



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

www.mcminnvilleoregon.gov

MINUTES

March 16, 2017
Planning Commission
Work Session Meeting

5:00 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Erin Butler, Martin Chroust-Masin, Susan Dirks, Lori Schanche, Erica Thomas, and John Tiedge

Members Absent: None

Staff Present: Scott Burke – Information Systems Director, Chuck Darnell – Associate Planner, David Koch – City Attorney, Ron Pomeroy – Principal Planner, Heather Richards – Planning Director, and Megan Simmons – Information Systems Analyst

1. Call to Order

The meeting was called to order at 5:00 p.m.

2. Swearing in New Commissioners

City Attorney David Koch administered the Oath of Office to Commissioners Erin Butler and Susan Dirks.

The Commission introduced themselves.

3. Discussion Items:

- I.T. Assistance

The Commission received and set up their I-Pads.

- Discussion on Land Use Documents

Planning Director Heather Richards explained the components of the land use documents the Commission received from staff including the staff report and decision document. She then discussed the upcoming City Council and Planning Commission training on March 18th.

4. Adjournment

The meeting was adjourned at 6:10 p.m.


Heather Richards
Secretary



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Regular Meeting

6:30 pm
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Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Erin Butler, Martin Chroust-Masin, Susan Dirks, Lori Schanche, Erica Thomas, and John Tiedge

Members Absent: None

Staff Present: Chuck Darnell – Associate Planner, David Koch – City Attorney, and Heather Richards – Planning Director

1. Call to Order

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

2. Citizen Comments

None.

Chair Hall presented a gift to Wendy Stassens for over ten years of service on the Planning Commission. He introduced new Commissioners Erin Butler and Susan Dirks.

3. Approval of Minutes: February 16, 2017

Chair Hall called for action on the Planning Commission minutes from the February 16, 2017 meeting. Commissioner Geary MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Schanche. Motion CARRIED 8-0.

4. Public Hearing (Quasi-Judicial)

A. Comprehensive Plan Amendment and Zone Change (CPA 1-17, ZC 1-17, & ZC 2-17) (Exhibit 2)

Request: Approval of a comprehensive plan map amendment on a portion of a parcel of land from a mixed residential and commercial designation to only a commercial designation. The applicant is also requesting a rezoning of the northern portion of the same parcel from a mixed zoning of EF-40 (Exclusive Farm Use – 40-acre

Minimum) and R-1 (Single-Family Residential) to only R-1, and a rezoning of the southern portion of the same parcel from a mixed zoning of C-3 (General Commercial), EF-40, and R-1 to only C-3. The applicant intends to construct a single family home on the northern portion of the parcel and continue to operate the existing commercial business on the southern portion of the parcel. The parcel has recently been given approval to be partitioned (MP 7-16) into two parcels. The rezoning requests would result in the proposed Parcel 1 from the partition request being zoned R-1 and the proposed Parcel 2 from the partition request being zoned C-3.

Location: 2121 NE 27th Street and is more specifically described as Tax Lot 5002, Section 16AA, T. 4 S., R. 4 W., W.M.

Applicant: Creekside Homes, LLC, on behalf of Jae and Aylih Chon

Chair Hall opened the public hearing at 6:40 p.m. and read the hearing statement. He called for abstentions, objections to jurisdiction, and disclosures. There were none. He asked how many commissioners had visited the site. Most of the commissioners had.

Associate Planner Chuck Darnell presented the staff report. This was a request for a Comprehensive Plan amendment and two zone changes for 2121 NE 27th Street. He discussed the location of the subject site. A recent partition application was submitted by the property owner that had been approved. It divided the lot into two, a parcel to the north and a parcel to the south. The request was to designate the northern parcel as residential and to designate the southern parcel as commercial on the Comprehensive Plan Map and to rezone the property from a mixture of three different zones to R-1, single family residential, on the north parcel and C-3, general commercial, on the south parcel. Commercial development exists to the east and south along Highway 99W and a single family residence to the west and north.

Associate Planner Darnell explained how portions of this site were annexed into the City in 1983 and 1986 and that County zoning still existed on a portion of the site. In 1995, a survey was recorded and the existing lot became a lot of record. One of the reasons for the rezoning was to change the County zoning to a City zoning designation to allow for urban development.

