



City of McMinnville
Planning Department
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MINUTES

August 17, 2017
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

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

Members Absent: Gary Langenwalter and Erin Butler

Staff Present: Mike Bisset – City Engineer, Chuck Darnell – Associate Planner, David Koch – City Attorney, Ron Pomeroy – Principal Planner, 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

3. Approval of Minutes:

A. June 15, 2017 Work Session

Chair Hall called for action on the Planning Commission minutes from the June 15, 2017 Work Session. Commissioner Schanche MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Geary. Motion CARRIED 7-0.

B. July 20, 2017 Public Hearing

Chair Hall called for action on the Planning Commission minutes from the June 20, 2017 Public Hearing. Commissioner Schanche MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Dirks. Motion CARRIED 7-0.

4. Public Hearing (Quasi-Judicial)

A. Zone Change (ZC 9-17/ZC 10-17) (Exhibit 2)

Request: Approval of a zone change from R-1 (Single-Family Residential) to R-4 PD (Multiple-Family Residential Planned Development) on an approximately 0.22 acre parcel of land. Concurrently, the applicant is requesting a Planned Development amendment to amend an existing R-4 PD (Multiple-Family Residential Planned Development) zone on an approximately 0.89 acre parcel of land. The two parcels are located immediately adjacent to each other, with the smaller parcel adjacent to 2nd Street and the larger parcel to the south extending down to SW Apperson Street. The rezoning and planned development amendment would result in the ability to develop 21 (twenty-one) multiple-family residential dwelling units on the two parcels.

Location: 1730 SW 2nd Street and more specifically described as Tax Lots 101 and 100, Section 20CB, T. 4 S., R. 4 W., W.M.

Applicant: Ray Kulback

Chair Hall opened the public hearing and read the quasi-judicial hearing procedure. He asked if there was any objection to the Commission's jurisdiction to hear this matter. There was none. He asked if any Commissioner had a disclosure to declare or wished to abstain from participating or voting on this application. There was none. He asked if any Commissioner needed to declare any contact prior to the hearing with the applicant, any other party involved with the hearing, or any other source of information outside of staff regarding the subject of this hearing. There was none. Several Commissioners had visited the site.

Associate Planner Darnell delivered the staff report. This was a request for a zone change and a planned development amendment for property on SW 2nd Street. The zone change was for the northern parcel to go from R-1, single family residential, to R-4, multi-family residential planned development. The planned development amendment would amend the existing planned development that applied to the southern parcel to expand and cover both parcels which would result in both being zoned R-4 and underneath the planned development overlay. He described the existing parcel and the proposed changes. The current planned development was adopted in 1980. It rezoned the southern parcel to R-4 and adopted the planned development overlay. The overlay limited the site to no more than five dwelling units due to sewer capacity issues. Infrastructure improvements and easements were also required. Since that time, the infrastructure improvements had either been completed or would be required at build out of the site. He reviewed the zone change criteria. The application was consistent with the goals and policies of the Comprehensive Plan in providing a variety of housing in the City. The area could be buffered by landscaping from adjacent low density residential areas and a condition had been included for a landscape plan to be provided and that it would include buffering. There was another condition that if the building height was greater than 35 feet one foot setbacks for every foot over the 35 feet would be required. The site had access to an arterial street. There were no development limitations as it was a flat site with no natural features. Existing facilities had the capacity to support the development. The site had access to transit, was near a property zoned for commercial use in the future, and there were parks nearby. There were higher density uses such as apartments and duplexes surrounding the site. The proposed zone change was not inconsistent with the surrounding development pattern. He discussed the planned development amendment. The specific requests were to repeal the existing planned development as it was outdated and some of the requirements were irrelevant and adopt the new planned development which would increase the size and cover the north parcel as well as the southern parcel. This

