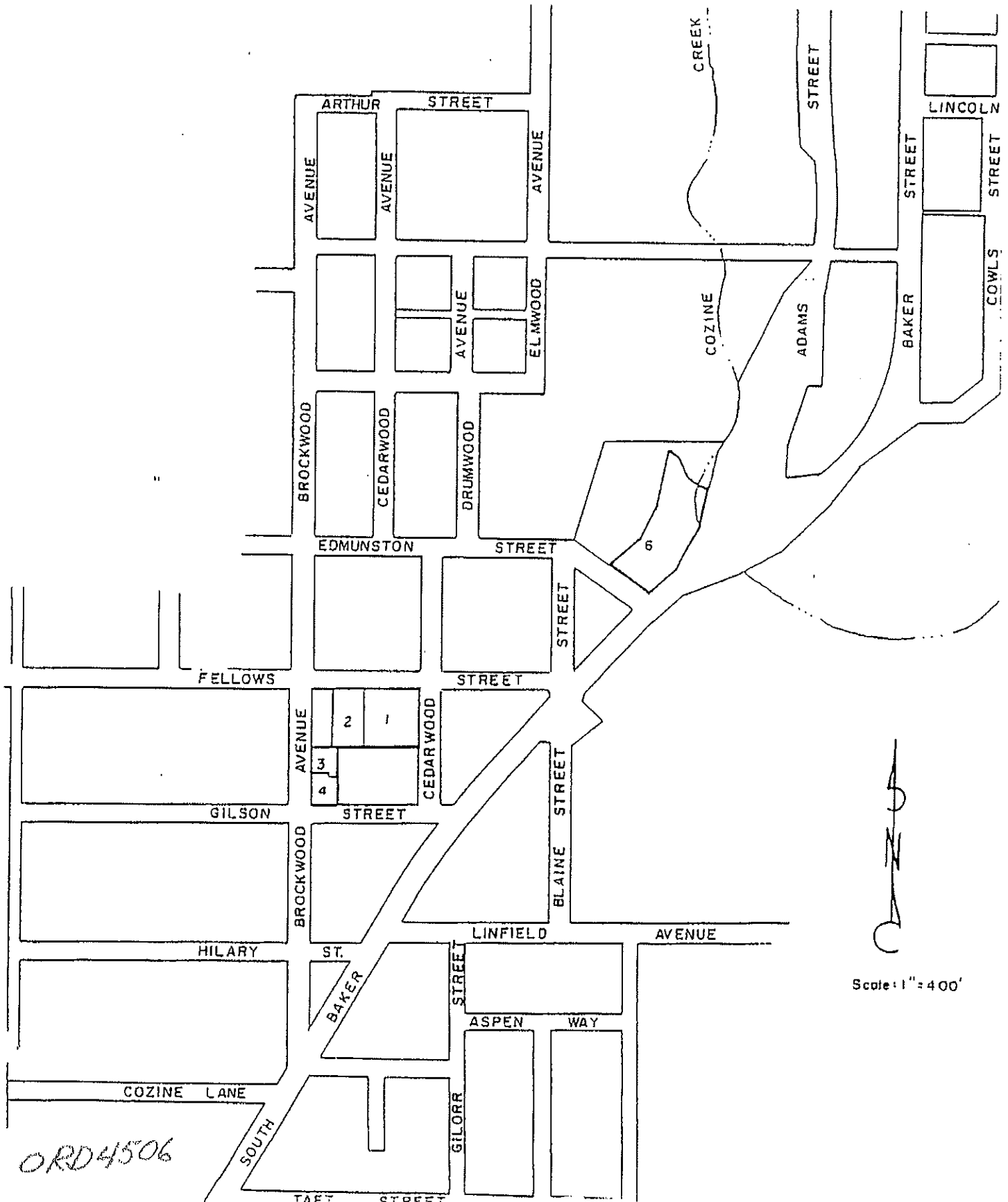