Associate Planner Darnell then described the review criteria. For the Comprehensive Plan Map amendment, the change would support local businesses and commercial businesses in the City. It would also provide a variety of housing types and densities, and urban services could be sufficiently provided to the property. The amendment would be more consistent with the new property lines and existing and historical uses of the property. The residential portion of the site would be adjacent to other residentially developed properties and the commercial portion would be adjacent to 27th Street and Highway 99W and other commercial properties. Existing utilities served the southern portion of the parcel where the restaurant exists today. Access and utilities could be provided to the northern portion of the property from NE Waggoner Drive. The existing and new vehicular access points would be upgraded to meet current standards.

For the R-1 zone change request, its approval would provide for a variety of housing types at densities consistent with the surrounding area. The area to the north was committed to R-1

zoning through a previous land use decision. The property owner planned to build one single family home on the parcel, which was consistent with the development pattern of the surrounding area. There is a stream that runs through the middle of the property limiting the developable area of the residential portion of the property, which qualifies the property for low density residential as stated in the Comprehensive Plan policies. Also, the Zoning Ordinance required the rezoning from the County zoning to a City zoning designation to allow for urban development.

The C-3 zone change request would support existing businesses in McMinnville and maximize the use of existing commercial uses and commercially designated lands. Utilities could be provided to the property. The County zoning would be removed from this parcel as well. The zone change was consistent with the existing and historical uses of the property. It was compatible with the surrounding land uses and development pattern.

Associate Planner Darnell recommended approval of the comprehensive plan amendment and two zone change requests subject to the conditions in the staff report. The Planning Commission would make a recommendation to the City Council who would hear this matter at their April 25, 2017 public meeting.

Commissioner Chroust-Masin asked if any of the property was in the flood plain. Mr. Darnell said it was not.

Commissioner Schanche asked if the access road was a private road and if there was a deadline for when the plat had to be completed. Mr. Darnell said there would be a private easement over the properties to the west. There was a driveway there currently that would be shared with Parcel 1. The deadline to complete the plat was 12 months after the tentative partition plat was approved. The utility improvements had to be done and easements still had to be recorded before the final plat was approved.

Commissioner Butler asked about a nearby R-1 parcel that would be impacted by the commercial zoning. It would no longer be next to another residential zone. Mr. Darnell explained one of the conditions of approval was that before any building permits were issued for the southern parcel, landscaping would be installed on the north and west property lines to provide buffering and transitioning between the commercial use and residential use.

Mr. Darnell said the applicant was not present and had waived their opportunity to give testimony.

Proponents: David Hunn, McMinnville resident, was in favor of the request. He thought property owners should be allowed to use their properties to the full extent. They paid taxes and were part of the community. The restaurant had been there for many years and this was an opportunity for further use of the property. It would be a commercial boundary where there was already a commercial business, and would transition to residential use.

Opponents: None.

Mr. Darnell said no additional testimony had been received.

Chair Hall closed the public hearing at 7:00 p.m.

Commissioner Chroust-Masin would have liked to hear from the applicant, but thought all of the criteria had been met.

Commissioner Tiedge said straightening out the County zoning was the correct thing to do. He had no objections.

Commissioner Thomas was in favor.

Commissioner Geary thought it was disrespectful and arrogant of the applicant not to show up to the meeting, however the application was cut and dry.

Commissioner Schanche was also in favor of the application as it was more of a housekeeping issue. Commissioner Butler concurred.

Commissioner Dirks agreed that the applicant should have been in attendance, but was in favor of the application.

Chair Hall thought it was a housekeeping issue as well.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend the City Council approve CPA 1-17 subject to the staff recommended conditions of approval. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 8-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend the City Council approve ZC 1-17 subject to the staff recommended conditions of approval. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 8-0.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend the City Council approve ZC 2-17 subject to the staff recommended conditions of approval. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 8-0.

