



City of McMinnville
Planning Department
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MINUTES

February 16, 2017
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall
McMinnville, Oregon

Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Martin Chroust-Masin, Charles Hillestad, Lori Schanche, and Erica Thomas

Members Absent: Commissioners Jack Morgan, Nanette Pirisky, and John Tiedge

Staff Present: Mike Bisset – City Engineer, Chuck Darnell – Associate Planner, Ron Pomeroy – Principal Planner, Heather Richards – Planning Director, and Sarah Sullivan – Permit Technician

1. Call to Order

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

2. Citizen Comments

None

3. Approval of Minutes: January 19, 2017

Chair Hall called for action on the Planning Commission minutes from the January 19, 2017 meeting. Commissioner Chroust-Masin MOVED to APPROVE the minutes as presented, SECONDED by Commissioner Geary. Motion PASSED unanimously.

4. Action Item: Zone Change, Planned Development Amendment, & Subdivision (ZC 1-16, ZC 2-16 & S 3-16) *Public Hearing was conducted on January 19, 2017. At that meeting the public hearing was closed but the record was held open for written testimony until February 2, 2017, followed by rebuttal testimony until February 9, 2017.*

Request: Approval of a zone change from EF- 80 (Exclusive Farm Use – 80-Acre Minimum) to R-1 PD (Single-Family Residential Planned Development) on approximately 13.6 acres of land, a zone change from R-1 to R-1 PD on approximately 17.23 acres of land, and to amend Planned Development Ordinance No. 4626 to encompass an additional 30.83 acres of land and to allow variation in lot sizes and setback requirements to include: a reduction in the front yard setback for certain lots from 20 to 15 feet; a reduction in the side yard setback for certain lots from 10 feet to either 5 feet or 3 feet; and, a reduction in the exterior side yard setback for certain lots from 20 feet to 15

feet. Concurrently, the applicant is requesting approval of a tentative residential subdivision plan on approximately 40.55 acres of land that, if approved, would provide for the construction of 213 single-family homes and the construction of 65 multiple-family dwellings on one lot.

Location: South of Baker Creek Road and east of Hill Road and is more specifically described as Tax Lots 200, 203, and 205, Section 18, T. 4 S., R. 4 W., W.M.

Applicant: Baker Creek Development, LLC

Chair Hall explained that the public hearing for the Baker Creek Development proposal occurred at the January 19, 2017 Planning Commission meeting. He stated that the hearing was closed to public testimony, but the record had been left open for additional written testimony.

Chair Hall asked staff to provide an update to the request.

Principal Planner Ron Pomeroy thanked the Commission and provided a PowerPoint presentation calling attention to the fact that Conditions No. 4 and 43 in the written staff report that was originally provided with the meeting packet errantly included some editorial marks, such as itemized deletions that were internal edits and should not have been included. Mr. Pomeroy said the staff report was updated to remove the draft edits and that it was emailed out on February 15, 2017. Mr. Pomeroy also clarified that additional language was added to Condition No. 2, in his presentation.

Mr. Pomeroy gave a brief history of the site, the application request, and the previous Planning Commission meeting. He explained that the applicant was requesting an amendment to the original Shadden Claim Planned Development from 1996, adding 58 vacant acres to the planned development. Mr. Pomeroy also noted the approximate 3.8 acres zoned C-3 (General Commercial) which will remain for a 65 unit multi-family development.

Mr. Pomeroy explained the applicant was also requesting that the remaining R-1 and County EF-80 areas be rezoned to R-1 PD, and developed at a density of less than six (6) dwelling units per acre, under the six (6) dwelling units per acre maximum of the Westside sewer unit capacity requirement.

The applicant also requested setbacks, lot widths and building envelope widths less than the minimum standards of the R-1 zone as part of the planned development amendment. The applicant's request of alternating three (3) foot and five (5) foot setbacks, creating a minimum distance between structures would be at eight (8) feet. He stated that developments have historically been approved with a minimum setback of 10 feet between structures.