site was a uniquely shaped lot as it was narrow and deep. One of the main reasons for the change was to allow for multiple duplex units to be distributed throughout the site instead of a large cluster in one area. The applicant intended to transition from the multi-family development to the east and the single family residential to the west. It was consistent with the Comprehensive Plan objectives for the area and the proposed density was more consistent with the density requirements in the R-4 zone. The proposal was to go from six dwelling units to 21 dwelling units which was a density of 18.9 units per acre. The locational characteristics of the surrounding amenities were consistent with the higher density. The sewer capacity issues had been addressed since the time of the original planned development. The applicant submitted a site plan that provided for some contiguous open space on the site. There would be a stand-alone single unit on the north that would allow for a larger open space on the north. To make that work, the applicant had requested a 5 foot reduction in the front and rear yard setbacks. The site accessed directly on public right-of-way on both sides and there would be a one way access through the site, entering on 2nd and exiting on Apperson. That would reduce the traffic impacts on 2nd. The traffic drive aisle would meander through the site to spread out the dwelling units and reduce speeds. The applicant intended to begin the project soon after it was approved. There was a condition that work had to begin within two years and completed in seven years. The streets were adequate to support the anticipated traffic from the development. A traffic analysis was done for this application and the increases in the pm peak hour delays were minimal. The level of service did not change for the surrounding intersections. The engineering and utility providers were comfortable with providing adequate facilities to serve the site. The maximum density that could be constructed on the site was up to 32 dwelling units and the applicant was proposing 21. Some additional testimony had been received that he entered into the record. The first was a letter from a nearby resident who was concerned about the impacts to traffic on 2nd and asked if a traffic light was warranted. The traffic analysis showed minimal impacts on the surrounding network and a traffic signal was not warranted at this time. Another letter was received from the Fair Housing Council of Oregon who asked the City to look at this proposal in terms of its impact on Statewide Planning Goal 10, the housing needs analysis, and buildable lands inventory. Staff responded that the Goal 10 analysis was not required in this case because the proposal was consistent with the Comprehensive Plan map which allowed for residential use, the proposal implemented the Comprehensive Plan policies, and met the zone change criteria. Staff recommended approval of the application with conditions.

Commissioner Chroust-Masin suggested it would be better to enter the site on Apperson and exit onto 2nd. Associate Planner Darnell said the intent was to prevent movements coming out of the site onto 2nd. City Engineer Bisset said the traffic study concluded that the adjacent street network had capacity for the direction that was submitted and was well below the capacity threshold in the adopted Transportation System Plan.

Commissioner Schanche asked what the percentage was of open space they were supposed to provide. Associate Planner Darnell said there was no specific percentage, they just had to provide open space. The area proposed by the applicant was 2,300 square feet or 5% of the overall site. All of the combined open space was 28% which included landscaping.

Commissioner Schanche was also concerned about the radius for fire trucks.

Public Testimony:

Ray Kulback, applicant, thanked staff for working with him on this application. Staff supported the application and found that it met all of the relative criteria. He asked the Commission to approve it. Regarding the traffic flow, he was required to give an additional 18 feet for future development of 2nd should it be required to be widened. They chose the traffic flow because it would take traffic off of 2nd and it would enter onto a lower volume street. He did not see the need to reverse it. Regarding the open space, the radius worked for fire trucks.

Commissioner Schanche thought some amenities should be included in the open space like benches. Mr. Kulback gave his vision for the open space which included benches, covered barbecue and picnic area, and covered bike parking.

Commissioner Dirks asked if he was going to put in patios behind the units. Mr. Kulback said there would be patios for every unit that would be privately fenced.

Frank Maynard, McMinnville resident, wanted to know if there would be a paved alley behind the units and if there would be a stop sign on 2nd Street. He thought Apperson would be overloaded and wanted to make sure the development did not affect the neighborhood. Chair Hall said there would be no alley or stop sign.

Commissioner Chroust-Masin clarified the driveway for the development would be right behind his property line and would be paved.

Bill Bordeaux, McMinnville resident, asked if the Commission was planning to vote on the application tonight. Chair Hall said the Commission would decide that after all of the testimony was received.

Mr. Bordeaux had come before the Commission several years ago when they were considering a 400 unit housing development on the west side of Hill Road. He warned the Commission about the potential effects of that decision at that time and now there was overcrowding on 2nd Street and in schools. Newby Elementary School was expanded and remodeled and Dunaway had additional units put in and yet both were vastly overcrowded. There was a 48 multi-family unit apartment complex immediately adjacent to this property, there was a 50 unit apartment complex 100 feet northwest of this property, a 28 unit condo complex 700 feet down Cypress, and to the immediate east there were multiple duplexes. This area was already replete with multi-family units and had no need for another 21 unit complex. The schools did not need to deal with 40 plus students added to their rolls. Regarding safety and congestion, 2nd Street had become congested over the past few years. Cypress and Agee had become major arterials that fed into 2nd. To add this additional development would compound the issue. Cypress and 2nd was a choke point and there were auto accidents there on a regular basis. Having another ingress on 2nd would jam things up more. People turning left into the development would cause back-ups and the people turning right would slow down traffic. The physical and natural contours of the area would add to the problem. There was a blind hill on both sides of Cypress and many people were speeding on the hill and there was already a choke point on Cypress and 2nd. Another egress would add to the complication. In the morning and evening there was direct sunlight going into drivers' eyes on 2nd. He cautioned adding to this difficult area. He did not think the 36 parking spaces proposed would accommodate 21 new units in this area. There was no adjacent parking on 2nd. The only potential was parking across the street which meant pedestrians walking across the dangerous street and opening car doors into the bike lane. He thought this plan failed to meet criteria number 1, the purpose on number 2, and failed to meet

