

**Planning Commission**  
**McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street**  
**July 18, 2019**

**6:30 PM Regular Meeting**

*Welcome! All persons addressing the Planning Commission will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. Public Hearings will be conducted per the outline on the board in the front of the room. The Chair of the Planning Commission will outline the procedures for each public hearing.*

*If you wish to address Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."*

Commission Members	Agenda Items
Roger Hall, Chair  Lori Schanche, Vice-Chair  Erin Butler  Martin Chroust-Masin  Susan Dirks  Christopher Knapp  Gary Langenwalter  Roger Lizut  Amanda Perron	<p><b>6:30 PM – REGULAR MEETING - COUNCIL CHAMBERS</b></p> <ol style="list-style-type: none"> <li><b>1. Call to Order</b></li> <li><b>2. Citizen Comments</b></li> <li><b>3. Public Hearings</b> <ol style="list-style-type: none"> <li><b>A. <u>Quasi-Judicial Hearing. ROSTR 6-19 (Resident Occupied Short Term Rental)</u> (Exhibit 1)</b> <p>Request: Approval to allow for the operation of a resident occupied short term rental establishment within an existing residence.</p> <p>Location: The subject site located at 331 NE 7<sup>th</sup> Street, and is more specifically described as Tax Lot 13100, Section 21BB, T. 4 S., R. 4 W., W.M.</p> <p>Applicant: Heather Jordan</p> </li> <li><b>B. <u>Quasi-Judicial Hearing. ZC 3-19 (Zone Change) &amp; S 2-19 (Subdivision)</u> (Exhibit 2)</b> <p>Request: Approval to rezone the property from R-1 (Single-Family Residential) to R-3 (Two-Family Residential), and approval of a tentative subdivision plan, to allow for development of a 17-lot single-family residential subdivision.</p> </li> </ol> </li> </ol>

Location: The subject site is located off NE Newby Street, between NE Grandhaven Dr and NE 27<sup>th</sup> St, and is more specifically described as Tax Lot 1100, Section 09DC, T. 4 S., R. 4 W., W.M.

Applicant: Leonard Johnson

**C. Legislative Hearing. G 3-19 (Zoning Ordinance Amendment “Floating Zone) (Continued from June 27, 2019) (Exhibit 3)**

Request: Amendment to the McMinnville Zoning Ordinance to add a new Section, Chapter 17.49: Innovative Housing Pilot Project Floating Zone. This amendment would establish provisions for the Innovative Housing Pilot Project Floating zone, but it would not rezone any properties. It would establish a designated eligibility area. Only property owners within this area would be eligible to apply to have the floating zone designation applied to a property through a future land use application, which would require a separately noticed public hearing process.

Applicant: City of McMinnville

**4. Action Item:**

**A. MP 1-17 (Minor Partition) Approval Extension Request) - (Exhibit 4)**

Request: Approval of a request for an extension of a previously approved tentative partition plan (MP 4-17). The tentative partition was originally approved by the Planning Director on June 26, 2017. The applicant was not able to complete the required conditions of approval prior to submitting a final plat, and requested a one year extension of the tentative partition approval on May 31, 2018. That one year extension request was approved by the Planning Director with a new deadline of June 26, 2019. Due to the original engineer hired to provide the improvement plans not completing the work required, the applicant was not able to complete the required conditions of approval, and has requested an additional extension of the tentative partition approval to June 26, 2020. The applicant has hired a new engineering firm to address the condition of approval requirements. Additional extensions beyond one year require the approval of the Planning Commission.

Location: The subject parcel is identified as Parcel 3 of Partition Plat 2001-35 and is also identified as Tax Lot 3402, Section 15, T. 4 S., R. 4 W.

Applicant: Bryce Roberts



- 5. Commissioner/Committee Member Comments**
- 6. Staff Comments**
- 7. Adjournment**

## EXHIBIT 1 - STAFF REPORT

**DATE:** July 18, 2019  
**TO:** Planning Commission  
**FROM:** Sarah Sullivan, Planning Analyst  
**SUBJECT:** Resident Occupied Short Term Rental at 331 NE 7<sup>th</sup> Street

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.

**OBJECTIVE/S:** Strategically plan for short and long-term growth and development that will create enduring value for the community

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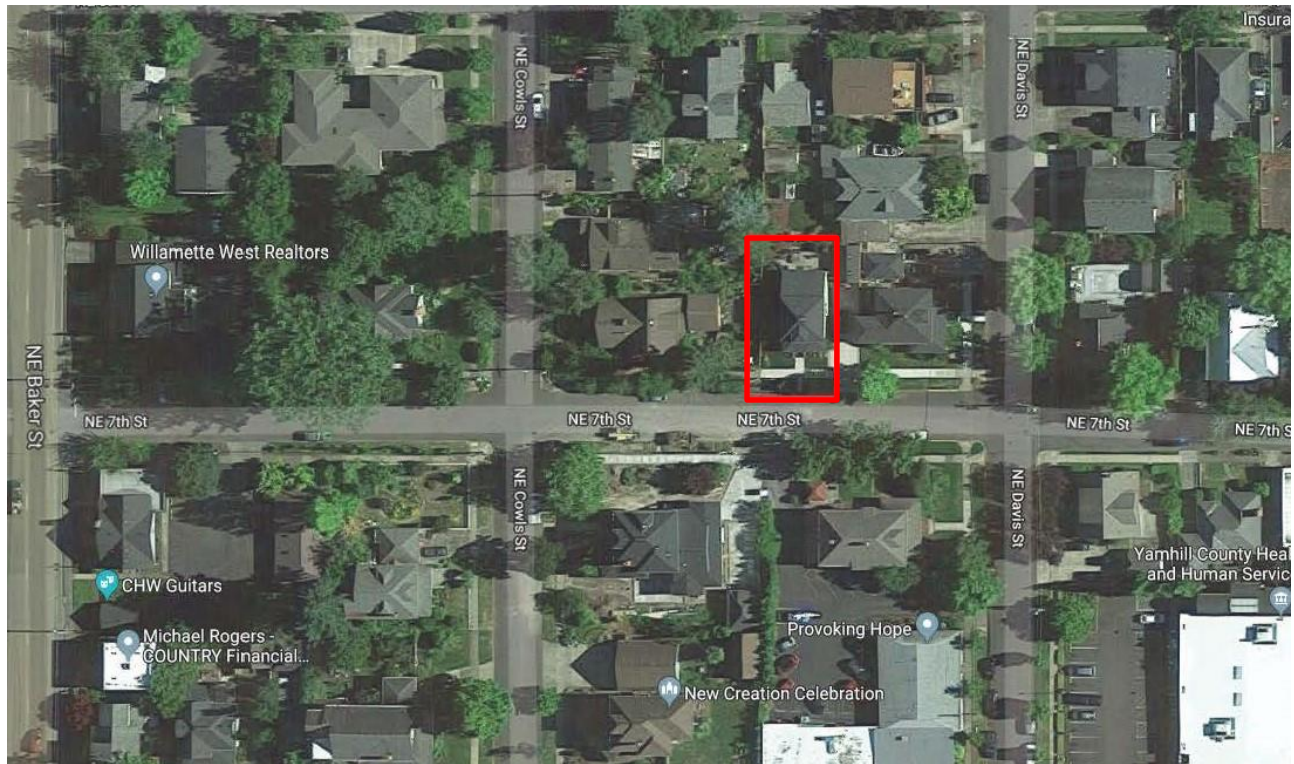
### Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider an application for a Resident Occupied Short Term Rental (ROSTR 6-19) to operate a resident occupied short term rental establishment within an existing home at 331 NE 7<sup>th</sup> Street (Tax Lot 13100, Section 21BB, T. 4 S., R. 4 W., W.M.). The decision of the Planning Commission is the final decision, unless appealed to City Council. The hearing is conducted in accordance with quasi-judicial hearing procedures, and the application is subject to the 120-day processing timeline. The application was deemed complete on May 22, 2019.

### Background:

The subject property is located on NE 7<sup>th</sup> Street midblock between NE Cowls Street and NE Davis Street. The subject property and properties to the north, west, and east are zoned R-4 (Multiple Family Residential), with properties to the south zoned O-R (Office Residential). Uses along this section of NE 7<sup>th</sup> Street are mainly single-family detached housing, with one triplex immediately across the street to the south of the subject property. The subject property is developed with an existing single-family dwelling.

**Figure 1. Subject Site**



On May 13, 2019, the property owner applied for a resident-occupied short-term rental (ROSTR 6-18) in the existing home. A resident-occupied short-term rental is where the resident of the property can rent out rooms in the house for lodging/guests. It is an allowed use in the zone if permitted but no more than two guest sleeping rooms can be advertised and occupied as lodging for up to five guests total. The applicant is requesting approval for up to two (2) guest sleeping rooms within the existing home. This is different from a short-term rental that allows for the whole house to be rented as lodging, but the City of McMinnville has a 200' separation requirement for short-term rentals in order to protect neighborhoods from having too many vacation home rentals in one area.

Resident-Occupied Short-Term Rentals are reviewed and subjected to the notification requirements of Section 17.72.110 (Applications - Director's Review with Notification) of the McMinnville Municipal Code (MMC). Property owners within 100' of the subject site were notified of the request, and invited to provide their comments for the Planning Director's consideration of the application. Based upon the comments received or by the request of a neighboring property owner, the permit application can be scheduled for a public hearing with the Planning Commission if the Planning Director feels that the application has not fully complied with the criteria of the permit.

On June 6, 2019 testimony was received expressing several concerns about the application request and whether or not it complied with the following code requirements:

**17.12.010(N)(2) That the establishment be occupied full time by a resident.**

The testimony received indicated that although the applicant had applied for a resident-occupied short-term rental permit and was aware of the process for application and approval, the residence

was currently being actively promoted and operated as a short term rental without a permit and without someone residing permanently at the residence. A Short Term Rental is not permitted at this location, as it's within 200' of another approved short term rental.

Due to the complaint received about operating without a permit, the matter was referred to the City of McMinnville's Code Enforcement Division. Further investigation confirmed that the home was being actively advertised as a Short Term Rental on the internet and heralded as an opportunity to rent the full house for this purpose. It also appeared that reservations were already being received and booked.

**17.12.010(N)(4) That a minimum of one off-street parking space be provided for the two permitted guest sleeping room and 17.60.060(A)(5) (Off-Street Parking) which requires 1 space per guest sleeping room. Since there is a discrepancy between the two code sections, per Section 17.03.040 (Interpretation – More restrictive provisions govern), the requirement of 1 off-street parking space per guest room would be required.**

The application provided only showed the ability to provide one parking space for the resident-occupied short-term rental.

Based on the information provided in written testimony, the requirements of Section 17.12.010(N), and the evidence that a Short Term Rental use was occurring without approval, the Planning Director decided to call for a Public Hearing for this application.

## **Discussion**

This application is subject to the requirements of Section 17.12.010(N) Resident Occupied Short Term Rental, of the MMC. The application can either meet these criteria as proposed, or conditions of approval can be assigned to meet the criteria required. Attached is a decision document that provides the Findings of Fact and Conclusionary Findings for the requested Resident Occupied Short Term Rental. This document outlines the legal findings on whether or not the application meets the applicable criteria and whether or not there are conditions of approval that, if achieved, put the application in compliance with the criteria.