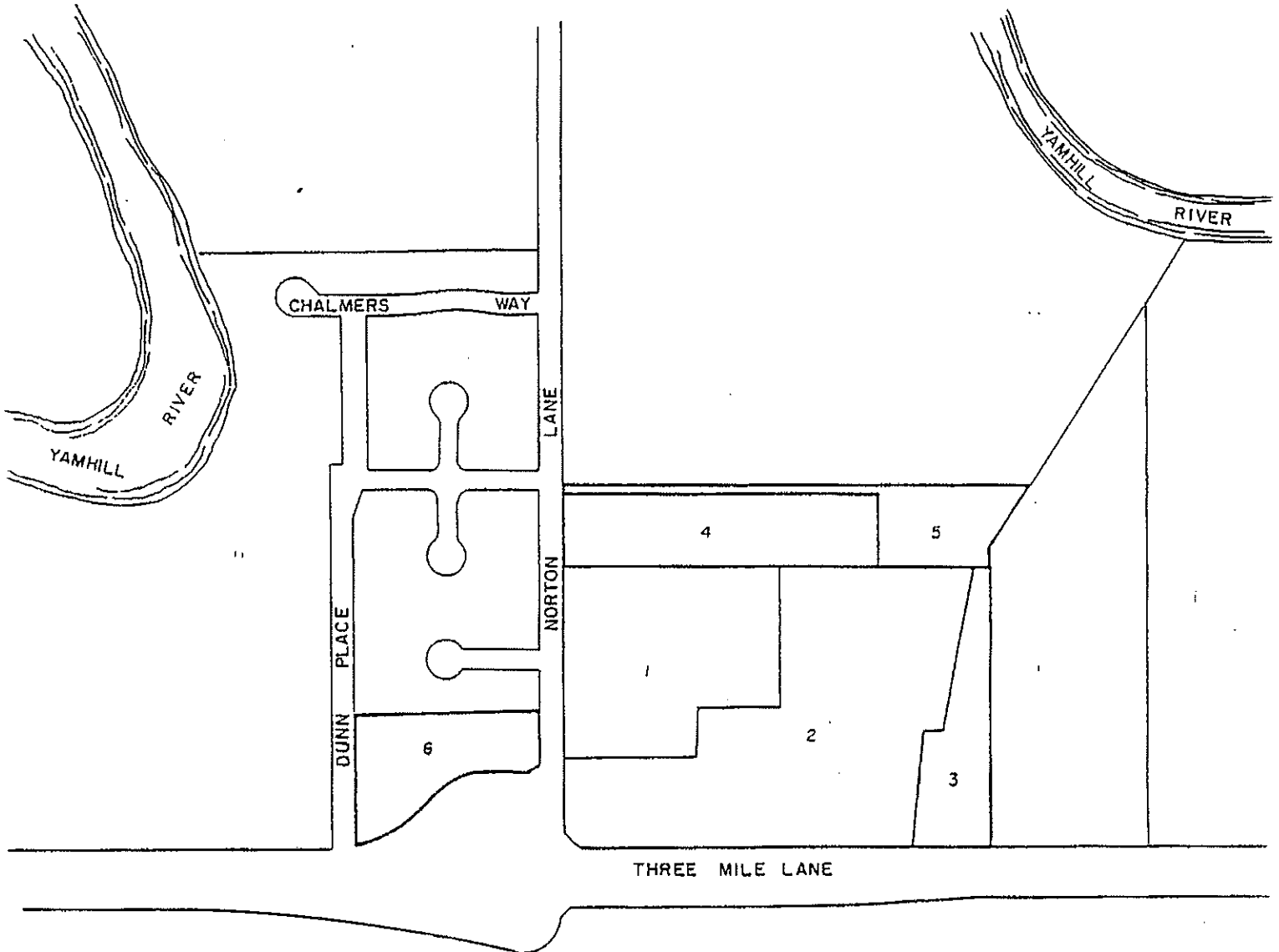