Mr. Pomeroy indicated that eight (8) communications were received during the time allocated for additional written testimony. The rebuttal testimony from the applicant was received on February 6, 2017. He said the general concerns from the testimony received were: 1) the City of McMinnville's inclusion into the CC&R's; 2) the maximum building height allowance for the multi-family development; 3) clarification of the location of the additional play lot in BCW; and, 4) the carryover of the original maintenance requirement

for the original Shadden Claim development. Mr. Pomeroy stated the concerns were valid and staff took into account the concerns when amending the conditions of approval.

Mr. Pomeroy addressed the concern of the multi-family development, by pointing out that Condition of Approval No. 2 in the decision document had been modified to limit the multi-family development, no more than 65 units, with a building height not to exceed 35 feet.

Mr. Pomeroy explained that Condition No. 4 addressed the mini park/play lot, which the applicant proposed to locate between Lots 123 and 124 of the BCW plan. He stated staff agreed to this proposal and amended Condition No. 4 to reflect the location. He indicated that the park location was outside the multi-family parcel, adjacent to a public street, and at a distance from the proposed new city park.

Mr. Pomeroy stated that Condition No. 7 was a carry-over from the original Shadden Claim development, but indicated that the reference to VJ2 in 7(e) no longer applies. He said that staff recommended removing Condition 7(e) completely as reflected in the decision document.

Mr. Pomeroy said that Condition No. 43 was amended to clarify the phasing plan, noting that the phasing plan would be valid for five (5) years from the date of approval. Also required is that the developer request approval from the Planning Commission for any major changes to the planned development. He said that minor changes could be approved by the Planning Director, and the Planning Director would determine what constituted a major or minor change.

In closing, Mr. Pomeroy recommended that the Planning Commission, based on the testimony received, findings of fact, and the conclusionary finding, recommend to the City Council approval of the zone change applications (ZC 1-17 and ZC 2-17) and approve the subdivision request (S 3-17), with the conditions of approval in the decision document entitled Exhibit A of the provided staff report.

Chair Hall asked if there were any questions for Mr. Pomeroy.

There were none.

Chair Hall asked the Commission if they wished to discuss the applications, clarifying that they would recommend a decision to the City Council for the two zone change applications and make a decision on the tentative subdivision plan application.

Each of the Commissioners' statements are, generally, provided as follows:

Martin Chroust-Masin:

Some of the parts of the proposal are really interesting and I like them. For instance the setback requirements where you have eight foot and five foot and mixing those, that's good.

I have a problem and I am somewhat disappointed with the amount of space that was allocated for the multi-family dwellings. The City really has a tough time getting land, new land, into the city as everybody knows when they try to go through an urban growth

amendment it's like pulling teeth from an elephant going through the state. The state just won't let go of it, the land, without it being difficult. So we are running out of land. There isn't that much land for higher density residential developments and this little corner of the whole thing is really small. I would like a little bigger size.

The other thing that bothers me is that, on the other hand, you have properties that are 19,000 square feet. I thought we were really supposed to be going for smaller lots. A 19,000 square foot lot is a little in excess to me, and I don't know why they couldn't just divide it a little bit more into more manageable lots, smaller lots.

So those two things really bother me.

Erica Thomas:

I'm not a huge fan personally of super dense housing but I think this is a nice mix of different sized houses and different sized lots for people in our community. My only thing is that I'd like to see more open space.

Charles Hillestad:

For me, this was a difficult decision. I read the material, I heard to the testimony, and I revisited the site. Let me start by saying that I commend your efforts. I believe that McMinnville needs greater densities, among other things to lease as much agricultural land in production as possible. As a result, I would be willing to support your requests for reduced setback distances and smaller lot sizes and I like that there was a mixture there, although I wish you had allocated more land to multi-family.

I believe McMinnville needs, as well, more affordable housing. In fact, given the latest market, more housing period. I commend you for wanting to help fill that need with smaller houses and less land costs. Thank you.

I believe also McMinnville needs, to the extent possible, to minimize vehicle use especially as the arterials start to become crowded. And it's not just the traffic jams and air pollution to which they contribute, it's also all the associated space that must be given over to them for garages, driveway, parking lots, etc. There are better uses of that valuable and inherent irreplaceable land.