The specific review criteria per Section 17.12.010(N) are listed below:

1. Resident occupied short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a single-family residence.
2. That the establishment be occupied full-time by a resident.
3. That no more than two guest sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of five travelers or transients at any one time.
4. That a minimum of one off-street parking space be provided for the two permitted guest sleeping rooms. The required off-street guest parking may be provided on an existing parking lot located within 200 feet of the short term rental.
5. That signing be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three square feet of face area.
6. That the duration of each guest's stay at the short term rental be limited to no more than 30 (thirty) consecutive days.
7. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997 of this code;

8. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:
  - a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or
  - b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.
9. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.
10. Complaints on conditions 1 through 9 above will be reviewed by the Planning Commission at a public hearing. The Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.

Review Criteria for Section 17.74.030 and 17.74.040 are listed below:

:

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

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

17.74.040 Placing Conditions on a Conditional Use Permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may

impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

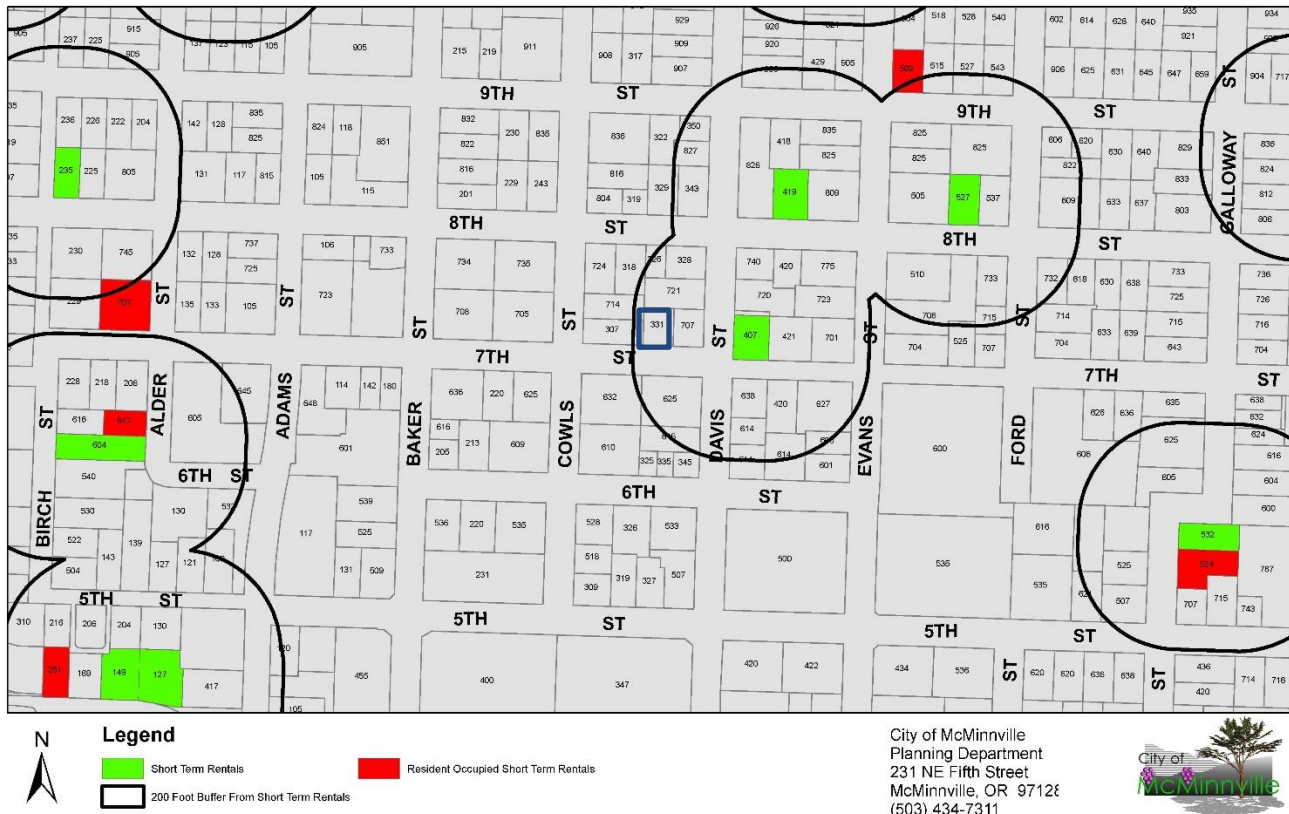
The nature and scale of this particular proposal doesn't rise to the scale of impacting the community as a whole. The predominant issues with a resident occupied short term rental usually relate to the interest of the surrounding area, often related to compatibility with nearby residential uses. Typical concerns associated with resident-occupied short-term rentals in residential areas include compatibility with residential character, privacy, noise, parking, and traffic.

The property is located 331 NE 7<sup>th</sup> Street and is located within walking distance to Historic Downtown McMinnville. There are a number of Resident Occupied Short Term Rentals and Short Term Rentals near this location, providing opportunity for visitors to enjoy what McMinnville has to offer. Please note the identified locations are only for residentially zoned properties. Approvals are not required if the use is within a commercial zone, with the exception of the Office Residential (O-R) zone.



**Figure 2. Resident Occupied Short Term Rentals & Short Term Rental Locations**

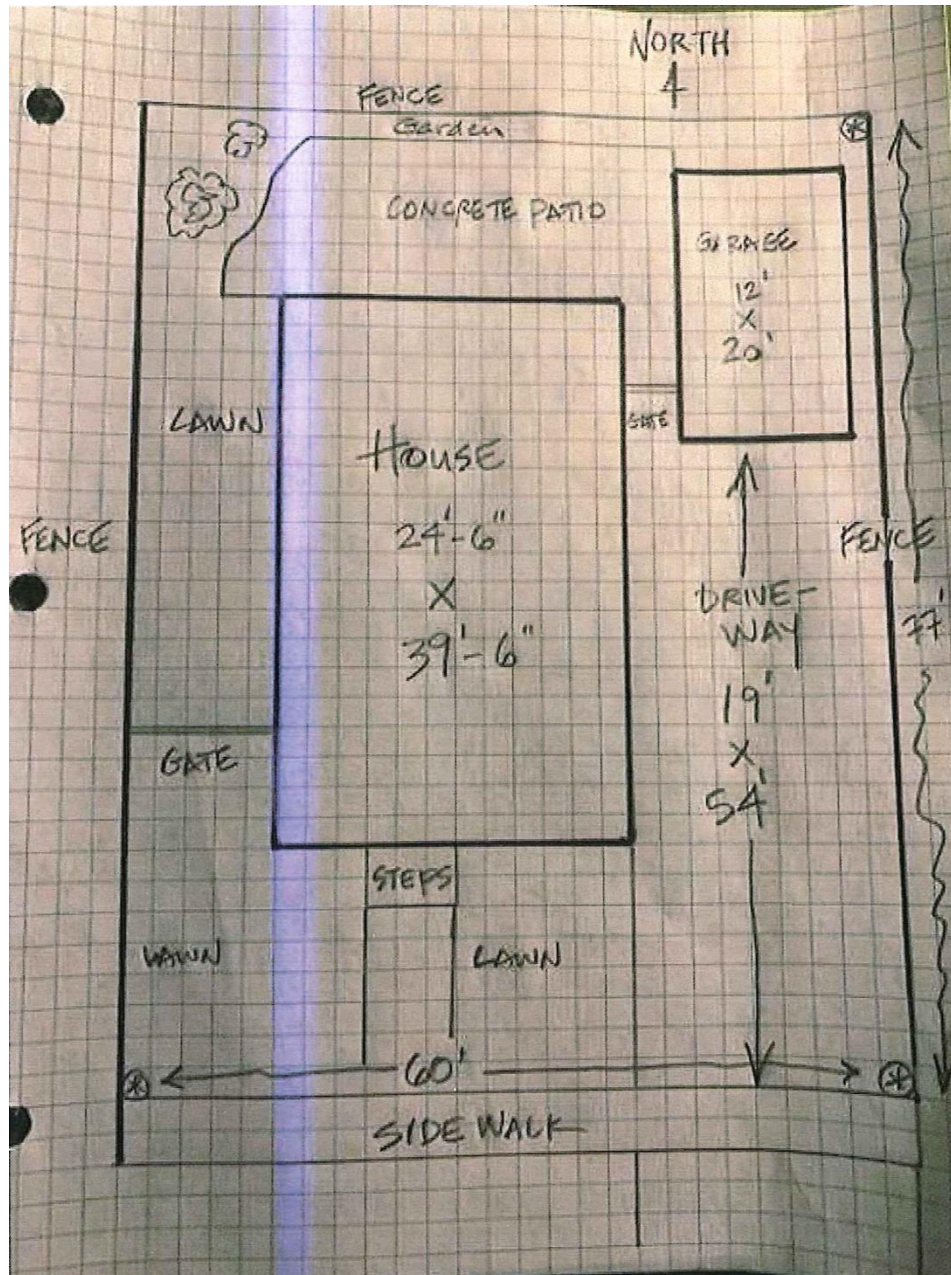
Approved Short Term Rental Uses and Resident Occupied Short Term Rentals in Residential Zones - As of June 4, 2019



The applicant is proposing to use the existing home for the resident-occupied short-term rental, keeping the exterior of the home the same. As such, there will be no changes to the physical size of the home, and only two (2) of the existing bedrooms will be used as guest rooms, with one room to be used by the full time resident of the home. The application is proposing three (3) off-street parking spaces within the existing garage and driveway. The proposed off-street parking includes one space within an existing garage, two “stacked” parking spaces behind that in the driveway along the east side of the house.

When the applicant applied for the permit, they felt that they only need to provide three parking spaces due to a discrepancy in the MMC. However, as pointed out by public comments received during the Director Review notification period, there is a discrepancy in the code for off-street parking requirements. Criteria #4 of the resident-occupied short-term rental code in the R4 zoning chapter states that one (1) additional off-street parking per two (2) guest sleeping rooms is required for the resident occupied short term rental use, but Section 17.06.060(A)(5) (“Off-Street Parking”) of the MMC requires one (1) space per guest sleeping room. This would require a total of four (4) off-street parking spaces, two (2) spaces for the primary dwelling and two (2) spaces for the two bedrooms available. Based on the site plan submitted, the driveway and garage could hold up to four (4) vehicles, one in the garage and three stacked in the driveway (specifications require 19’ for a vehicle. (See Figure 3 – Site Plan). Although, if guests are part of different parties, the stacked parking could potentially require one party to move a vehicle for another party to access a vehicle. There are no standards prohibiting stacked parking.

Figure 3. Site Plan



Based on testimony received June 6, 2019, during the Director Review notification period, it was brought to the Planning Department's attention that the applicant was not only using the residence without proper approval, but using the residence as a short term rental (full vacation home rental). A short term rental would not be permitted, at this time, as this location as it's within 200' of an approved short term rental (see Figure 2).

A code compliance officer verified on June 7, 2019, that the home was being advertised as a Short Term Rental, allowing guests to rent the entire residence, and that there was not a permanent full time resident residing at the home (criteria #2), on AirBnB. The applicant was notified via email on June 7, 2019 that they were in violation Section 17.12.010 of the McMinnville Municipal Code (MMC). On June 17, 2019, code compliance staff also found active listings on HomeAway and VRBO. As of date, Code Compliance has confirmed the AirBnB, HomeAway, and VRBO listings are no longer active.



As noted above, based on the site plan submitted a total of four (4) off-street parking spaces could be provided with the use of the garage and “stacked/off-set” parking.

**Planning Commission Options (for Quasi-Judicial Hearing):**

- 1) **APPROVE** the application as proposed by the applicant with the conditions recommended in the attached Decision Document, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria are satisfied, in the motion to deny.