EXHIBIT "H"



Scale : 1" = 400'

ORD 4506

# NOTICE

NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 18th day of February, 2016, at the hour of 6:30 p.m. in the McMinnville Civic Hall Building located at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

**DOCKET  
NUMBER**

CU 2-16 Tankersley, Wright & Strunk, LLC, representing Chemeketa Community College, is requesting approval of a day care facility within an existing structure. The subject site is located at 470 NE Norton Lane and is more specifically described as a portion of Tax Lot 03700, Section 22, T. 4 S., R. 4 W., W.M.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a decision.

The Planning Commission's decision on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The requirements of McMinnville Ordinance No. 3380 (the Zoning Ordinance) with particular emphasis on Section 17.03.020 (Purpose), Chapter 17.33 (C-3 General Commercial Zone), Chapter 17.72 (Applications and Review Process), and Chapter 17.74 (Review Criteria).
3. McMinnville Ordinances 4506 and 4131 (as modified by Ord. No. 4572).

Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Planning Commission opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon, during working hours.

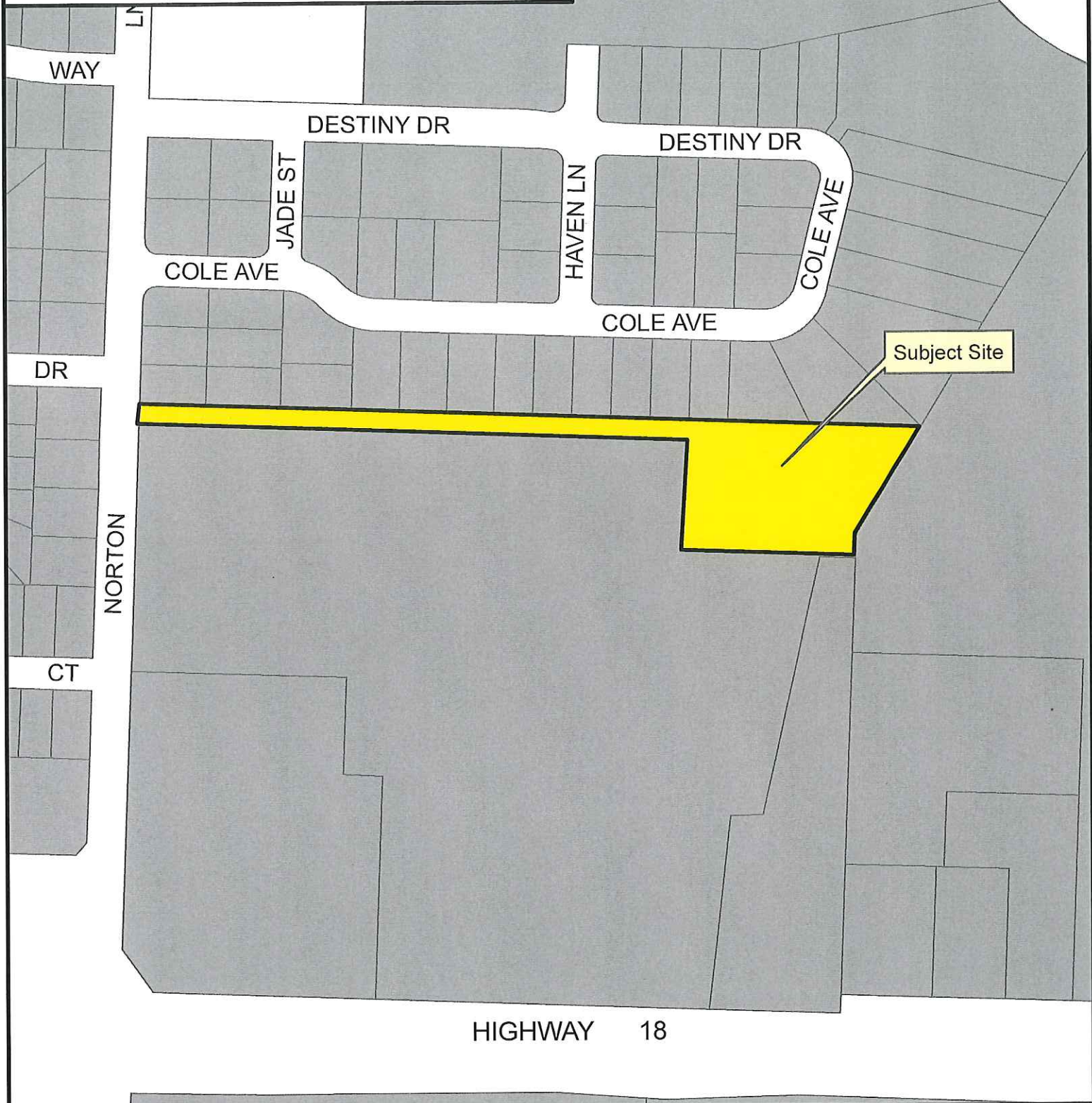
For additional information contact Ron Pomeroy, Principal Planner, at the above address, or phone (503) 434-7311.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

  
Doug Montgomery  
Planning Director

(Map of area on back)