However, and you probably deduced a "however" was coming, the parking in the more densely packed portion of your project seems to me to not have enough parking. There are probably others on the Commission who will disagree with me, but I think both that the squeezed portion of your project will have more cars than anticipated and the lack of parking spaces that I think are needed will be disruptive. It has always amazed me how much animosity

parking disputes can generate. It tends to disrupt neighborhood cohesion and potentially harm desirability of the neighborhood.

I also wonder in passing about locating the trash and recycling containers. I wonder about pick-up ease given the proposed parking configurations. There are now up to four containers per household. They take up my entire driveway for example. So are they going to block driveways or block on street parking? But that is a minor point and if that alone was in question, I would approve your proposal. The key thing for me though was the parking in the western half of the site (Phases 1 and 3).

If your project was within walking distance to downtown I'd gladly approve it. If your project was within walking distance of a major employer, or even some of the concentrated shopping malls along Hwy 99, I would gladly approve it. If the bus service had more frequent, as well as earlier and later service along Hill Street, I'd also reconsider. Or, if you had your own shuttle service. Each of those, to me, would have likely reduced the total number of vehicles needing a place to park.

I see that the problem, however, is having a residential subdivision, particularly that western half there, I don't have any problem with the eastern half of it, where it is likely that disputes will be generated because there will be more cars, I believe, than can be conveniently parked relatively close by to the others homes. Just as a suggestion, if my vote was needed to pass the proposal, you might look at what neighborhoods like Shadow Wood and Tanglewood have done to handle this very problem. Essentially, some cutouts for parking that are open to everybody.

Alternatively, maybe a reconfiguration is possible although I doubt it. It looks like you've squeezed just as much as you possible can in there. I suspect that to get more parking a few lots might have to be sacrificed to get enough to make me at least feel comfortable that you meet the parking goals of the City. But, that is merely offering some thoughts, trying to be helpful. Perhaps you have some better ideas.

In any event, I'm just trying to articulate why I am, and reluctantly, very reluctantly, coming to the conclusion the proposal is not quite there yet to satisfy all the criteria for approval. I am hoping that you will find a way to solve the parking issue or convince me that the units will have significantly less vehicles, or significantly smaller vehicles than normal.

Lori Schanche:

I spent a lot of time looking at this proposal. There are a few things that bothered me. One is that I really don't think that the petitioner put much effort into preparing things. I mean, I think their thoughts

of using five foot and three foot to make eight foot, that's quite creative, but I really had to hunt through everything and try to find answers. I would like to complement staff. I feel that they've done a great job of putting everything together.

But I too am having issues with this project. One is the parking and I think there are some other comments forthcoming on that. I feel that, overall, this project does not meet our goal in the Comprehensive Plan, Goal 1, to promote affordable quality housing for all city residents. Because Policy 59 states, in part, um, "housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City." And when I look at the petitioners wanting to scale down the setbacks it just really bothers me. They're creating this R-4 Modified with only a three foot interior side yard. I understand that this is part of what is happening all over Oregon and all over the U.S., but it just does not feel like McMinnville to me, and that's my concern. I feel like we have a development that is already started and then we're going to jamb in a bunch of really big houses on really little lots and we had had to push just to get the extra tot lot. I've not seen any additional walkways and other amenities that would really, really help make this development much nicer, if we were to go and approve the smaller setbacks.

Zack Geary:

I too have a few prepared remarks and would to lead by saying that staff has done a herculean effort to prepare this in a digestible size. Thank you very much.

The appearance and treatment of spaces between and around buildings is of great importance. The landscape specifically that is dedicated to the public and open is of comparable importance to the buildings themselves in a development such as this and should likewise be treated as such. The aim of a Planned Development should be to result in a benefit to the community, the environment and to the landscape.