**Staff Recommendation:**

Staff has reviewed the proposal for consistency with the applicable criteria, testimony received, and evidence of use. Absent any new evidence to the contrary presented during the hearing, staff finds the application submitted by the applicant to be in compliance with the criteria required for a Resident Occupied Short Term Rental per 17.12.010(N) of the MMC and the criteria for a Conditional Use Permit per Section 17.74.030 and 17.74.040.

Staff **RECOMMENDS APPROVAL** of the application with the recommended condition of approval that the applicant only operate as a resident-occupied short-term rental and if at any time during the course of its operation that it can be proven that the resident is not complying with the provisions of a resident-occupied short-term rental, the permit will be revoked immediately and not renewed.

**Suggested Motion:**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT FOR RESIDENT OCCUPIED SHORT TERM RENTAL APPLICATION ROSTR 6-19.**

**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE  
APPROVAL TO OPERATE A RESIDENT OCCUPIED SHORT TERM RENTAL WITHIN AN  
EXISTING HOME AT 331 NE 7<sup>TH</sup> STREET**

**DOCKET:** ROSTR 6-19 (Resident Occupied Short Term Rental)

**REQUEST:** Application to operate a Resident Occupied Short Term Rental within an existing home.

**LOCATION:** 331 NE 7<sup>th</sup> Street (Tax Lot 13100, Section 21BB, T. 4 S., R. 4 W., W.M.)

**ZONING:** R-4 (Multi-family Residential)

**APPLICANT:** Heather Jordan and Kim & Doug Jordan (property owners)

**STAFF:** Sarah Sullivan, Planning Analyst

**DATE DEEMED  
COMPLETE:** May 22, 2019

**HEARINGS BODY  
& ACTION:** McMinnville Planning Director, unless a public hearing is requested, then McMinnville Planning Commission makes the final decision.

**HEARING DATE  
& LOCATION:** July 18, 2019, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**PROCEDURE:** An application for a Resident Occupied Short Term Rental is processed in accordance with the procedures in Section 17.72.110 (Applications – Director’s Review with Notification) of the Zoning Ordinance, unless a public hearing is requested. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.

**CRITERIA:** The applicable criteria for a Resident Occupied Short Term Rental are specified in Section 17.12.010(N) and Sections 17.74.030 and 17.74.040 of the Zoning Ordinance. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. “Proposals” specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.



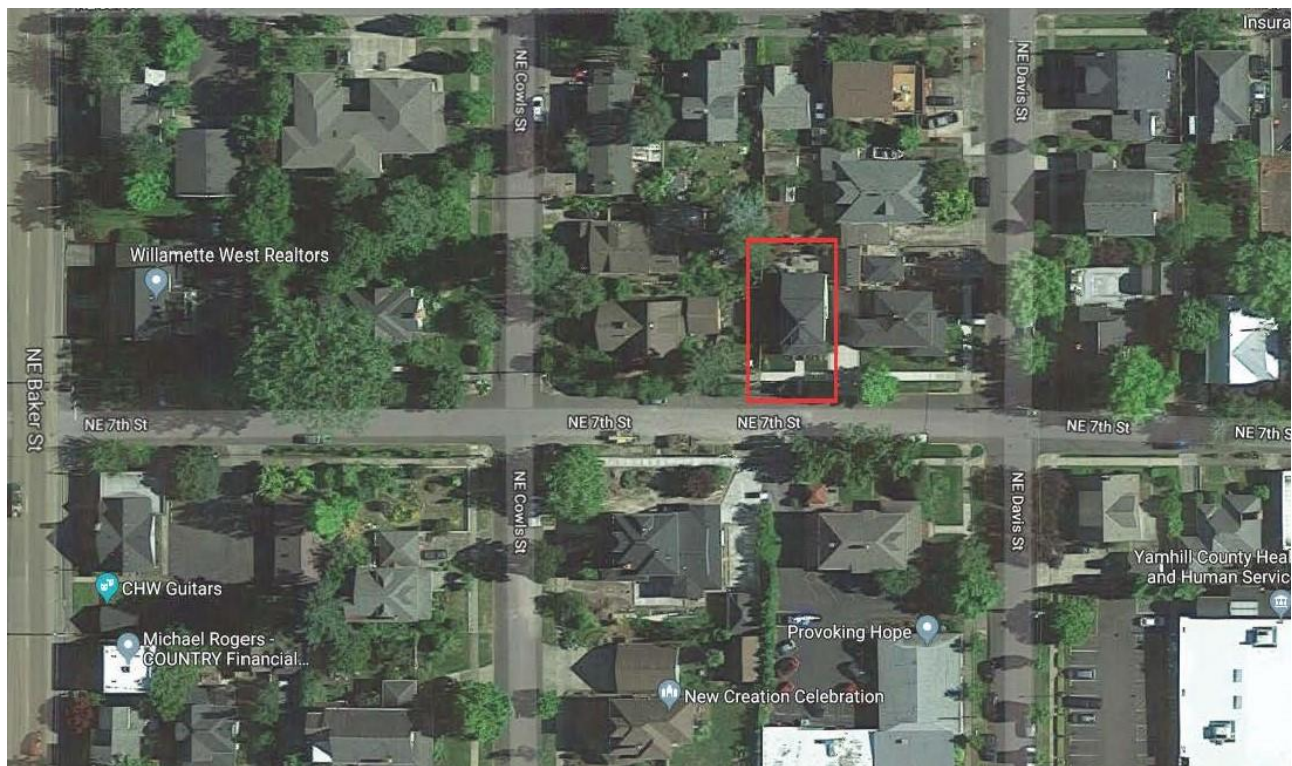
## **I. APPLICATION SUMMARY:**

### ***Subject Property & Request***

The proposal is an application for a Resident Occupied Short Term Rental (ROSTR 6-19) within an existing home at 331 NE 7<sup>th</sup> Street (Tax Lot 13100, Section 21BB, T. 4 S., R. 4 W., W.M.). "Resident Occupied Short Term Rental" is defined as: "The use of no more than two guest sleeping rooms by any person or group of persons entitled to occupy for rent for a period of no more than 30 (thirty) consecutive days. The dwelling unit is occupied by a full-time resident at the time that the guest sleeping rooms within the dwelling unit are available for overnight rental. Resident occupied short term rentals include bed and breakfast establishments approved under the regulations in effect through May 10, 2018." A resident occupied short term rental is a permitted use in the R-4 zone.

The subject property is located on NE 7<sup>th</sup> Street midblock between NE Cowls Street and NE Davis Street. The subject property and properties to the north, west, and east are zoned R-4 (Multiple Family Residential), with properties to the south zoned O-R (Office Residential). Uses along this section of NE 7<sup>th</sup> Street are mainly single-family detached housing, with one triplex immediately across the street to the south of the subject property. The subject property is developed with an existing single-family dwelling.

**Figure 1. Subject Site**



On May 13, 2019, the property owner applied for a resident-occupied short-term rental (ROSTR 6-18) in the existing home, which allows no more than two guest sleeping rooms for up to five guests. The applicant is requesting approval for up to two (2) guest sleeping rooms within the existing home. This application request is reviewed per Section 17.72.110 (Applications - Director's Review with Notification) of the McMinnville Municipal Code (MMC). Property owners within 100' of the subject site were notified of the request.

On June 6, 2019 testimony was received expressing several concerns about the application request and whether or not it complied with the following code requirements:

**1) 17.12.010(N)(2) That the establishment be occupied full time by a resident.**

The testimony received indicated that the residence was currently being operated as a short term rental without a permit and without someone residing permanently at the residence. A Short Term Rental is not permitted at this location, as it's within 200' of an approved short term rental.

Due to the complaint received about operating without a permit, the matter was referred to the Code Enforcement Division. Further investigation confirmed that the home was being actively advertised as a Short Term Rental on the internet and heralded as an opportunity to rent the full house for this purpose. It also appeared that reservations were already being received and booked.

**2) 17.12.010(N)(4) That a minimum of one off-street parking space be provided for the two permitted guest sleeping room and 17.60.060(A)(5) (Off-Street Parking) which requires 1 space per guest sleeping room. Since there is a discrepancy between the two code sections, per Section 17.03.040 (Interpretation – More restrictive provisions govern), the requirement of 1 off-street parking space per guest room would be required.**

The application indicated only one additional off-street parking space for the permit.

Based on the information provided in written testimony, the requirements of Section 17.12.010(N), and the evidence that a Short Term Rental use was occurring without approval, the Planning Director decided to call for a Public Hearing for this application.

### **Summary of Criteria & Issues**

The application is subject to the requirements of Section 17.12.010(N) Resident Occupied Short Term Rental, of the MMC. The application can either meet these criteria as proposed, or conditions of approval can be assigned to meet the criteria required. Attached is a decision document that provides the Findings of Fact and Conclusionary Findings for the requested Resident Occupied Short Term Rental. This document outlines the legal findings on whether or not the application meets the applicable criteria and whether or not there are conditions of approval that, if achieved, put the application in compliance with the criteria.

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4. That a minimum of one off-street parking space be provided for the two permitted guest sleeping rooms. The required off-street guest parking may be provided on an existing parking lot located within 200 feet of the short term rental.
5. That signing be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three square feet of face area.
6. That the duration of each guest's stay at the short term rental be limited to no more than 30 (thirty) consecutive days.
7. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997 of this code;

8. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:
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9. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.
10. Complaints on conditions 1 through 9 above will be reviewed by the Planning Commission at a public hearing. The Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.

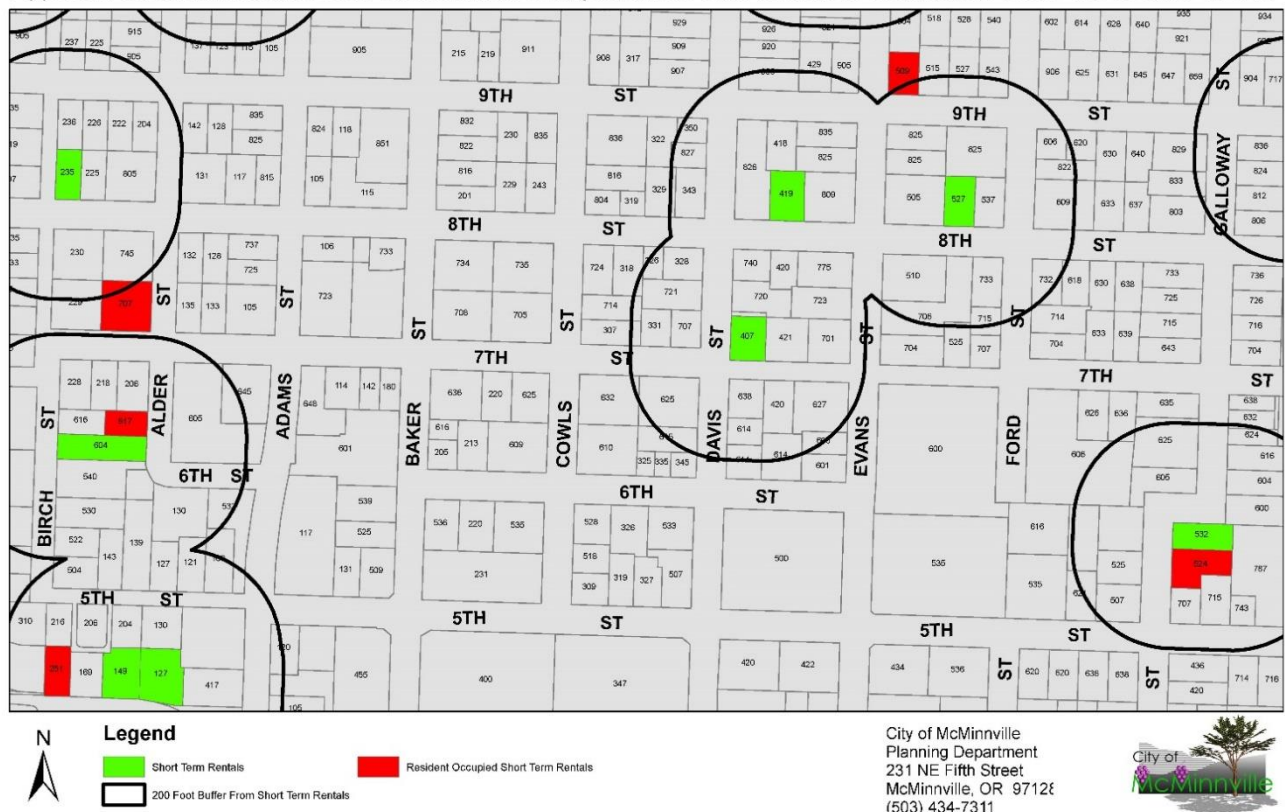
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The property is located 331 NE 7<sup>th</sup> Street and is located within walking distance to Historic Downtown McMinnville. There are a number of Resident Occupied Short Term Rentals and Short Term Rentals near this location, providing opportunity for visitors to enjoy what McMinnville has to offer. Please note the identified locations are only for residentially zoned properties. Approvals are not required if the use is within a commercial zone, with the exception of the Office Residential (O-R) zone.