17.74.070 a, b, and e. He suggested the Commission personally observe this stretch of 2nd. It was not safe and was highly congested.

Mr. Kulback gave rebuttal. Twice a month he had the property maintained so it looked presentable for the last twelve years. The reason it had not been developed in twelve years was the economy was so bad he could not afford it. He was now actively pursuing development. He had recently done a development next to Newby School and experienced the traffic. He lived about three blocks from 2nd and drove it every day. It had been improved over the years, and would be improved again. There were a lot of kids going to school and it was busy in the morning. He agreed the speed should be reduced on the hill and there should be more police enforcement. There were sidewalks and bike lanes on 2nd. There was congestion on 2nd because it was a busy street. He suggested traffic lights be put in in the future. He did not think traffic would back up when people were entering the development as a lot of the traffic was turning on Cypress and people were already slowing down. He thought it would be a good flow. The traffic study had addressed many of these issues.

Mr. Kulback waived the seven day period to submit final written arguments.

Chair Hall closed the public hearing.

Commissioner Schanche was in support of the application. It was creative and there was a need for housing in McMinnville. Traffic engineers had looked at the traffic issues and she thought this development would work. She suggested adding open space amenities to the conditions.

Commissioner Chroust-Masin had concerns with the traffic flow. He thought it would add to the current problems and again suggested reversing the flow of the traffic on the property.

Commissioner Dirks thought this was cleverly designed in a limited space. The applicant had done the best he could to get open space. She was sympathetic to the traffic issues on 2nd, but it was an arterial and they should expect traffic there. She thought moving the traffic as designed was appropriate.

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 Zone Change (ZC 9-17/ZC 10-17) and to add in Condition #1 that the details in the site plan include open space amenities. SECONDED by Commissioner Dirks. The motion PASSED 6-1 with Commissioner Chroust-Masin opposed.

B. Zone Change (ZC 11-17) (Exhibit 3)

Request: Approval of a zone change from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site.

Location: North of NE Cumulus Avenue and east of NE Fircrest Drive and is more specifically described as Tax Lot 900, Section 23, T. 4 S., R. 4 W., W.M.

Applicant: Land Use Resources, LLC

Chair Hall opened the public hearing and read the quasi-judicial hearing procedure. He asked if there was any objection to the Commission's jurisdiction to hear this matter. There was none.

He asked if any Commissioner had a disclosure to declare or wished to abstain from participating or voting on this application. There was none. He asked if any Commissioner needed to declare any contact prior to the hearing with the applicant, any other party involved with the hearing, or any other source of information outside of staff regarding the subject of this hearing. There was none. Several Commissioners had visited the site.

