



City of McMinnville
Planning Department
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MINUTES

September 21, 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: Erin Butler, Martin Chroust-Masin, Susan Dirks, Gary Langenwalter, Roger Lizut, and Lori Schanche

Members Absent: Erica Thomas

Staff Present: Mike Bisset – City Engineer, 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

Mark Davis – Mark Davis, referring to the sign code discussion that occurred at the earlier work session, encouraged the Planning Commission to not amend the sign code to extend the deadline for the amortization program for free-standing signs. He feels that the city should move forward with the enforcement program so that the Planning Commission and planning staff could start to focus on the extensive work plan of needs that the Planning Director presented in the early spring.

3. Approval of Minutes:

A. July 20, 2017 Work Session

Commissioner Schanche MOVED to approve the July 20, 2017 Work Session Planning Commission minutes. SECONDED by Commissioner Geary. The motion CARRIED 8-0.

4. Public Hearing (Quasi-Judicial)

A. Zone Change (ZC 11-17) (Exhibit 2) - *(Continued from August 17, 2017 Meeting)*

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

Principal Planner Pomeroy presented the staff report. This hearing was continued from the August 17 Planning Commission meeting and the public testimony portion had been closed.

All of the residential uses surrounding this property were R-4 and there was no need to buffer from low density residential. The Fircrest Village condominiums were medium density residential. If they included the memory care and assisted living facilities that rounded out the overall neighborhood, it equaled high density for the area. The trip cap included in the traffic impact analysis and the condition that was placed on the property landed this property as high density. Staff recommended approval of the zone change with conditions.

Commissioner Dirks said some of the residents were concerned about the additional traffic on Cumulus. She clarified that ODOT would not allow any new access onto Cumulus. Principal Planner Pomeroy said that was correct.

Commissioner Dirks said that would mean all of the access would be on Fircrest and one of the other concerns was parking on both sides of Fircrest. She asked if the City would only allow parking on one side due to the width of Fircrest.

City Engineer Bisset cautioned the Commission from getting into parking conditions. A 26 foot wide street standard was a historically adopted street standard and did allow parking on both sides. At the request of public safety, they had restricted parking where there was a need for better access. It was a traffic calming effect to have narrow residential streets and only allowing parking on one side did increase speeds.

Commissioner Dirks asked about the conditions requiring a preservation plan and permits, was it the same as doing an environmental impact study. Could they require an environmental impact study? Principal Planner Pomeroy said the permits had to do with drainage and grading issues. Environmental impacts could come into play depending on what was proposed, and the Planning Director would review the preservation plan. It was not the same as an environmental impact study.

Commissioner Schanche asked about the traffic concerns at the intersection of Fircrest and Cumulus and how the developer did not go back to the traffic engineer but asked staff for the information. She thought he had not received the professional assessment on the traffic impact as requested. City Engineer Bisset said engineering staff gave direction on which intersections to include in the traffic study and he did not believe the capacity of Fircrest and Cumulus was an issue. He provided additional information to the Commission as background, but the applicant did not study that intersection at his direction. Principal Planner Pomeroy said the memorandum from City Engineer Bisset for the additional traffic analysis was done as staff's response to the issue, not at the request of the applicant.

Commissioner Dirks thought this proposal as a whole was a good one, as there was a need for more housing in McMinnville and this was a reasonable location. The applicant intended to maintain the wooded area at the back of the property and there was a condition that ensured that would happen. She was concerned about the lack of commercial development, but this area was in the process of being developed and services would come. The traffic studies were sufficient. Measuring the number of cars was a science and it was different from what people perceived was the use of the street. She thought they should go by the professional evaluation. She suggested an environmental impact study be required.

Commissioner Schanche said that was a huge study and only undertaken for federal projects and could take years. She thought the conservation plan that was being proposed would suffice.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Butler MOVED to recommend the City Council approve Zone Change (ZC 11-17) subject to the conditions of approval as recommended by staff. SECONDED by Commissioner Geary. The motion CARRIED 8-0.

B. Zoning Text Amendment (G 6-17) (Exhibit 3)

Request: Approval to amend Chapter 17.12 (Single-Family Residential Zone) of the McMinnville Zoning Ordinance to update provisions relative to Accessory Dwelling Units to reduce some identified barriers to affordable housing opportunities in McMinnville.

Applicant: City of McMinnville

Chair Hall opened the public hearing and read the hearing procedure.

Commissioner Butler recused herself from the hearing due to a conflict of interest.

Principal Planner Pomeroy delivered the staff report. He entered into the record, Attachment 6, which was a letter received today from Friends of Yamhill County in support of the proposed code modifications. The Affordable Housing Task Force had been looking at opportunities to increase efficiencies for affordable housing in McMinnville. One was Accessory Dwelling Units. These amendments had been discussed at a Planning Commission work session and the suggestions made at that meeting had been incorporated into the document before the Commission tonight. The changes included: adding how ADUs could be established by construction of a new primary residence with the existing dwelling being designated as the ADU, amending the language for the square footage of ADUs which would be changed to not exceed 50% instead of 40% of the primary dwelling exclusive of the garage or 1,000, instead of 800, square feet as a maximum, adding a statement that the minimum area would be determined by the State of Oregon Building Code Division, and removing the statement that the minimum area would not be less than 300 square feet. Another new item stated the building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling. Additionally the maximum height allowed for detached ADUs was the lesser of 25 feet or the height of the primary dwelling. The structure's appearance would coincide with what was being used on the primary dwelling unit including roof pitch, eaves, and window fenestration patterns. One additional off street parking space would be provided for the ADU. Staff recommended striking the statement that said ADUs had to have independent service connections. Those connections would not be required until the time the property was partitioned. Staff also proposed to strike the current requirement that the property owner had to reside on site within the primary dwelling unit. Not more than one ADU was allowed per lot or parcel; the ADU would contain a kitchen, bathroom, living, and sleeping area that were independent from the primary dwelling; and manufactured homes, recreational vehicles, motor vehicles, travel trailers, and all other forms of manufactured structures not to include modular structures would not be used as ADUs. Three new standards would also be added: ADUs would be exempt from the residential density standards, occupancy and use standards for ADUs would be the same as those that were applicable to a primary dwelling on the same site, and legally non-conforming accessory structures located on residentially zoned land may be converted to an ADU in accordance with the requirements of Chapter 17.63. Staff recommended approval of these changes.