**Figure 2. Resident Occupied Short Term Rentals & Short Term Rental Locations**

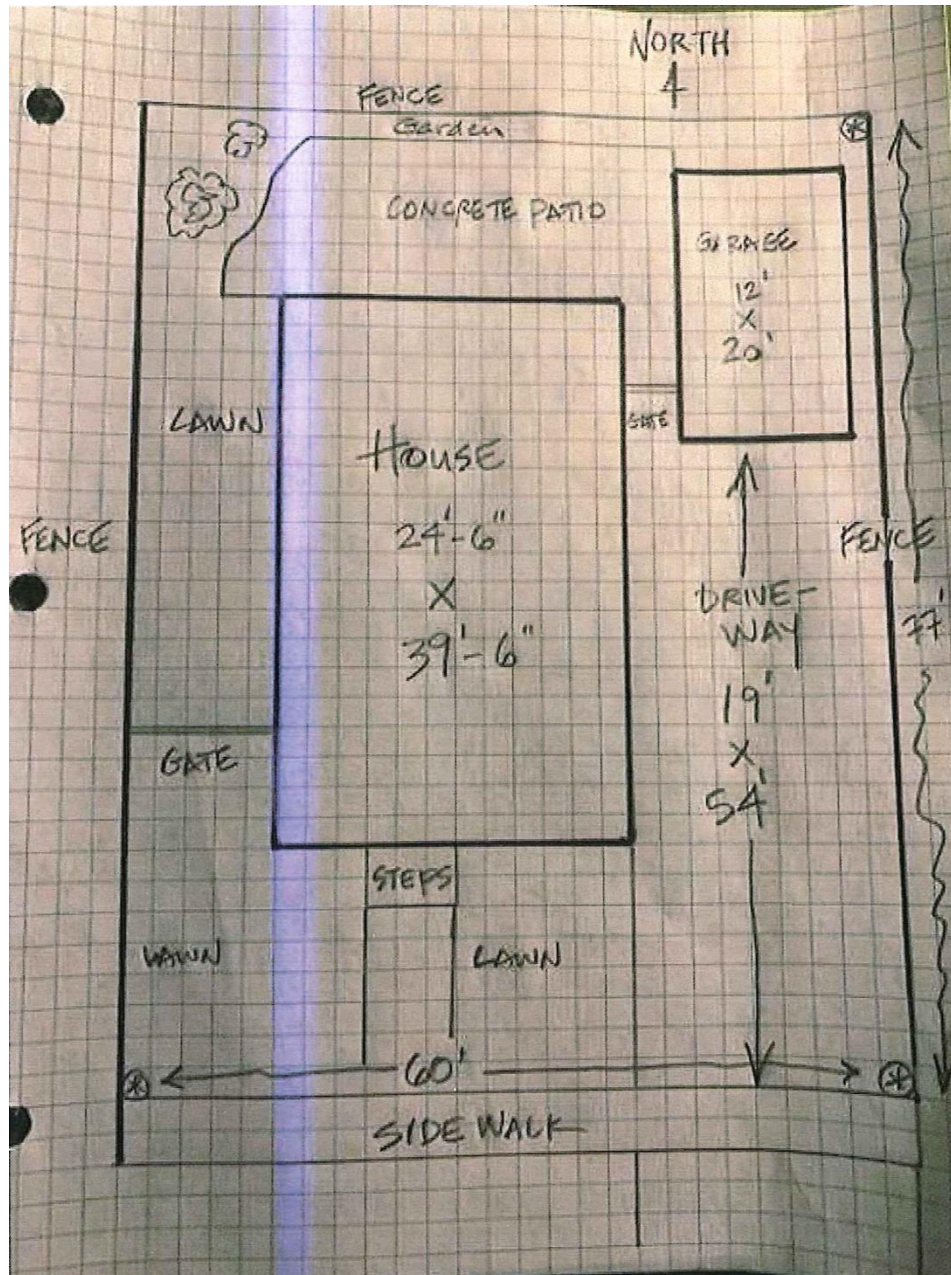
Approved Short Term Rental Uses and Resident Occupied Short Term Rentals in Residential Zones - As of June 4, 2019



The applicant is proposing to use the existing home for the resident-occupied short-term rental, keeping the exterior of the home the same. As such, there will be no changes to the physical size of the home, and only two (2) of the existing bedrooms will be used as guest rooms, with one room to be used by the full time resident of the home. The application is proposing three (3) off-street parking spaces within the existing garage and driveway. The proposed off-street parking includes one space within an existing garage, two “stacked” parking spaces behind that in the driveway along the east side of the house.

When the applicant applied for the permit, they felt that they only need to provide three parking spaces due to a discrepancy in the MMC. However, as pointed out by public comments received during the Director Review notification period, there is a discrepancy in the code for off-street parking requirements. Criteria #4 of the resident-occupied short-term rental code in the R4 zoning chapter states that one (1) additional off-street parking per two (2) guest sleeping rooms is required for the resident occupied short term rental use, but Section 17.06.060(A)(5) (“Off-Street Parking”) of the MMC requires one (1) space per guest sleeping room. This would require a total of four (4) off-street parking spaces, two (2) spaces for the primary dwelling and two (2) spaces for the two bedrooms available. Based on the site plan submitted, the driveway and garage could hold up to four (4) vehicles, one in the garage and three stacked in the driveway (specifications require 18’ for a vehicle. (See Figure 3 – Site Plan). Although, if guests are part of different parties, the stacked parking could potentially require one party to move a vehicle for another party to access a vehicle. There are no standards prohibiting stacked parking.

Figure 3. Site Plan



Based on testimony received June 6, 2019, during the Director Review notification period, it was brought to the Planning Department's attention that the applicant was not only using the residence without proper approval, but using the residence as a short term rental. A short term rental would not be permitted, at this time, as this location is within 200' of an approved short term rental (see Figure 2).

A code compliance officer verified on June 7, 2019, that the home was being advertised as a Short Term Rental, allowing guests to rent the entire residence, and that there was not a permanent full time resident residing at the home (criteria #2), on AirBnB. The applicant was notified via email on June 7, 2019 that they were in violation Section 17.12.010 of the McMinnville Municipal Code (MMC). On June 17, 2019, code compliance staff also found active listings on HomeAway and VRBO. As of date, Code Compliance has confirmed the AirBnB, HomeAway, and VRBO listings are no longer active.



It was also noted that there was a discrepancy in the code for off-street parking requirements. Criteria #4 states that one (1) additional off-street parking per two (2) guest sleeping rooms is required for the resident occupied short term rental use, but Section 17.06.060(A)(5) of the MMC requires one (1) space per guest sleeping room. This would require a total of four (4) off-street parking spaces, two (2) spaces for the primary dwelling and two (2) spaces for the two bedrooms available. As noted above, based on the site plan submitted a total of four (4) off-street parking spaces could be provided with the use of the garage and “stacked/off-set” parking.

## **II. CONDITIONS:**

1. That the applicant only operate as a resident-occupied short-term rental and if at any time during the course of its operation that it can be proven that the resident is not complying with the provisions of a resident-occupied short-term rental, the permit will be revoked immediately and not renewed.
2. The applicant will need to delineate three distinct parking spaces in the driveway, each 18’ long.
3. Four (4) off-street parking spaces shall be provided in accordance with Section 17.60.060(A)(5).
4. This approval is for a maximum of two (2) guest rooms, provided on a daily or weekly basis for the use of five (5) or less travelers or transients at any one time, in addition to the resident-occupied living quarters.
5. That signing be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three square feet of face area.
6. That smoke detectors be provided as per the requirements for “lodging houses” in Ordinance No. 3997.
7. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in the McMinnville Municipal Code.
8. The property shall comply with the requirements for registration with the McMinnville Finance Department as a transient lodging provider. (The previous approval for a resident-occupied short-term rental previously required this registration). Local Transient Lodging tax shall be collected and remitted to the City as provided in McMinnville Ordinance No. 4974.

## **III. ATTACHMENTS:**

1. ROSTR 6-19 Application and Attachments (on file with the Planning Department)

## **IV. COMMENTS:**

### **Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department  
No comments

- McMinnville Fire Department  
We have no issues for this short term rental
- McMinnville Water and Light  
McMinnville Water & Light has no comments regarding the above short term rental.

### **Public Comments**

Notice of this request was mailed to property owners located within 100 feet of the subject site. Public testimony was received on June 6, 2019 (Attachment 2).

### **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The property owners, Heather Jordan and Kim & Doug Jordan, submitted the Resident Occupied Short Term Rental application on May 13, 2019.
2. The application was deemed complete on May 22, 2019.
3. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas.

Comments received from agencies are addressed in the Decision Document.

4. Notice of the application was mailed May 23, 2019 and notice of the July 18, 2019 Planning Commission public hearing was mailed June 28, 2019, to property owners within 100 feet of the subject property in accordance with Sections 17.72.110 and 17.72.120 of the Zoning Ordinance.
5. Notice of the application and the July 18, 2019 Planning Commission public hearing was published in the News Register on Tuesday, July 9, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.

No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

6. On July 18, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

### **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** 331 NE 7<sup>th</sup> Street (Tax Lot 13100, Section 21BB, T. 4 S., R. 4 W., W.M.)
2. **Size:** Approximately 4,500 square feet
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-4
5. **Overlay Zones/Special Districts:** None

6. **Current Use:** Existing single-family dwelling
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** The residence was built around 1910, is designated and classified as a Contributory Historic Landmark (C 369) in the City's Historic Resource Inventory
  - b. **Other:** None identified.
8. **Other Features:** Generally level site
9. **Utilities:**
  - a. **Water:** The property is served by water. The treatment plant has sufficient treatment capacity.
  - b. **Sewer:** 6" sewer main in NE 7<sup>th</sup> Street. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from the use.
  - c. **Stormwater:** The site is generally flat, with storm water drainage conveyed by curb and gutter to a catch basin and storm drain in NE 7<sup>th</sup> Street. The proposal doesn't increase impervious site area.
  - d. **Other Services:** Other services are available to the property. Overhead utilities are present on both sides of NE 7<sup>th</sup> Street.
10. **Transportation:** NE 7<sup>th</sup> Street is classified as a local street in the Transportation System Plan (TSP). The existing right-of-way is 60 feet wide. The street is improved with curb and gutter on both sides, as well as sidewalks and planter strips. The street has two travel lanes and has on-street parking on both sides of the street, with no bike lanes. Overhead utilities are present on both sides of the street, and appear to be within the public right-of-way behind the curb and gutter on the east side.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Resident Occupied Short Term Rental are specified in Section 17.12.010(N) of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

### **Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

**GOAL X-1:** TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**FINDING: SATISFIED.** The process for a resident occupied short term rental provides an opportunity for citizen involvement throughout the process through the public notice and, in this case, the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

### **McMinnville Zoning Ordinance**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

#### **17.12.010(N). Resident Occupied Short Term Rental.**

A resident occupied short term rental in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In judging whether or not a resident occupied short term rental shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

**17.12.010(N)(1).** *Resident occupied short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a single-family residence.*

**APPLICANT'S RESPONSE:** None.

**FINDING - SATISFIED:** The residence has been maintained as a residence.

**17.12.010(N)(2).** *That the establishment be occupied full-time by a resident.*

**APPLICANT'S RESPONSE:** The applicant indicated on the ROSTR application that the "owner" would be living at the property.