B. Zoning Text Amendment (G 1-17) (Exhibit 3)

Request: Approval to amend Chapter 17.57 (Landscaping) and Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance to update provisions related to the review processes for landscape and street tree plans, the purpose and intent of the landscaping chapter, the Landscape Review Committee bylaws, the on-going maintenance requirements for landscaping and street trees, and the street tree planting and replacement requirements.

Applicant: City of McMinnville

Chair Hall opened the public hearing at 7:05 p.m.

Mr. Darnell presented the staff report. This was a request to amend the landscape and tree chapters of the Zoning Ordinance. The landscape chapter regulated landscape plans and required landscaping to be installed on most new development in the City. The tree chapter regulated street trees, trees on public property, and review processes for removal and replacement of street trees. The Landscape Review Committee had reviewed the existing language of these chapters and considered updates to reflect current practices and industry standards. They recommended those changes be approved.

The amendments to the landscape chapter included changes to the purpose and intent statement, review and inspection processes for landscape plans and landscape installation, and Committee bylaws. The proposed amendments to the trees chapter included changes to the applicability and definitions for street trees, review process for street tree removal, updates to the street tree planting standards, replacement requirements, and long term maintenance of street trees.

Associate Planner Darnell then explained these amendments in detail. One additional change had been made, to allow for a certified arborist report to be provided for tree removal requests. Staff also recommended allowing for additional time to complete a tree replacement if someone was required to do so. The previously proposed amendment was that tree removal and replacement should be completed within six months. The proposed statement to add was, "to allow the Landscape Review Committee to allow additional time to complete a tree replacement to promote planting in a favorable season and to promote tree survivability."

Associate Planner Darnell stated that feedback had been received from the Native Plant Society of Oregon. They were in support of using native plants in landscape plans and recommended the following statement to be included in the purpose and intent statement of the landscape chapter, "to encourage the use of plants native to the Willamette Valley to the maximum extent feasible in order to reduce watering requirements and agricultural chemical applications and to provide a sense of regional identity with plant communities unique to the area."

Associate Planner Darnell explained that this would be a recommendation of the Planning Commission to the City Council who would hear this matter on April 25.

Commissioner Schanche referred to the landscape chapter, Section 17.57.010, and asked about the use of the word "good" in the statement "good landscaping increased property values." The word "good" was subjective and she would like to replace it with a different word. In regard to Section 17.57.050(C), she clarified "like for like" meant same species and size. She was not sure if they should say species and size instead of "like for like."

Chair Hall said it did not always mean same species and size because if a large tree was removed, it could be replaced with the same species, but not the same size. Mr. Darnell explained if it was similar to what was approved in the original plan, that was what the City would be looking for. Ms. Richards said this was under the landscape plan review and these plants had not been planted yet. If the Landscape Review Committee approved the plan and an applicant made a minor change, it had to be a like for like species.

Commissioner Geary asked if staff saw any issues with enforcement of these amendments. Mr. Darnell said it was the City's practice to enforce when they became aware of issues. The ability to enforce if needed was in the Code.

Commissioner Geary was concerned about tree removal downtown. He asked what the notification process was for tree removal. Mr. Darnell said notification was not required for tree removal. Staff thought the review criteria were measurable and allowed for trees to be removed only if a specific issue was occurring. Trees were the responsibility of the adjacent property owner and staff recommended not having a notification process for tree removal. Downtown was treated differently by the Code as tree removals were required to be approved by the Planning Director. The maintenance and removal of street trees downtown was the responsibility of the City. Mr. Koch said the City taking on the responsibility was a way of ensuring the trees would be preserved for the public good. It was a City law adopted by ordinance. Sidewalks and streets were in the public right-of-way. The City could regulate the use of sidewalks and streets. The City could require that adjacent property owners maintained sidewalks.

Commissioner Geary suggested protecting the downtown trees in a phased manner so that an entire street was not gutted of trees at the same time. He wanted the trees downtown to be protected. Ms. Richards stated there were protections for tree removals in the current Code. There was a rotation plan for how the trees would be removed. They could not all be cut down at once and the decision to remove them was with the Planning Director after being shown there was excessive damage to the public infrastructure or was a public safety issue. What wasn't in the Code was a check and balance. The decision was with the Planning Director and there was a limit to how many trees could be removed each year, but it did not have to go to another decision making body. She thought it should be taken to the Landscape Review Committee. Mr. Darnell thought the Downtown Association could be notified when tree removals were being considered in the downtown area as well.