# Vicinity Map



Geographic Information System



City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311



Map No	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4422DD07600	315 NE MAY LN	YAMHILL COMMUNITY	YAMHILL COMMUNITY DEVEL CORP	1107 NE BAKER ST	MCMINNVILLE OR	97128
2	R4422DC00201	2655 NE COLE AVE	MCGHEHEY JOHN	MCGHEHEY TRACIE S L	16105 SW SUNRISE LN	MCMINNVILLE OR	97128
3	R4422DC00202	2673 NE COLE AVE	MCGHEHEY JOHN	MCGHEHEY FAMILY TRUST	12830 SW MCCABE CHAPEL RD	MCMINNVILLE OR	97128
4	R4422DC00203	2685 NE COLE AVE	GILBERTSON KALEENA	GILBERTSON KALEENA M	2685 NE COLE AVE	MCMINNVILLE OR	97128
5	R4422DC00100	2690 NE DESTINY DR	BERKEY ARLEN	BERKEY ARLEN & VIVIAN L	2698 NE DESTINY DR	MCMINNVILLE OR	97128
6	R4422DC03900	2757 NE COLE AVE	RUSHING DEVELOPMENT	RUSHING DEVELOPMENT LLC	4336 COMMERCIAL ST SE SUITE 140	SALEM OR	97302
7	R4422DC04000	2783 NE COLE AVE	RUSHING DEVELOPMENT	RUSHING DEVELOPMENT LLC	4336 COMMERCIAL ST SE SUITE 140	SALEM OR	97302
8	R4422CD00113	539 NE NORTON LN	BAUERLEIN REVA	BAUERLEIN REVA I	539 NE NORTON LN	MCMINNVILLE OR	97128
9	R4422DC02500	2846 NE COLE AVE	RUSHING DEVELOPMENT	RUSHING DEVELOPMENT LLC	4336 COMMERCIAL ST SE SUITE 140	SALEM OR	97302
10	R4422DC01500	2711 NE COLE AVE	THACKER THOMAS	THACKER THOMAS M	541 NE HAVEN LN	MCMINNVILLE OR	97128
11	R4422DC04100	2809 NE COLE AVE	RUSHING DEVELOPMENT	RUSHING DEVELOPMENT LLC	4336 COMMERCIAL ST SE SUITE 140	SALEM OR	97302
12	R4422DC03800	552 NE HAVEN LN	RUSHING DEVELOPMENT	RUSHING DEVELOPMENT LLC	4336 COMMERCIAL ST SE SUITE 140	SALEM OR	97302
13	R4422DC01200	2612 NE COLE AVE	BARLOW CHRISTINA	BARLOW CHRISTINA A	548 NE NORTON LN	MCMINNVILLE OR	97128
14	R4422DC00700	2628 NE COLE AVE	WOOTEN ISAAC	WOOTEN CARLEEN A	2628 NE COLE AVE	MCMINNVILLE OR	97128
15	R4422DC02400	2838 NE COLE AVE	WHITE ALAN	WHITE ALAN & NANCY LIVING TRUST	2838 NE COLE AVE	MCMINNVILLE OR	97128
16	R4422DC00204	2646 NE COLE AVE	PETREE DAVID	BRITTEN CYNTHIA L	2646 NE COLE AVE	MCMINNVILLE OR	97128
17	R4422CD00115	2559 NE AARON DR	MILLER SHANNON	MILLER SHANNON	2559 NE AARON DR	MCMINNVILLE OR	97128
18	R4422CD00114	2581 NE AARON DR	FLORES MARGARITO	FLORES MARIA J	3577 NE GOLDEN LEAF LN	MCMINNVILLE OR	97128
19	R4422DC03300	2832 NE COLE AVE	RUSHING DEVELOPMENT	RUSHING DEVELOPMENT LLC	4336 COMMERCIAL ST SE SUITE 140	SALEM OR	97302
20	R4422DC01100	496 NE NORTON LN	DURBIN CRAIG	DURBIN DEANNE	496 NE NORTON LN	MCMINNVILLE OR	97128
21	R4422DC00800	2634 NE COLE AVE	MEDIGER MELONIE	MEDIGER MELONIE L	2634 NE COLE AVE	MCMINNVILLE OR	97128
22	R4422DC00206	2664 NE COLE AVE	DAEGES JOHN	DAEGES JEAN	2664 NE COLE AVE	MCMINNVILLE OR	97128
23	R4422DC00207	2696 NE COLE AVE	ANDERSON J	ANDERSON BEVERLY J	2634 NE COLE AVE	MCMINNVILLE OR	97128
24	R4422DC00208	2700 NE COLE AVE	STEBER THEODORE	STEBER LIVING TRUST	4725 BOOTH BEND RD	MCMINNVILLE OR	97128
25	R4422DC01600	2716 NE COLE AVE	OPTIZ KYLE	OPTIZ HEATHER L	2716 NE COLE AVE	MCMINNVILLE OR	97128
26	R4422DC01700	2720 NE COLE AVE	FLETT LARILEE	FLETT LARILEE A	2728 NE COLE AVE	MCMINNVILLE OR	97128
27	R4422DC01800	2728 NE COLE AVE	FLETT LARILEE	FLETT LARILEE A	2728 NE COLE AVE	MCMINNVILLE OR	97128