**FINDING - SATISFIED WITH CONDITION OF APPROVAL #1:** Evidence through public testimony and research conducted by McMinnville Code Compliance indicated that the applicant was operating a "short term rental" from the location with no full time resident, while the ROSTR application was in for review. The following condition of approval allows that if there is evidence that the applicant operates on the site as a short term rental without the resident in residence, the permit will be revoked immediately and not renewed

**CONDITION OF APPROVAL TO SATISFY FINDING:** That the applicant only operate as a resident-occupied short-term rental and if at any time during the course of its operation that it can be proven that the resident is not complying with the provisions of a resident-occupied short-term rental, the permit will be revoked immediately and not renewed.

**17.12.010(N)(3).** *That no more than two guest sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of five travelers or transients at any one time.*

**APPLICANT'S RESPONSE:** The home is a 3 bedroom 2.5 bathroom, 2,496 square foot residence. We are applying for a residential short term rental permit to rent 2 bedrooms for use. We will be living in the other bedroom

**FINDING - SATISFIED:** The floor plan submitted by the applicant does show 3 bedrooms, with one marked as "owners".

**17.12.010(N)(4).** That a minimum of one off-street parking space be provided for the two permitted guest sleeping rooms. The required off-street guest parking may be provided on an existing parking lot located within 200 feet of the short term rental.

**APPLICANT'S RESPONSE:** Three (3) paved off-street parking spaces are available.

**FINDING - SATISFIED WITH CONDITION OF APPROVAL #2:** The off-street parking requirements of this chapter are met per the submitted site plan. Section 17.60.060(A)(5) (Off-Street Parking) requires 1 space per guest sleeping room. Since there is a discrepancy between the two code sections, per Section 17.03.040 (Interpretation – More restrictive provisions govern), the requirement of 1 off-street parking space per guest room would be required. Per the dimensions indicated on the site plan, the location could accommodate 4 off-street parking spaces.

**CONDITION OF APPROVAL TO SATISFY FINDING:** The applicant will need to delineate three distinct parking spaces in the driveway, each 18' long. .

**17.12.010(N)(5).** *That signing be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three square feet of face area.*

**APPLICANT'S RESPONSE:** None

**FINDING – SATISFIED:** The applicant proposes to maintain the building and site without a change in outward appearance, with no signage indicated.

**17.12.010(N)(6).** *That the duration of each guest's stay at the short term rental be limited to no more than 30 (thirty) consecutive days.*

**APPLICANT'S RESPONSE:** None

**FINDING - SATISFIED WITH CONDITION OF APPROVAL #7:**

**CONDITION OF APPROVAL TO SATISFY FINDING:** Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in the McMinnville Municipal Code.

**17.12.010(N)(7).** *That smoke detectors be provided as per the requirements for “lodging houses” in Ordinance No. 3997 of this code.*

**APPLICANT’S RESPONSE:** The applicant indicated smoke detectors were located in the upstairs hallway, each bedroom, the basement, living room, kitchen, library, and dining room.

**FINDING - SATISFIED WITH CONDITION OF APPROVAL #6:** Per the applicants response on the application.

**CONDITION OF APPROVAL TO SATISFY FINDING:** That smoke detectors be provided as per the requirements for “lodging houses” in Ordinance No. 3997.

**17.12.010(N)(8).** *Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:*

- a. *Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or*
- b. *Transfer of ownership pursuant to a will or bequest upon the death of the owner.*

**APPLICANT’S RESPONSE:** None

**FINDING – SATISFIED:** The applicant provided verification of ownership

**17.12.010(N)(9).** *Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.*

**APPLICANT’S RESPONSE:** None

**FINDING – SATISFIED:** Currently the application is under review.

**17.12.010(N)(10).** *Complaints on conditions 1 through 9 above will be reviewed by the Planning Commission at a public hearing. The Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.*

**APPLICANT’S RESPONSE:** None

**FINDING - SATISFIED:** Testimony was received during the Public Comment period, indicating the property was being used as a short term rental. Since that time, the applicant has become compliant and no longer is operating the residence as a short term rental (not permitted) or a residential short term rental (application submitted).

**17.74.030. Authorization to Grant or Deny Conditional Use.**

*A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any*

*adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:*

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

**APPLICANT'S RESPONSE:** none.

**FINDING - SATISFIED WITH CONDITIONS OF APPROVAL:** Findings regarding consistency with the Comprehensive Plan are provided below. Objectives of the Zoning Ordinance are provided through the purpose statements in Section 17.03.020 (in general), and in Sections 17.74.030 & 040 for conditional uses. There are no separate purpose statements provided in the Zoning Ordinance for the R-4 zone. Resident occupied short term rentals are described in the definitions, are subject to special standards specified in Section 17.21.010(R) for the R-4 zone, and are subject to other general development standards that apply based on use and/or zoning district.

The proposal will adhere to the standards in Section 17.12.010(N) below subject to the attached conditions:

1. Resident occupied short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a single-family residence.
2. That the establishment be occupied full-time by a resident.
3. That no more than two guest sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of five travelers or transients at any one time.
4. That a minimum of one off-street parking space be provided for the two permitted guest sleeping rooms. The required off-street guest parking may be provided on an existing parking lot located within 200 feet of the short term rental.
5. That signing be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three square feet of face area.
6. That the duration of each guest's stay at the short term rental be limited to no more than 30 (thirty) consecutive days.
7. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997 of this code;
8. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:
  - a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or
  - b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.
9. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.
10. Complaints on conditions 1 through 9 above will be reviewed by the Planning Commission at a public hearing. The Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.

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

**APPLICANT'S RESPONSE:** None

**FINDING - SATISFIED:** The proposed use of the existing house and parking improvements as they currently exist for a resident occupied short term rental have minimal impact compared to the existing use.

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

**APPLICANT'S RESPONSE:** None

**FINDING – SATISFIED:** The R-4 zone authorizes a variety of permitted uses that could have comparatively greater impacts on the livability, value, or appropriate development of abutting properties of the surrounding area. The proposed use is of a limited size and scale that is less than impactful than could occur for more intensive permitted uses.

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

**APPLICANT'S RESPONSE:** None

**FINDING - SATISFIED:** The applicant proposes to maintain the building and site without a change in outward appearance. The use will be conducted within the existing residence and existing off-street parking will be used as it currently exists.

**17.74.030(E).** *The proposal will preserve environmental assets of particular interest to the community;*

**APPLICANT'S RESPONSE:** None

**FINDING – SATISFIED:** The existing home, built around 1910, is designated and classified as a Contributory Historic Landmark (C 369) in the City's Historic Resource Inventory. The existing home will be utilized without exterior alteration.

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

**APPLICANT'S RESPONSE:** None

**FINDING - SATISFIED:** The applicant wishes to obtain approval for a Residential-Occupied Short-Term Rental.



**17.74.040. Placing Conditions on a Conditional Use Permit.**

*In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:*

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;*
- B. Establishing a special yard or other open space, lot area, or dimension;*
- C. Limiting the height, size, or location of a building or other structure;*
- D. Designating the size, number, location and nature of vehicle access points;*
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;*
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;*
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;*
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;*
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;*
- J. Designating the size, height, location, and materials for a fence;*
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;*
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.*

**FINDING – SATISFIED:** Based on the application as proposed and submitted, together with the conditions of approval, the proposal avoids detrimental environmental impact, and the best interest of the surrounding area or the community as a whole is protected.

SJS

**Planning Department**

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

**Office Use Only:**

File No. ROSTR 6-19  
 Date Received 5-13-19  
 Fee 1676.50  
 Receipt No. 200574  
 Received by [Signature]

## Resident Occupied Short Term Rental Application

**Applicant Information**

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

Applicant Name Kim + Doug Jordan Phone 541-912-5514  
 Contact Name Heather Jordan Phone 541-321-2413  
 (If different than above) 8234 SW Capital Highway Portland, OR 97218  
 Address 331 NE 7th St. McMinnville, OR 97128  
 City, State, Zip \_\_\_\_\_  
 Contact Email bristolheather81@gmail.com

**Property Owner Information**

Property Owner Name Kim + Doug Jordan Phone 541-912-5516  
 (If different than above) \_\_\_\_\_  
 Contact Name Heather Jordan Phone 541-321-2413  
 Address 331 NE 7th St.  
 City, State, Zip McMinnville, OR 97128  
 Contact Email bristolheather81@gmail.com

**Site Location and Description**

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

Property Address 331 NE 7th Street.  
 Assessor Map No. R4 421 - BB - 13100 Total Site Area 45,000 square ft.  
 Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_  
 Comprehensive Plan Designation \_\_\_\_\_ Zoning Designation \_\_\_\_\_  
Legal Description: Lot 2 Block 2 Willis' Addition = 004500 sq. ft.

1. Please describe the residence and its proposed use. the home is 13 bedroom, 2.5 bathroom 2,496 square feet residence. We are applying for a residential short term permit to rent out 2 bedrooms for use we will be living in the other bedroom

2. How many guest sleeping rooms will be provided? 2

3. How many (total) off-street parking spaces are available? 3 Are they paved? Yes ☒ No ☐

Is the required off-street parking space located on the subject site? Yes ☒ No ☐ (If yes, skip to question #4; if no, please complete the following):

If not, where is it located (Please also attach a signed agreement authorizing use of this property for parking purposes): \_\_\_\_\_

Distance from subject site: \_\_\_\_\_

Name and contact information for property owner of off-site parking space location, if applicable:

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

Address \_\_\_\_\_

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

Email \_\_\_\_\_

4. Are there smoke detectors in the residence? Yes ☒ No ☐

If so, where are they located? Upstairs hallway, 1 in each bedroom, basement, living room, kitchen, library & dining room

5. Has the applicant registered as a Transient Lodging Provider in order to collect, and pay, the Transient Lodging Tax imposed by the City of McMinnville on the rent charged to an occupant who occupies a provider's lodging for 30 successive days or less? Yes ☒ No ☐

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

☐ A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), clearly showing the location of the residence; and existing and proposed features within and adjacent to the subject site, such as: lot and street lines with dimensions; driveway(s); parking; distances from property lines to structures; improvements; and significant features. **Please note that the required off-street parking, of a hardscaped surface, is in addition to the two (2) off-street parking spaces required for the residence itself. Clearly identify that the off-street parking requirements are met.**

☒ Digital photographs of the subject residence's exterior.

☐ Floor plan showing the size, function, and arrangement of interior rooms.

☐ If applicable, a written agreement with the property owner providing the required off-street parking space.

☐ Other information deemed necessary by the Planning Director to allow review of the applicant's proposal.