Commissioner Tiedge asked if any of these changes created new financial burdens for private property owners. Mr. Darnell said the only change was there were more opportunities to request an arborist report.

Commissioner Thomas left the meeting at 7:37 PM.

Public Testimony:

Patty O'Leary, McMinnville resident, said in regard to the landscape chapter, the first section stated "harmonious manner that will enhance, protect, and promote the economic, ecological, and aesthetic environment of McMinnville," and under that there were items listed. The first item was "promote McMinnville as a community that cares about their appearance." She did not think they should lead with that phrase. It should be something like "promote compatibility between land uses" as the first phrase. She thought the language should include things that were more quantifiable and qualifiable. In Section 17.57.040(E) and (F), water run-off and drainage requirements were not included. In Section 17.57.080, she asked if they wanted to consider including lawn or ground cover as being replaced after construction in the public right-of-way. Regarding the reduced landscaping requirements map, the downtown street trees needed to be included in the gray area. For the tree chapter, Section 17.58.010 said, "to educate the public concerning community forest issues" and she doubted the Planning

Department should be involved in education. Major pruning was referred to in Section 17.58.040(A), but major pruning was not defined until Section 17.58.060(C). The downtown tree area was not defined and there needed to be more clarity that downtown trees were handled differently. Regarding section 17.58.075(B), "support" needed to be defined. In the appeal process, there needed to be more clarity as to how many days people had to file an appeal. She thought the two points under street maintenance could be reduced to one point.

Bob Tracey, Native Plant Society member, was present to answer any questions about the recommended statement submitted by the Society or why use of native plants was valuable. They had a demonstration garden and could give tours of it as well. They could also help provide a list of recommended species. He mentioned that the trees in the Roth's parking lot had been topped incorrectly and many of the trees could die. He thought it should be illegal in the City to allow the topping of trees.

Commissioner Schanche said tree topping was already unlawful in the Code.

Commissioner Geary wanted to put more verbiage about native plants into the chapters. Mr. Tracey said the Society could help them with the wording.

Stuart Gunness, McMinnville resident, wanted to see some language about tree topping included in the street tree maintenance into perpetuity section. He talked to the manager at Roth's and it was his maintenance crew that did the topping. That manager was told to do it by his manager in Salem, and the Salem manager said it was their policy. It was done for visual accessibility and clearance of their business. There needed to be more education on this issue and enforcement. There was also a topping issue at the Red Lion Motel.

Mr. Darnell said the process was supposed to be that standard pruning could be done, but if they wanted to do major pruning of more than 20 percent of the canopy, it would need to be approved by the Landscape Review Committee. These locations would be addressed.

Mark Davis, McMinnville resident, was in support of the proposed language for native plants. Using native plants fit in with the City's sustainability initiative. It was also good economically for the community as the plants were grown locally. He also liked the water-saving possibilities of these plants.

Mr. Darnell said the comments and suggestions from tonight would be incorporated into the proposed changes and the document would go back to the Landscape Review Committee for review and recommendation.

Commissioner Geary MOVED to continue the public hearing to 6:30 pm on May 18, 2017. SECONDED by Commissioner Chroust-Masin. The motion CARRIED 7-0.

5. Old/New Business

- City Council and Planning Commission Training March 18, 2017

Ms. Richards described the training that would be held on March 18th.

6. Commissioner Comments

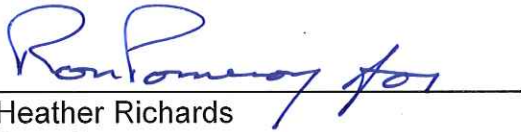
None.

7. Staff Comments

None.

8. Adjournment

Commissioner Geary MOVED to adjourn the meeting; SECONDED by Commissioner Chroust-Masin. Motion CARRIED 7-0 and Chair Hall adjourned the meeting at 8:07 p.m.

A handwritten signature in blue ink, appearing to read "Heather Richards", is written over a horizontal line.

Heather Richards
Secretary