Principal Planner Pomeroy presented the staff report. He entered two items into the record. One was Attachment B to the staff report which was a memorandum provided to the Commission on August 16 which responded to testimony received from John Baker on August 11. The other was a letter from Tom and Kathy Murdeshaw dated August 16 and he read the letter into the record. They asked the Commission to postpone their decision until a complete study and review of any proposed development plans for the subject property occurred to review the affects the development plans would have on the surrounding neighborhood, community, and public utilities servicing the area. They were concerned about access to emergency vehicles, pedestrian and vehicle safety, and environmental impacts. This letter was Attachment C to the staff report. Regarding the application, the site was located east of Fircrest Drive and north of Cumulus Avenue. The current zoning of the property was EF-80 and a small piece of FP, which was flood plain zoned property of approximately one-tenth of an acre in size located on the north edge of the property. If the zone change was approved, 5.2 of the 5.3 acres would be rezoned to R-4 which matched the existing zoning of the properties to the west. The flood plain would remain in the flood plain zone. He then reviewed the zone change criteria. The application was consistent with the goals and policies of the Comprehensive Plan. The proposal was orderly and timely and able to be effectively served by utilities and services. The property was adjacent to medium density development. The northern part of the property had a drainage swale that ran to the northwest to the Yamhill River. That did not impact the balance of the site at this time. There was public transit that in the future would run along Cumulus. The site was within 200 feet of the planned transit route and was a quarter mile from commercial services. The facilities had adequate capacity for additional development. The property was within 200 feet of a collector street, which was Cumulus Avenue. Cumulus could accommodate maximum daily traffic of 10,000 trips and could accommodate the trips anticipated with this rezone. To the west of the site was the Fircrest Assisted Care and Alzheimer's facility, to the northwest was the Fircrest Village condominium development, to the south and west was the Fircrest Community Assisted Living and Memory Care apartment complex and further to the west of that was Parkland Village independent and assisted living. These were in the medium density range. He then discussed Attachment B, public comments. Most of the public comment that had been received was concerns about adequate provision of police and fire protection, the need for an environmental impact study for the property, question regarding review by Yamhill County, availability of materials for public review, questions regarding the specifics of the future development proposal for the property, and the appropriateness of the requested zoning given the adjacent development. The adjacent development was already zoned R-4 and the density would be limited based on the applicant's traffic impact analysis. Yamhill County had no jurisdiction on this property as it was within the McMinnville UGB and City limits. An environmental impact study was not required. The police and fire departments had reviewed the request and had issued no concerns. The materials for the project were made available on the City's webpage and the staff report and decision document were provided at least seven days prior to the hearing and were available at the Community Development Department counter. Staff recommended approval of the application subject to the conditions. One condition was that prior to development of the property the applicant had to submit a preservation plan relative to the natural drainage swale and wooded area of the site to be reviewed and approved by the Planning Director prior to

approval of any development plan. The limitation on development came from the traffic impact analysis which determined that there would be a maximum of 48 morning peak hour trips generated from this property and 59 evening peak hour trips. The City Engineer reviewed the analysis and concluded that the surrounding street network could accommodate all of the anticipated traffic. This allowed 95 multiple family dwelling units on the site. Other conditions identified the street improvements that were required when the property was developed and the need for acquiring erosion control permits and wetland and waterway permits as necessary.

Chair Hall said the concerns in the letter that had been read into the record were more appropriate for a development proposal than a zone change. Principal Planner Pomeroy concurred with that.

Public Testimony:

Denny Elmer, applicant, was requesting a zone change from AH to R-4 for a parcel located on Fircrest Drive. He agreed with staff's recommendation and the conditions of approval. He was seeking approval.

Commissioner Dirks asked if he would be developing the property. Mr. Elmer was not sure at this time and was not sure what the development plans would be.

Commissioner Chroust-Masin asked if there was a timeframe for development. Mr. Elmer replied he would like to start next year.

Someone from the audience asked why an environmental impact study was not required. Principal Planner Pomeroy answered because there was no development being proposed at this time. Planning Director Richards said there were two conditions of approval that required a preservation plan and wetlands study at the time of a development application. If this zone change was approved, there were permitted uses in the zone that did not require a public hearing, one of which was a multi-family complex. There were other uses that did require a public hearing, such as a subdivision. Based on what the developer chose to do, it could come back for a public hearing or for staff review and approval. Whatever was chosen, the conditions of approval would have to be followed.

Another question from the audience was confirming they could not develop a motel or hotel, that these would be residential units with people living there. Planning Director Richards said in the R-4 zone there could be single family dwelling units, two family dwelling units, multiple family dwelling units, residential facility, or social relief facility. The land west of this property was also R-4.

Chair Hall said whatever was developed would have to follow the criteria in the code with regard to what was permitted in this zone.

Another question was raised about the preservation plan and wetlands study and if the public could comment on any issues that were found. Planning Director Richards said if the application did not go through a land use process, those studies did not go into public review.

Principal Planner Pomeroy said they had capped the development of multi-family units to 95 maximum units. There was no development plan yet, and staff made a condition that capped any development in the future.