☐ Payment of the applicable review fee, which can be found on the Planning Department web page.

**I hereby certify that the statements contained herein are in all respects true and correct to the best of my knowledge and belief.**

Heather Jordan  
Applicant's Signature

5-13-19.  
Date

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Date





off street parking for two cars

working parking





picture of exterior of home.

St

St

NE Cowls St

NE Davis St

NE Cowls St

NE Davis St

NE 7th St

NE 7th St

NE 7th St

NE 7th St

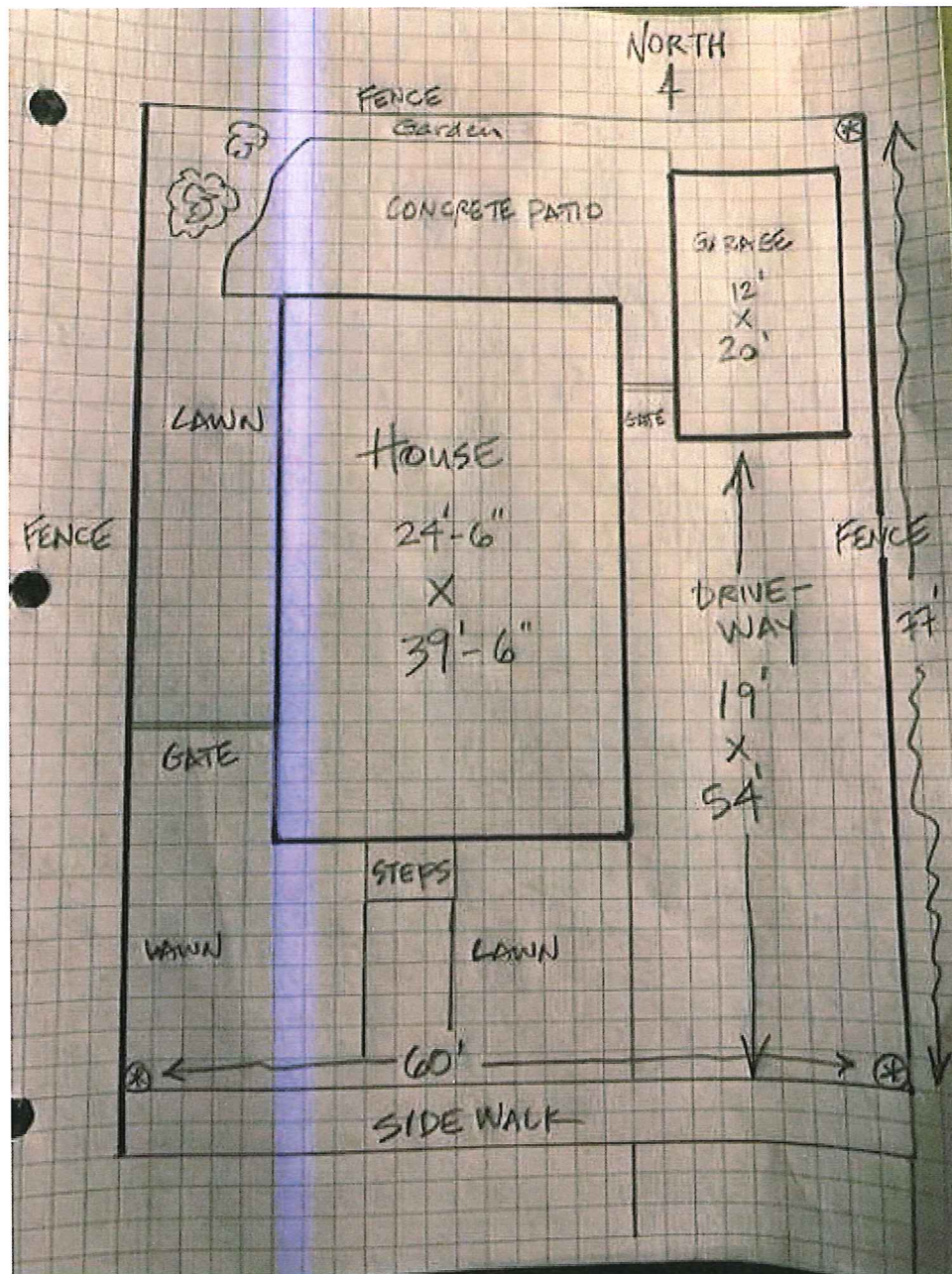
NE 7th St

NE 7th St

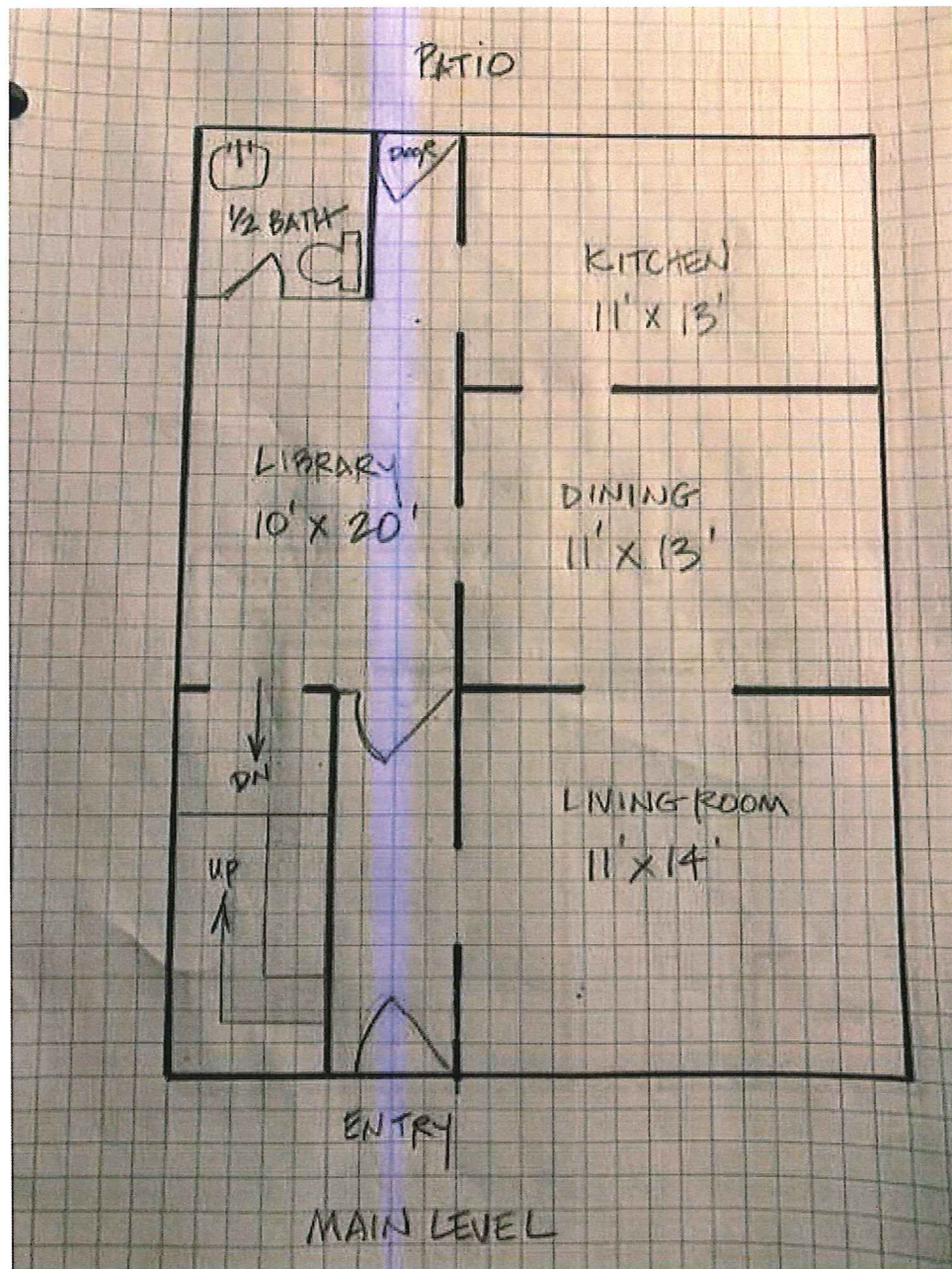
NE 7th St

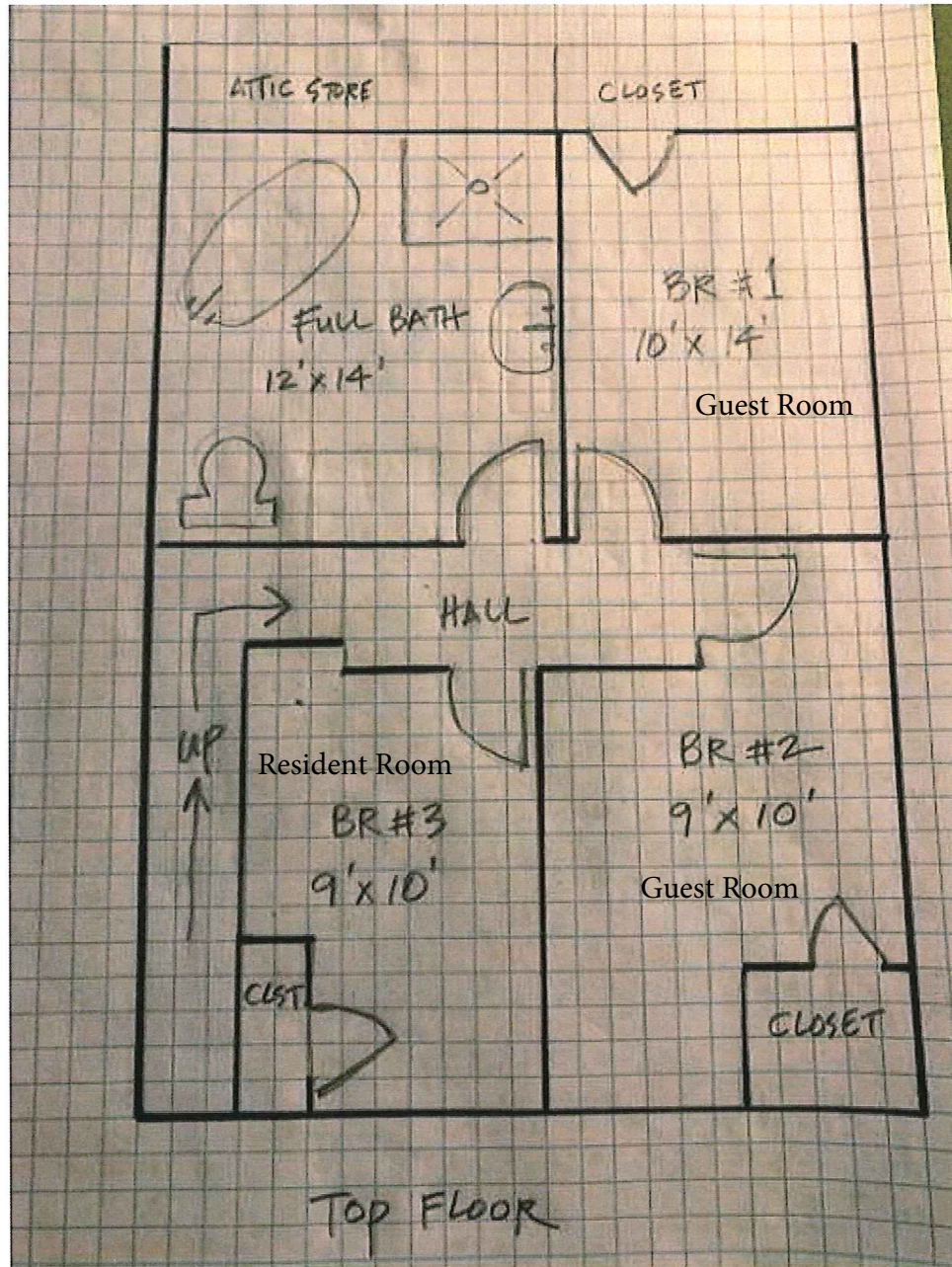
keep lot lines



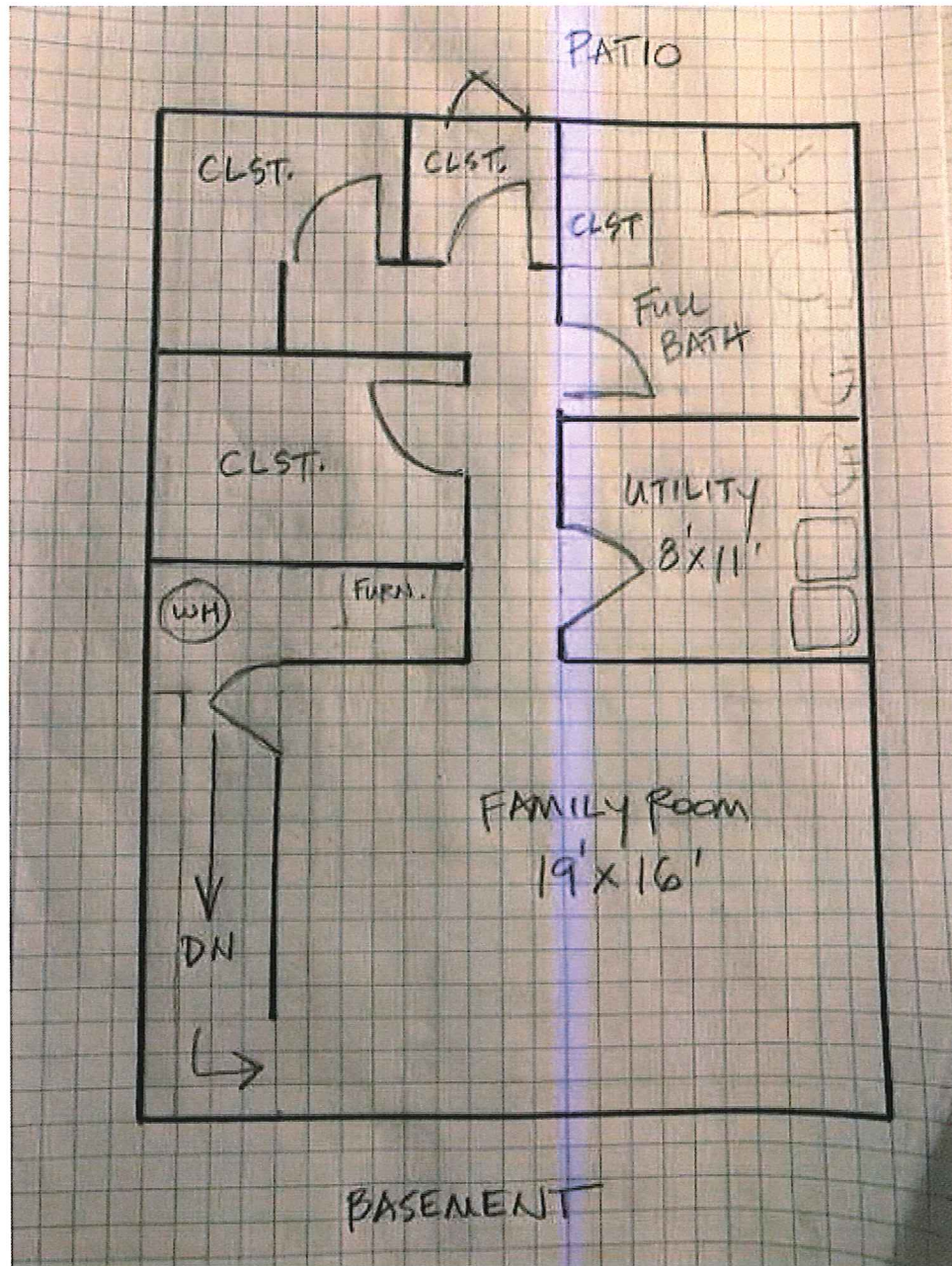












RECEIVED

JUN 06 2019

COMMUNITY DEVELOPMENT  
CENTER

JOAN DRABKIN

307 NE 7<sup>TH</sup> STREET  
MCMINNVILLE, OREGON 97128  
TEL: 503-472-4094 FAX: 503-472-7629  
[DRABKIN@VICLINK.COM](mailto:DRABKIN@VICLINK.COM)

JUNE 4, 2019

SARAH SULLIVAN, [SARAH.SULLIVAN@MCMINNVILLEOREGON.GOV](mailto:SARAH.SULLIVAN@MCMINNVILLEOREGON.GOV)  
HEATHER RICHARDS, PLANNING DIRECTOR [HEATHER.RICHARDS@MCMINNVILLEOREGON.GOV](mailto:HEATHER.RICHARDS@MCMINNVILLEOREGON.GOV)  
CHUCK DARNELL, SENIOR PLANNING DIRECTOR [CHUCK.DARNELL@MCMINNVILLEOREGON.GOV](mailto:CHUCK.DARNELL@MCMINNVILLEOREGON.GOV)  
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DAVID KOCH, CITY KATTORNEY [DAVID.KOCH@CI.MCMINNVILLE.OR.US](mailto:DAVID.KOCH@CI.MCMINNVILLE.OR.US)

Sarah Sullivan  
City of McMinnville Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128

Re: Docket No. ROSTR 6-19

Dear Ms. Sullivan:

The undersigned are neighbors of the site in question and have some concerns about the application which is currently under your review. Specifically, we do not believe the application complies with all applicable approval criteria, did not follow the required procedures prior to submitting the application, and already appears to be operating as a vacation rental prior to issuance of a permit.

We do not believe that the applicant has complied with McMinnville Municipal Code sections 17.12.010(N)(2) and (4). Specifically, (2) **In this case, although one of the co-owners claims the property as their mailing address, it appears that there is nobody living on the property full time.** With regard to (4), although the language of this section is not entirely clear as to the number of parking spaces required for the short term rental, ordinance 17.60.060(A)(5) requires two spaces per dwelling for the residents and (6) requires one space for each guest room. Thus, it would seem there should be four off-street parking spaces for this property. **The application does not identify four off-street parking spaces.** It does say that three off-street parking spaces are available, but based on the photographs submitted with the application, it appears that the applicant is considering **on-street parking** to satisfy the requirement. The applicant has made no showing that there's adequate off-street parking to satisfy the provisions of McMinnville Municipal Code section 17.60.060(A)(5) and (6).

The applicant has also failed to comply with the applicable provisions of Ordinance 17.72.095 as it has been amended by City of McMinnville Planning Department docket number G9-17. McMinnville Municipal Code section 17.72.095 **requires that a neighborhood meeting be held for applications for short term rentals.**

We note that 17.72.095(A)(3) exempts “short term rentals” from the neighborhood meeting requirement, but does not exempt “resident occupied short term rentals.” Throughout the ordinance there is a distinction drawn between “short term rentals” and “resident occupied short term rentals” so it appears that resident occupied short term rentals were specifically not exempted from the neighborhood meeting requirement. In such case, the requirement has not been complied with. There was no notice to neighbors, no notice of a meeting and it appears, no neighborhood meeting held prior to submission of this application. None of the people signed below received such notice or were aware of any neighborhood meeting.