Commissioner Langenwaller asked if they did not require the property owner to reside on site within the primary dwelling unit, did that mean both dwellings could be rented? Principal Planner Pomeroy said that was correct. There were situations where the property owner wanted to allow his or her children to live on the property instead and this would allow that situation. The land use impact was identical whether the property owner lived on the premises or not.

Planning Director Richards said most communities were removing the requirement from their codes because it was not something that was easily enforced. The intention of ADUs was to bring in smaller units on properties, which was typically used for an extension of family. They were also an affordable housing product.

Commissioner Geary asked about regulations for ADUs that were being used as vacation rentals. Principal Planner Pomeroy said that discussion had not taken place yet. Commissioner Dirks thought those regulations should be included in the vacation rental code. Planning Director Richards said if a vacation rental permit application came through, if it was an ADU it would be denied.

Commissioner Lizut discussed the recommendation from the Mid-Willamette Valley representative of the Oregon Department of Land Conservation and Development to either get rid of the requirement for one off street parking space as it was a barrier to affordable housing or allowing it to be met by on street parking. Planning Director Richards said staff's concern was creating congested parking conditions on streets. There were costs involved in providing off street parking.

Commissioner Lizut asked if it was possible for someone to get a variance to have the parking requirement waived. Principal Planner Pomeroy said it was possible.

Public Testimony:

Kellen Lignier, McMinnville resident, shared her observations of what was happening in her neighborhood on Birch Street. There were two air B&Bs across from each other and a house and ADU next door to her where the house was being rented by multiple people who only stayed a couple of months. The street was narrow and it was difficult for her to get in and out of her driveway and guests did not have a place to park. She would like the Commission to take this situation into account when making decisions on ADUs and vacation home rentals. She thought the vacation rentals and ADUs needed to be limited to a certain concentration, that off street parking should be required, and that the property owner should live on the property. She thought there would be a lot of enforcement problems if property owners were not required to live on the property.

Planning Director Richards said state law required allowing ADUs in all residential zones by June 30, 2018.

Terry Sherwood, McMinnville resident, also lived next to this ADU. It was tall enough that they could see into his backyard. He concurred with the house being used as a rental, and there were plans that the ADU would become a rental as well. People were coming in and out of the main house with new renters every few months. Parking was an issue as well. How these regulations would affect the neighborhoods needed to be taken into consideration. They took away from the character of the neighborhood, especially for older neighborhoods where the ADUs did not look like the original dwellings.

Chair Hall said the ADU was supposed to resemble as closely as possible the existing unit. In the case where the materials were no longer available, they had to do the best they could.

Commissioner Dirks asked if the ADU was taller than the original house. Mr. Sherwood said no, it had more to do with the slope of the ground. The original house was taller.

Chair Hall closed the public hearing.

Commissioner Schanche thought they should keep the requirement for one off street parking space. There was consensus to keep that requirement.

Commissioner Geary was concerned about deleting the requirement for the property owner to live on site.

Planning Director Richards said the problem was how staff would know over time whether or not the owner was still living there. There was not enough staff to enforce it. City Attorney Koch said they also had to define residing on the property. Some groups, like the snow birds, were only here for six months out of the year. Did they reside here or somewhere else? It was time consuming to do an investigation to verify if a person lived in a certain place. Principal Planner Pomeroy said enforcing on a residency basis could also have an effect on affordable housing as the ADU would be taken off the books if the property owner was not residing in the original dwelling.

Commissioner Geary did not want to create a way for the affluent to increase their rental stock.

Commissioner Dirks said who lived there was not a land use issue.

Commissioner Schanche supported not requiring the property owner to live there. She asked if there was a reason the current code required it.

Planning Director Richards suspected it was because it was originally to serve the need for aging parents to move into the ADU and the children moving into the original house to take care of them. It was now shifting to being hard to enforce and meeting a need for affordable housing.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Dirks MOVED to recommend the City Council approve Zoning Text Amendment (G 6-17). SECONDED by Commissioner Schanche. The motion PASSED 7-0-1 with Commissioner Butler recused.

5. Old/New Business

Planning Director Richards said the Department of Land Conservation and Development issued a request for grant proposals. They had \$250,000 for technical assistance grants and she would like to apply for a buildable lands inventory and housing needs analysis. There were funds in the budget to provide the local match. The grant is due on October 13, 2017 and we will start soliciting for letters of support in the community. She will be requesting a letter from the Commission as well. The City recently received a Transportation Growth Management grant to look at the Three Mile Lane corridor. The work would begin in July 2018. On December 12, 2017 there will be a Green Cities program presentation to the City Council.

6. Commissioner Comments

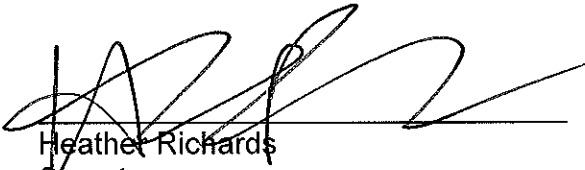
None

7. Staff Comments

None

8. Adjournment

Chair Hall adjourned the meeting at 7:42 p.m.



Heather Richards
Secretary