Lee Eggers, McMinnville resident and president of the Fircrest Village condominiums, said they became an HOA in 2004 and were proud of their complex. Many changes had taken place over the last 13 years that had impacted the nature of the complex. These were the addition of Fircrest Community, American Avenue housing, medical clinic, and low cost housing. They had especially had an impact on the intersection of Fircrest Drive and Cumulus Avenue. The proposed zone change indicated a traffic study was done that showed no impact. He took exception to that, especially when the study did not include the intersection of Fircrest and Cumulus. There were only a few accesses onto Cumulus which exacerbated the problem. Fircrest Community used a private street and he had done a traffic count that showed 200 plus cars per day coming from that development. If another 95 cars were added to that plus the 28 unit development going in on American Avenue, he found exception to the traffic count. Cumulus and Fircrest was a complex intersection. Fircrest Community had a sign that blocked the west view of oncoming traffic. You had to make a 90 degree turn over your shoulder to see oncoming traffic on Cumulus. There was a lot of speeding on Cumulus as well. He proposed the traffic study show the impact of traffic based on the development plans for the area and the Fircrest Drive and Cumulus Avenue intersection. He also requested that parking be restricted to only one side of Fircrest Drive to allow passage of fire trucks and ambulances. Since this was a privately owned property, could it be considered spot zoning? Did the developer have the proposed plans for these 95 units? Were there any open space resources or wetlands on the property? How many parking spaces were planned? He asked that the tree area and gully be put into a green zone in perpetuity so it would not be developed. The zoning of plot 1000 and 1001 were still zoned as AH. There was a blue metal building there that he assumed was a grow operation which would follow the AH zone.

Janice Gray, McMinnville resident, was concerned about not having a say in this if it was a multi-family development. She lived nearby and the properties around her were zoned R-4, but medium density had been built there. She thought this lot should be limited to medium density as well. By adding another street coming out onto Fircrest Drive, it would hold up traffic. She would like to see the old growth trees preserved. Cumulus was currently a dead end street. If that was not changed, it would be a problem. She did not think there were commercial services nearby. Grocery stores were far away.

Dan Wollam, McMinnville resident, had recently moved to McMinnville and one of the reasons he moved to Fircrest Place was because of the environment that surrounded it. He liked being on the edge of town and the openness and wooded areas. Without a development plan for this site, it was hard to get a concept and understanding of what the zone change would mean other than to assume the worst case possible. He did not want to deny the property owner reasonable development rights, but if it was developed to the maximum possible it would be a travesty to this area. On the one side of the property was wide open agricultural area and on the other side there was medium density. According to this proposal, high density would be sandwiched in between. Good planning did not go from an extremely low density to a high density to a medium density. He suggested looking at a different zone and not allowing the highest density and use. He discussed Policy 71.09, and how this type of residential development should be directed towards the center of the City. This property was far from the center of the City. It was not a good location for transit and commercial services either. It did not seem like a good use for the

property. There was likely an environmental impact and it was not prohibited from the Commission's consideration. This area was full of large and small mammals, birds, and wildlife. They did not know if the developer would clear cut that area and fill it all in. If this was to be a multi-family development, this would be the last public hearing for this property. He thought staff would apply the standards carefully, but was concerned that standards did not measure adequately the impact to the quality of life in the area or measure the beauty of the area. He asked the Commission to postpone the decision until the developer could give an idea of what would be done on the property. The intersection of Fircrest and Cumulus was a dangerous intersection. There were many disabled in the area as well as traffic and difficult visibility.

Gioia Goodrum, McMinnville resident, would like to know what the developer planned to do with the trees and if there would be a buffer between Fircrest Place and this development. She believed the community needed more housing.

Tom Wolf, McMinnville resident, said they were not just talking about people, but also the environment and animals. He had not heard a reason to change the zoning from agricultural to residential. He bought his property with the understanding that there was agricultural behind him. He knew things could change, but he did not think it needed to change. There was no public transportation and he thought there would not be for some time. The intersection of Fircrest and Cumulus was dangerous.

Patricia Parker, McMinnville resident, said over the last few years there had been considerable changes to the area, especially with the care facility addition. The street was short with people coming and going into a driveway that immediately split and there were many close calls. If there was more development the street would need to be widened. It could also get spill over from the housing development and apartments and there would be parking on the street. She was concerned about the trees and the gully being preserved. The areas that were not developable on the property could stay the way they were and the area up front near the street that had no trees and did not have to be dug up or changed could be developed. The trees and gully enhanced her neighborhood and the museum property. She asked that the decision be postponed until further studies were made.

Planning Director Richards said the intersection of Fircrest and Cumulus was not studied in the traffic impact analysis and staff could ask that it be done. Fircrest Drive would be required to be improved when the property developed. The improvement would be a landscape strip and sidewalk. It was a local road classification and they could explore the suggestion for parking on only one side.