As neighbors of this property, **it also appears to us that not only is there is no full time resident on the premises, but there are frequent short term visitors, sometimes with cars with out of state license plates.** It looks rather like this property is already being operated as a short term rental, prior to obtaining a permit for such. Specifically, over the Memorial Day weekend there were two vehicles parked at this property on May 26 and 27. One had an Oregon license plate, the other a Washington state license plate. Neither of these vehicles were present at the property prior to this weekend, nor have they been seen since. Further, since May 28 through June 4 and, apparently continuing, another new vehicle has been parked on the premises with a California license plate.

It is concerning that the application appears to be disingenuous about the owner’s residency at the property and that the property owners have seen fit to go ahead with their intended uses without first getting the appropriate permits. This does not make for good neighbor relationships. This is a neighborhood of long-term, stable families who look out for each other and foster an environment where residents feel safe and have a strong sense of community. A short term rental does nothing to support a neighborhood community, and can impact the availability of affordable housing in McMinnville. Neighborhoods with young families, and even those who do not have children, have legitimate concerns about knowing their neighbors and being aware of whether they have a **registered sex offender** in their midst. At the very least, should this application be ultimately approved, we ask that you apply reasonable conditions of approval to ameliorate the likely effects of the operation of a short term rental in our neighborhood. **Specifically, requiring the owner to perform a background check on tenants and prohibit any registered sex offender from staying at the property.**



We would like to be notified of the actual hearing, because we intend to be there and question the new owners.

We thank you for your consideration and your time.

Joan Drabkin 307 NE 7<sup>th</sup> Street, McMinnville, OR Joan Drabkin

Jules Drabkin 328-330 NE 8<sup>th</sup> St. McMinnville, OR Jules Drabkin

Dan Saum 326 NE 8<sup>th</sup> ST. MC  
Mary Sue Macy, PO Box 1677, Mc Minnville, OR 97128  
Macy Family Trust Mary Sue Macy

Eric Baughman 714 NE Cools St, McMinnville, OR 97128 Eric

NOTE: 2 SIGNATURE  
PAGES: pages  
3 and 164.

page 13

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Joan Drabkin 307 NE 7<sup>th</sup> Street, McMinnville, OR \_\_\_\_\_

Jules Drabkin 328-330 NE 8<sup>th</sup> St. McMinnville, OR \_\_\_\_\_

MICHELE BRANTNER 625 NE DAVIS ST *Michele B*

Thomas + Audrey McKinney 721 NE DAVIS ST *Thomas McKinney*  
*Audrey McKinney*

Gnelia Ray 318 NE 8th St. *Gnelia V. Ray*

Caroline O'Brien 609 NE *Caroline O'Brien*  
*Cowls,*

RACHEL E WOLLEY 610 NE COWLS ST *R E Wolley*

PAGE 4





PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

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**PUBLIC HEARING NOTICE**  
**RESIDENT OCCUPIED SHORT TERM RENTAL PERMIT**  
**331 NE 7<sup>TH</sup> STREET**

**July 18, 2019, 6:30 PM,**  
**Kent Taylor Civic Hall, 200 NE Second Street**

NOTICE IS HEREBY GIVEN that an application for a Resident Occupied Short Term Rental permit has been submitted to the McMinnville Planning Department, and that due to comments received, the Planning Director per Section 17.12.010(N)(10) has elected to send this to the Planning Commission for a public hearing and consideration.

The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding this application or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Sarah Sullivan with any questions.