This application, to me, repeatedly fails to warrant a departure from standard regulation. I am however amenable to a give and take relationship of land development overall and in McMinnville specifically but the applicant seems demonstrably to be unable to give as much as they want to take. Which to me voids a collaborative relationship necessary to warranting a Planned Development such as this. I recognize the incredible need for high density housing as Martin so keenly pointed out. Our buildable land is precious and rare. But I also know that we shouldn't rush through permanent development just because they were the first through the door and they have a proposed solution to an identified need.

For these reasons and echoing Commissioner Hillestad and Commissioner Schanche, I find myself unable to give my full support to this proposal in front of me.

Roger Hall:

Lori's not the only who's spent considerable time thinking about their proposal and I found myself going back in my mind to what has happened in our society generally over the last two or three decades and I realized yesterday that if I had been asked to make a decision on this proposal 15 or 20 years ago, I would have probably not looked at it very favorably because most of the folks in my generation grew up in that post war period where everybody wanted to move to the suburbs to create what I tend to think of as suburban mansions.

But that's not what's happened in the last 15 or 20 years. There's a growing awareness that many people, partly in my generation, partly in the millennial generation, are looking for smaller properties, and are not looking to take care of yards and trimming and that sort of thing, so I recognize a need here.

I also think that what I've seen does fit the requirements with regard to what's needed to pass a proposal of this type so I'm more inclined to vote for it than I would have as I've said in days of yore. But, those are my thoughts.

Chair Hall asked the commission if there were additional comments.

There were none.

Chair Hall asked if the Commissioners were ready to make a motion.

Commissioner Chroust-Masin MOVED to DENY ZC 1-16, ZC 2-16, and S 3-16. Motion passed unanimously.

Chair Hall informed the applicant that the Planning Commission decision could be appealed to City Council.

5. Old/New Business

- Work Session: Proposed Zoning Ordinance Text Amendments, Landscape Review and Trees

Chair Hall asked staff to present the discussion item.

Chuck Darnell, Associate Planner, explained the purpose of the work session for the text amendments to Chapters 17.57 (Landscaping) and 17.58 (Trees) of the Zoning Ordinance. He stated that the Landscape Review Committee has met, discussed, and reviewed the proposed changes. Mr. Darnell explained that tonight's meeting was just a work session to inform the commission of the proposed changes and to discuss any

changes or suggestions to the proposed amendments. He informed them the public hearing would be on the March Planning Commission agenda.

Mr. Darnell explained the main amendments to the Chapter 17.57 (Landscaping). He described the changes to the Bylaws, which will consolidate all committees to one section of the City Code.

Mr. Darnell explained the changes to the review timeline and inspection process once the landscaping has been installed. He explained that currently the code states that the landscape plan must be reviewed with 10 days of submittal. The changes will be to allow for a 30 day review period. He also stated that the code says the Parks Department will inspect installed landscaping, but the practice has been for Planning Department staff to inspect the landscaping per the approved plan.

Mr. Pomeroy expressed that this inspection practice has been in place since he's been here, over 20 years.

Commissioner Hillestad asked staff if the City has a Forester.

Mr. Pomeroy answered no the City does not have a certified Arborist.

Mr. Darnell explained that the current practice is for Planning and the Public Works Superintendent to review the submitted landscape plan and make recommendations to the Landscape Review Committee (LRC). The landscape installation is then inspected by the Planning Department before building permits can be finalized.

Mr. Darnell then gave a brief overview of the amendments to Chapter 17.58 (Trees). He explained that proposed amendments include changes to review process, the definition of what constitutes a tree in the right-of-way, specific to when sections of the tree trunk cross over from public to private property, and exemptions to requiring LRC approval when the tree is causing immediate damage to public infrastructure.

Mr. Darnell explained that amendments were being proposed to the review period as well, changing the process from 15 days to 30 days, making the review for trees and landscape plans consistent. He also noted the appeal period for denied plans would be 15 days instead of 5 days.

Mr. Darnell said there would also be some minor changes to the planting standards, referencing specifications created in 2014, for both the downtown and other areas outside of the downtown. He said the proposed amendments will also allow the standards to be superseded by improved standards, if the City adopts them in the future, without modifying the code.