City Engineer Bisset said the current standard for 26 foot wide residential streets was to allow parking on both sides, but it could be modified with a request from public safety. Fircrest was a residential street and with the addition of this development at the maximum amount of units that was studied there would not be any capacity issues with Fircrest. Cumulus was a collector street and there were not capacity issues on it either. They had reviewed the safety of the intersection, specifically the site distance concerns that had been raised. There was a temporary real estate sign and vegetation to the east that they were addressing to improve the site distance in that direction. There was a Fircrest sign that was in the site distance area and they were working with the property owner to have it moved. Once those were resolved the site distance fell within the design criteria. The intersections that were studied were studied at the direction of the Engineering Department.

Planning Director Richards said in McMinnville a property owner could request a zone change without a planned development land use application. For this property, the developer had been in dialogue with the City and had many ideas for the site. He wanted to see what he could do to preserve the wooded area as well. The traffic impact analysis was based on the development of 3.8 acres of the 5.3 acre site because there was recognition that not all of the site would be fully developed. This property had always been identified in the Comprehensive Plan map as future residential development. The AH zone was a holding zone, and it was always intended to be developed. When the Comprehensive Plan map was put together it was based on future growth needs and that was how properties were identified for residential zoning verses commercial and industrial zoning. It was in the City limits and had been identified to accommodate future residential growth.

Mr. Elmer provided rebuttal. He discussed how this process had been in evolution. The concept of using the land that was flat and not many trees related to the amount of units he was asking for. He did not plan to cut down the trees as he saw the beauty in them as well. He did not know if he could design 95 units with the parking requirements, but he planned to build on the land suggested. The City had required him to do a preservation easement over the trees and gully that would preserve that area so it could not be developed.

Mr. Wollam asked if the applicant would be open to reducing the area that would be rezoned to the area that would be used for the development and leaving the rest of it zoned as it was.

Planning Director Richards said that would require an amended application. An AH zone could be rezoned in the future. It was not the same as an easement.

Mr. Eggers asked how confident the applicant was in the traffic study as Mr. Eggers' traffic counts were higher. There was only one area they could come out onto from the property. City Engineer Bisset confirmed Mr. Elmer had used Lancaster Engineering to do the traffic study to the criteria required by the City.

There was discussion regarding the request to continue the hearing until the developer submitted a plan for the property.

City Attorney Koch said the Commission was required to apply the laws as they existed today and in this case the City allowed an applicant to apply for a zone change without having to commit to any particular development or use. A request to continue the hearing for the developer to jump through additional hoops that were not required was not something that could lawfully be imposed. The decision before the Commission was whether or not to continue the hearing to allow for additional evidence, testimony, or argument to be submitted by any party. The record could be left open until next month's Planning Commission meeting or the record could be left open for seven days for written evidence only. There would be an additional seven days for the applicant to respond to the written testimony.

Planning Director Richards said the testimony should be based on the criteria in the Code.

Mr. Eggers requested a continuance with the record left open.

Commissioner Lizut MOVED to CONTINUE the hearing to September 21 and allow written testimony to be submitted until August 25 at 5 p.m. The applicant would have an additional seven days after that to respond to any of the testimony received after which the record would be closed. SECONDED by Commissioner Geary. The motion PASSED 6-1 with Commissioner Schanche opposed.

C. Conditional Use Permit (CU 4-17) (Exhibit 4)

Request: Approval of a conditional use permit to allow for the expansion of the existing MMS campus. The school has purchased the property next to the existing MMS building, and intends to renovate the existing building on the property to operate as the elementary school classroom. The existing MMS building would continue to operate as school classrooms and facilities. The rear of the existing school and the new property would be combined to operate as one open play yard in the backyard areas.

Location: The property is located at 1045 SE Brooks Street, and is more specifically described as Tax Lot 1202, Section 21CA, T. 4 S., R. 4 W., W.M.

Applicant: McMinnville Montessori School

Chair Hall opened the public hearing and read the quasi-judicial hearing procedure. He asked if there was any objection to the Commission's jurisdiction to hear this matter. There was none. He asked if any Commissioner had a disclosure to declare or wished to abstain from participating or voting on this application.

Commissioner Schanche declared she was a friend of the applicant and recused herself from the hearing.

Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant, any other party involved with the hearing, or any other source of information outside of staff regarding the subject of this hearing. There was none. Several Commissioners had visited the site.