Map No	Tax Lot	Site Address	Owner	Attr:	Mailing Address	City State	Zip
28	R4422DC01900	2742 NE COLE AVE	RUSHING DEVELOPMENT	RUSHING DEVELOPMENT LLC	4336 COMMERCIAL ST SE SUITE 140	SALEM OR	97302
29	R4422DC02000	2764 NE COLE AVE	RUSHING DEVELOPMENT	RUSHING DEVELOPMENT LLC	3110 25TH ST SE	SALEM OR	97302
30	R4422DC02100	2796 NE COLE AVE	BRYAN LARRY	BRYAN JULIANA S	2796 NE COLE AVE	MCMINNVILLE OR	97128
31	R4422DC02200	2826 NE COLE AVE	HINTON AARON	HINTON KERI L	2826 NE COLE AVE	MCMINNVILLE OR	97128
32	R4422DC01000	484 NE NORTON LN	FINNICUM SHARREY	FINNICUM SHARREY	484 NE NORTON LN	MCMINNVILLE OR	97128
33	R4422DC00205	2658 NE COLE AVE	KERR RODNEY	KERR RODNEY	2658 NE COLE AVE	MCMINNVILLE OR	97128
34	R4422DC00900	2640 NE COLE AVE	MARTINEZ ELVIRA	MARTINEZ ELVIRA	2640 NE COLE AVE	MCMINNVILLE OR	97128
35	R4422DC00135	2550 NE AARON DR	GRIMALDO FELIPE	GRIMALDO CITALLY (WROS)	2550 NE AARON DR	MCMINNVILLE OR	97128
36	R4422DC00136	2586 NE AARON DR	GARBER KEVIN	GARBER BONNIE L	2586 NE AARON DR	MCMINNVILLE OR	97128
37	R4422 03600	470 NE NORTON LN	CHEMEKETA COMMUNITY	CHEMEKETA COMMUNITY COLLEGE	PO BOX 14007	SALEM OR	97309
38	R4422DC00134	460 NE CLARK CT	LARSON FAMILY REVOCABLE LIVING TRUST	C/O LARSON DONALD & LORRAINE	7785 SW 77TH AVE	PORTLAND OR	97223
39	R4422DC00137	461 NE NORTON LN	HYLAND LINDA	HYLAND LINDA	461 NE NORTON LN	MCMINNVILLE OR	97128
40	R4422DC00133	456 NE CLARK CT	LARSON FAMILY REVOCABLE LIVING TRUST	C/O LARSON DONALD & LORRAINE	7785 SW 77TH AVE	PORTLAND OR	97223
41	R4422DC00138	443 NE NORTON LN	HYLAND MARK	HYLAND LINDA K	443 NE NORTON LN	MCMINNVILLE OR	97128
42	R4422DC00132	440 NE CLARK CT	FEDERAL NATIONAL MORTGAGE ASSOC	C/O CENTRAL MORTGAGE COMPANY	801 JOHN BARROW RD SUITE #1	LITTLE ROCK AR	72205
43	R4422DC00139	429 NE NORTON LN	GARCIA ANTONIO	GARCIA ANTONIO C	429 NE NORTON LN	MCMINNVILLE OR	97128
44	R4422 04000	2825 NE THREE MILE LN	FLYING G	FLYING G LLC	12235 HIGHWAY 101 S	TILLAMOOK OR	97141
45	R4422DD07603	267 NE MAY LN	SUNFLOWER PARK APTS LTD PARTNERSHIP	C/O CASCADE HOUSING GROUP	4915 SW GRIFFITH DR SUITE 301	BEAVERTON OR	97005
Applicant			TANKERSLEY, WRIGHT & STRUNK LLC	JOSEPH M. STRUNK	PO BOX 625	MCMINNVILLE OR	97128
wner			CHEMEKETA COMMUNITY	BILL RIFLE	326 NE NORTON LN	MCMINNVILLE OR	97128