Mr. Darnell explained that the amendments would specify a specific time allowance to replace trees, which would be six (6) months from the approval. Also, if location is not appropriate for a street tree, an alternate location sited to replace the tree. Mr. Darnell said that there would also be an added statement to require ongoing maintenance of the trees.

Mr. Darnell asked the Commission if there were any questions he could address regarding the amendments, stating that the LRC had reviewed and accepted the amendments.

Commissioner Schanche asked about planting a replacement tree in another location if the current location was not appropriate for a new tree. Mr. Darnell stated that the City would advise the applicant on the location of a replacement tree, if that was required by the Landscape Review Committee.

Commissioner Hillestad asked about the cost to remove and replace trees, and if there could be stricter penalties for removing a tree without City approval. Mr. Darnell stated that the ordinance provided staff with the ability to enforce tree removals. Commissioner Schanche stated that there was specific language in the ordinance that defined how to determine the value of a tree that had been removed.

Commissioner Hillestad asked if there had been discussion about notifying surrounding property owners of tree removal requests. Mr. Darnell stated that there was currently no requirement to provide property owner notification. The Commission discussed options for providing public notification, including providing notice in the newspaper, mailing notice to surrounding property owners, or providing a sign at the tree to be removed.

Planning Director Richards stated that if public notification was to occur, the City would need to define exactly what type of input and involvement the public would be able to provide. She stated that there would need to be specific review criteria referenced and provided to the public to allow them to provide input in the process.

The Commission discussed whether they wanted to require property owner notification. Staff stated that they would review the criteria and explore options for a process, and report back at the next meeting.

Mr. Darnell said that he would take the feedback and make any necessary changes to the amendments, and that they would be discussed at the public hearing in March.

Discussion ended at 7:41 p.m.

- Work Session: Long-Range Strategic Planning

Planning Director Heather Richards introduced the discussion for Long-Range Strategic Planning and the importance of it to the City. Ms. Richards stated that long range planning has been deferred for years, due to limited resources.

Ms. Richards said there are two types of planning, current and long range planning. Current planning includes administering the zoning ordinance, land use applications, zoning maps, and land use decisions. Long range planning plans for the future growth of the community, including land inventory, infrastructure growth, and a vision for the next 20 years of development. She indicated that as part of the long range planning strategies, policies, such as the Comprehensive Plan and development codes, the Zoning Ordinance needed to be amended to meet current community values.

Ms. Richards provided a PowerPoint illustrating future needs pertaining to code and plan updates and the resources needed to complete the studies and amendments, including

estimated costs and staff time/capacity. She also explained some partnerships available with the University of Oregon and Portland State University, which would provide students to compete projects and studies based in McMinnville for their class completion.

Some discussion occurred about the buildable lands inventory, prior history of building permit activity, employment and population estimates, housing needs (including affordable and work-force housing), a 20-year land supply, and amending the urban growth boundary if necessary.

Ms. Richards read the current Planning Department Mission Statement. She also provided a snapshot of the next 5 years and the work plan set forth. Ms. Richards explained that there were potential changes to the Citizen Advisory Committee such that instead of one committee, there would be many Ad-Hoc committees established for specific projects. She explained that each sub-committee would have representative from the Planning Commission and the Planning Department.

The commissioners expressed their gratitude to the Planning staff for the work being done and that they look forward to participating in the long-range strategic planning.

The discussion ended at 8:27 p.m.

6. Committee/Commissioner Comments

Commissioner Chroust-Masin asked what was on the March agenda.


Ms. Richards said that the Landscape and Tree amendments would be brought back for a public hearing and Mr. Darnell said that there would also be a comprehensive plan amendment and two zone change requests for the Jae's Landing property.

7. Staff Comments

There were no additional staff comments.

8. Adjournment

Commissioner Chroust-Masin MOVED to adjourn the meeting; SECONDED by Commissioner Geary. Motion PASSED unanimously and Chair Hall adjourned the meeting at 8:29 p.m.



Heather Richards
Secretary