Associate Planner Darnell gave the staff report. This was a conditional use request for the expansion of McMinnville Montessori School. The property was located on SE Brooks Street. The surrounding zoning of the area was residential with a commercial property to the north. He reviewed the proposed site plan. They were proposing to keep the existing structure in place and renovate it. The application was consistent with the Comprehensive Plan policies due to the need for additional educational facilities in the City. The use was permitted conditionally in the R-4 zone. The existing structure met all of the required setbacks. They were proposing to expand the existing driveway to accommodate three new parking spaces which met the requirement for an elementary school. The development was compatible with the surrounding area. The proposed floor plan showed no changes to the exterior walls of the building. The interior would be renovated to add one classroom and the main entry door was being relocated to the east side of the building. Parents dropped students off at the curb and they were escorted in as there was no parking on site for parents which helped minimize congestion. There had been no complaints about this system. Their hours of operation were from 8:30 to 3:00 so there were no early morning or late evening impacts. The expansion would have no significant adverse impacts on the surrounding area. One condition was that a landscape plan be submitted to the Landscape Review Committee. The structure would maintain the appearance of a single family

residence and would blend in with the surrounding area. Another condition was that a pedestrian walkway be added to connect to the main entry door. Additional testimony had been received, which was a letter of support for the application. Staff recommended approval with conditions. Commissioner Schanche had suggested an additional condition that required a connection between the two buildings. He thought that was the applicant's intent.

Public Testimony:

Lisa Neal, representing the applicant, discussed the background of McMinnville Montessori School which had been in the community for 30 years. They had existing waiting lists and with the expansion they would be able to accommodate additional students. It would also help with licensing issues in allowing animals in the classrooms. They were planning to extend the native garden to the property as well. They currently had 25 primary students and 27 elementary students. They were not planning to use the renovated building until next fall and a full primary class would be added at that time.

Anna Matzinger, McMinnville resident, said the school was started in 1987 by two families with the intent to provide a Montessori based early education school for 3, 4, and 5 year olds and in 1997 they moved to the current location and added an elementary classroom for 1st through 6th grades. They focused on the development of the whole child and the goals were to give the child a love of learning, strong sense of self, responsibility, and a deep sense of community and contribution. As a parent of two Montessori students, she could attest to the positive impacts the school has had on her family, children, and community. The existing building had space for two classrooms, a primary classroom for 3, 4, and 5 year olds and an elementary classroom. There was a need in the community with several years of waitlists to provide space for another primary classroom. The adjacent property had been in a state of neglect for a number of years and she thought their ownership would benefit the neighborhood. She hoped that their commitment to the stewardship and expansion of the native garden would be a positive attribute to the street and surrounding area. She asked for approval.

Ms. Neal waived the seven day period to submit final written arguments.

Chair Hall closed the public hearing.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Lizut MOVED to approve CU 4-17 subject to staff's amended conditions of approval. SECONDED by Commissioner Geary. The motion CARRIED 6-0-1 with Commissioner Schanche recused.

D. Zoning Text Amendment (G 4-17) (Exhibit 5)

Request: Approval to amend Chapter 17.55 (Wireless Communications Facilities) of the McMinnville Zoning Ordinance to update provisions related to wireless telecommunications facilities to achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.

Applicant: City of McMinnville

Chair Hall opened the public hearing.

Principal Planner Pomeroy provided the staff report. This ordinance was adopted 17 years ago and needed to be updated. It also allowed the opportunity to address better community aesthetics when it came to wireless facilities. The current requirements allowed some things that would be amended with the new language. One of those was that the regulations currently allowed towers in industrial zones without height limitations and antennas were allowed to be placed on existing structures located in the historic downtown through a conditional use permit. He gave some local examples of current tower heights and alternative support structures for wireless antennas. Staff recommended replacing in entirety the existing ordinance with the new draft. There were a number of things exempted from the ordinance, such as mobile broadcasting, ham radio operations that were licensed, and antennas that were used to receive TV and radio broadcast transmissions. Staff recommended that SCADA system operations also be exempted. There were two alternatives for that exemption, alternative 1 which would add the language "public SCADA and similar systems" or alternative 2 which offered broader language that said "all military, federal, state, and local government communication facilities except for towers in residential zones." Some of the other changes were the towers would be limited to 100 feet in height, mounting on historic structures would require review by the Historic Landmarks Committee, in the public right-of-way all vaulted equipment pedestals would be undergrounded as much as possible and outside of public right-of-way utility buildings would be limited to 12 feet in height and 200 square feet in size unless granted a conditional use permit. In residential zones and the downtown historic district, all utility cabinets and similar equipment would need to be undergrounded. There was also language that restricted signs, banners, advertising, or other logos on the towers. There were also regulations regarding color and requiring the maximum height added for new antennas in areas that were not residential would be limited to an additional ten feet. Façade mounted antennas and wiring would need to architecturally blend in with the building or be made compatible as much as possible. Roof mounted antennas should be set back as far as they could be from the edge of the roof to blend in. No artificial lighting would be allowed unless it was required by the FAA or other agency. There would be setback requirements. Facilities would co-locate as much as possible and studies by a telecommunications engineer would be submitted to justify why they could not co-locate before new towers or other structures were put in place. He showed some examples of stealth options. Staff recommended that the Commission recommend approval of the proposed amendments to the City Council. Staff received email communication, which was entered into the record, from Patrick Evans from Crown Castle, a leading provider of wireless facilities in the country, who provided a section of the FCC regulations as an attachment.

Commissioner Dirks said the email accused them of being provincial and that they had unfounded concerns regarding the impact of wireless technology on aesthetics and livability. Principal Planner Pomeroy said there was a wide range in how other cities viewed wireless technology. They did have an aesthetic and livability impact and McMinnville was proposing adopting standards to address those issues. The proposed draft had been reviewed by legal counsel and found to be legally sound in Oregon. He thought that comment was largely based on opinion.

Patrick Evans, McMinnville resident, said there was no intent in the letter to suggest McMinnville residents were provincial. He thought these changes needed to be looked at in a broader context than just aesthetics. What separated cities that grew and those that did not was infrastructure. One of the biggest issues was the way the restrictions worked together from setbacks to distances between towers, heights of towers, and location of towers. The

cumulative effect was the ability for the community to have broadband coverage everywhere. This was the future and they would not be able to use the technology if it was forced into limited areas such as industrial. They needed to be able to broadcast where the people were. He was not suggesting that they did not apply new regulations or new stealth or improvements to aesthetics. He did not think aesthetics should be at the expense of coverage. He did not want to see the community left in the lurch because the ordinance was unnecessarily prohibitive. They needed to look at where there were deficiencies and need for infrastructure and then deal with the aesthetic issues.

Commissioner Dirks asked what percentage of coverage Mr. Evans' company had in McMinnville and how many competitors they had.

Mr. Evans said the other major competitor was SPA who also had towers in the area. He did not know how many towers his company had in McMinnville, but they had the majority of them.

Chair Hall asked if there were specific items in the proposed ordinance that Mr. Evans recommended to change. Commissioner Dirks said they were detailed in his letter.

Mr. Evans was not opposed to the proposed ordinance, but thought there was room for additional clarity and focus so it not only addressed aesthetics, but coverage issues and provided clear standards that could be complied with.

Planning Director Richards recommended staff revise the ordinance and bring it back for deliberation.

There was consensus to continue the hearing to October 19, 2017.

E. Zoning Text Amendment (G 5-17) (Exhibit 6)

Request: Approval to amend Chapter X, (Citizen Involvement) of the Comprehensive Plan to update goals and policies related to citizen engagement and involvement in planning processes and programs.

Applicant: City of McMinnville

Chair Hall opened the public hearing.

Planning Director Richards presented the staff report. This was a Comprehensive Plan text amendment to Chapter 10. It would add one goal to the chapter, amend three policies which created the Planning Commission as the committee for citizen involvement, add four policies that made the Comprehensive Plan more in line with Oregon Revised Statutes and Administrative Rules for Land Use Goal 1, and add two proposals in the Comprehensive Plan for actions staff should take, which were evaluating the citizen involvement program and reporting annually to the Council.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to recommend approval of Zoning Text Amendment G 5-17 to the City Council. SECONDED by Commissioner Dirks. The motion CARRIED 7-0.

5. Old/New Business

Commissioner Dirks suggested changing the code to require a development plan to be submitted for multi-family zone change applications. Planning Director Richards recommended creating site and design review standards for multi-family developments. Based on the standards, they could create size thresholds for when administrative review happened and for when Planning Commission review happened.

Chair Hall thought if there had been a neighborhood meeting hosted by the proposed developer, most of the issues and complaints would have already been addressed. He thought they should require or strongly encourage developers to hold neighborhood meetings. Planning Director Richards said staff would review what types of land use actions warranted neighborhood meetings and how to require the meetings in the process and still maintain the 120 day clock.

6. Commissioner Comments


None.

7. Staff Comments

None.

8. Adjournment

Chair Hall adjourned the meeting at 10:30 p.m.



Heather Richards
Secretary