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<b><u>DOCKET NUMBER:</u></b>	ROSTR 6-19 (Resident Occupied Short Term Rental)
<b><u>REQUEST:</u></b>	Approval to allow for the operation of a resident occupied short term rental establishment within an existing residence. The subject site is located at 331 NE 7 <sup>th</sup> Street and is more specifically described as Tax Lot 13100, Section 21BB, T.4 S., R. 4 W., W.M.
<b><u>APPLICANT:</u></b>	Heather Jordan
<b><u>SITE LOCATION(S):</u></b>	331 NE 7 <sup>th</sup> Street (see attached map)
<b><u>MAP &amp; TAX LOT(S):</u></b>	R4421BB13100
<b><u>ZONE(S):</u></b>	R-4 (Multiple-Family Residential)
<b><u>MMC REQUIREMENTS:</u></b>	Sections 17.12.010(N) and 17.72.110 (see reverse side for specific review criteria)
<b><u>NOTICE DATE:</u></b>	June 28, 2019
<b><u>PUBLIC HEARING DATE:</u></b>	July 18 at 6:30 P.M.
<b><u>HEARING LOCATION:</u></b>	McMinnville Civic Hall Building 200 NE 2 <sup>nd</sup> Street, McMinnville, OR, 97128

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**Proceedings:** A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either approve, approve with conditions, or deny the application based on the applicable criteria.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128, or by email to [sarah.sullivan@mcminnvilleoregon.gov](mailto:sarah.sullivan@mcminnvilleoregon.gov).

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5<sup>th</sup> Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov).

**Appeal:** Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

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

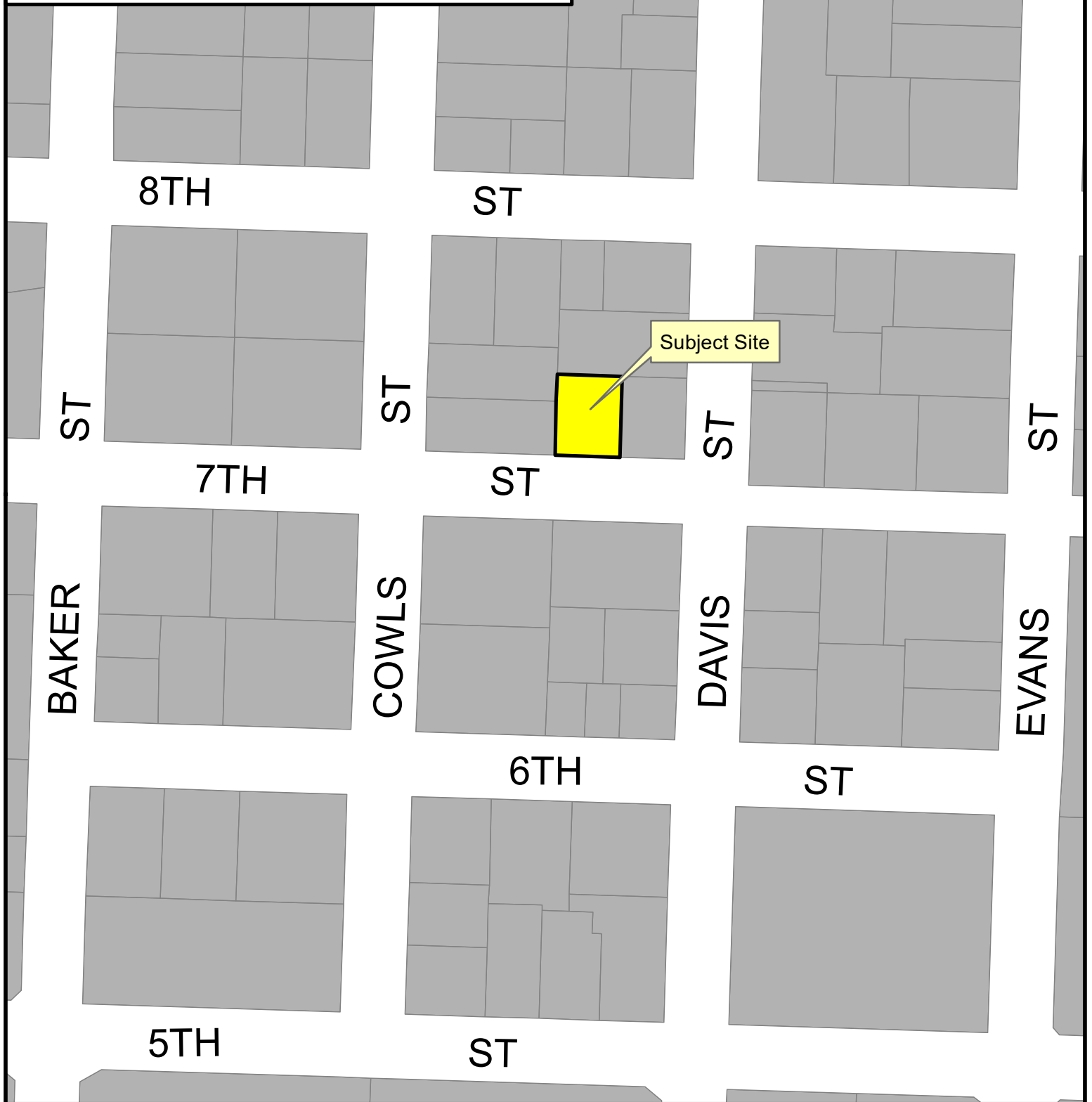
The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

### **REVIEW CRITERIA:**

17.12.010(N) Resident occupied short term rental, subject to the provisions of Section 17.72.110 and the following standards:

1. Resident occupied short term rentals shall be allowed in single family dwellings, common-wall single family dwellings, and accessory dwelling units (ADUs). The structure shall retain the characteristics of a single-family residence.
2. That the establishment be occupied full-time by a resident.
3. That no more than two guest sleeping rooms are provided on a daily or weekly basis for the use of no more than a total of five travelers or transients at any one time.
4. That a minimum of one off-street parking space be provided for the two permitted guest sleeping rooms. The required off-street guest parking may be provided on an existing parking lot located within 200 feet of the short term rental.
5. That signing be limited to only one non-illuminated or incidentally illuminated wooden sign not exceeding three square feet of face area.
6. That the duration of each guest's stay at the short term rental be limited to no more than 30 (thirty) consecutive days.
7. That smoke detectors be provided as per the requirements for "lodging houses" in Ordinance No. 3997 of this code;
8. Permits shall be issued to the current property owner at the time of application. Permits do not transfer with the sale or conveyance of the property. Upon any change in ownership, the short term rental permit for the subject property will become void. The use of the subject property as a short term rental by the new owner will again be subject to the application and review procedures in Section 17.72.110. The following situations are not deemed to be a change in ownership for the purposes of this section:
  - a. Transfer of property from a natural person(s) to a Trust serving the same natural person(s) or to a family member pursuant to a Trust; or
  - b. Transfer of ownership pursuant to a will or bequest upon the death of the owner.
9. Permits must be renewed annually. Failure to renew the short term rental permit annually will result in the permit becoming void, and the use of the subject property as a short term rental will again be subject to the application and review procedures in Section 17.72.110.
10. Complaints on conditions 1 through 9 above will be reviewed by the Planning Commission at a public hearing. The Commission will review complaints based on the criteria listed in Sections 17.74.030 and 17.74.040 of the zoning ordinance. If the short term rental is found to be in violation of the criteria, the Planning Commission may terminate the use.

# Vicinity Map



ROSTR 6-19 Public Hearing

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4421BB17600	625 NE DAVIS ST	BRANTNER JEFFREY F	BRANTNER JEFFREY F	PO BOX 224	MCMINNVILLE OR	97128
3	R4421BB12700	724 NE COWLS ST	SPALDING TERESA A	SPALDING TERESA A	1625 NW MICHELBOOK LN	MCMINNVILLE OR	97128
4	R4421BB12800	721 NE DAVIS ST	MCKINNEY THOMAS M JR & AUDREY R	MCKINNEY THOMAS M JR & AUDREY R	721 NE DAVIS ST	MCMINNVILLE OR	97128
5	R4421BB12500	326 NE 8TH ST	SAUM-HUMELAND CINDY I	SAUM-HUMELAND CINDY I	326 NE 8TH ST	MCMINNVILLE OR	97128
6	R4421BB13000	307 NE 7TH ST	DRABKIN JULES & JOAN F	DRABKIN JULES & JOAN F	307 NE 7TH ST	MCMINNVILLE OR	97128
7	R4421BB12900	714 NE COWLS ST	BAUGHMAN ERIC T & CARLY E	BAUGHMAN ERIC T & CARLY E	714 NE COWLS ST	MCMINNVILLE OR	97128
8	R4421BB12400	328 NE 8TH ST	DRABKIN JULES	DRABKIN JULES	307 NE 7TH ST	MCMINNVILLE OR	97128
9	R4421BB17700	632 NE COWLS ST	MACY FAMILY TRUST	MACY FAMILY TRUST	PO BOX 1677	MCMINNVILLE OR	97128
10	R4421BB12600	318 NE 8TH ST	RAY GNELIA V	RAY GNELIA V	318 NE 8TH ST	MCMINNVILLE OR	97128
11	R4421BB13200	707 NE DAVIS ST	DEWOLF GREG M	DEWOLF GREG M	15625 SW HILLSBORO HWY	HILLSBORO OR	97123
Owner	R4421BB13100	331 NE 7TH ST	KIM & DOUG JORDAN		331 NE 7TH STREET	MCMINNVILLE OR	97128
Owner			HEATHER JORDAN		8234 SW CAPITAL HWY	PORTLAND OR	97219

## EXHIBIT 2 - STAFF REPORT

**DATE:** July 18, 2019  
**TO:** Planning Commission  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Application ZC 3-19 for a Zone Change from R-1 to R-3, and Application S 2-19 for a Tentative Subdivision Plan for a 17-Lot Single Family Residential Subdivision

### STRATEGIC PRIORITY & GOAL:



**HOUSING OPPORTUNITIES** (ACROSS THE INCOME SPECTRUM)  
Create diverse housing opportunities that support great neighborhoods.

**OBJECTIVE/S:** Collaborate to improve the financial feasibility of diverse housing development opportunities

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### Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider two applications on a 2.93 acre parcel on NE Newby Street between NE Grandhaven and NE 27<sup>th</sup> Street (Tax Lot 1100, Section 9DC, T. 4 S., R. 4 W., W.M.):

- ZC 3-19. Zone Change from R-1 to R-3
- S 2-19. Subdivision Tentative Plan for a 17-lot single family residential subdivision, with 15 single-family detached homes and 2 single-family attached homes

The Planning Commission will make recommendations on these applications to the City Council. Typically, the Planning Commission makes a recommendation on a zone change and makes a final decision on a subdivision tentative plan. However, Section 17.72.070 of the Zoning Ordinance provides the following:

**Concurrent Applications.** When a proposal involves more than one application for the same property, the applicant may submit concurrent applications which shall be processed simultaneously. In so doing, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice.

Therefore, the Planning Commission will make recommendations on both applications to the City Council, and the City Council will make the final decisions on both applications.

The Planning Commission hearing is conducted in accordance with quasi-judicial hearing procedures, and the application is subject to the 120-day processing timeline. The application was deemed complete on June 7, 2019.

## **Background:**

### ***Subject Property & Request***

The subject property is a 2.93 acre parcel located on NE Newby Street between NE Grandhaven and NE 27<sup>th</sup> Street. Grandhaven Subdivision to the north was platted in 1999, with Buel Drive stubbed to the north property line of the subject property. **See Exhibit 1.**

The subject property and properties to the west, south, and northeast are zoned R-1. Property to the north is zoned R-2 PD, and property to the east and southeast is zoned R-3 PD. **See Exhibit 2.** Predominant surrounding uses are single-family homes and duplexes to the north, single-family homes to the east and west, Adventure Christian Church to the south, and Life Care Center south of the church. Grandhaven Elementary School is located across NW Grandhaven Street to the north. The subject property is vacant. It previously had substantial tree cover as shown in the aerial photo, which has since been cleared by the applicant, with an arbor vitae screen remaining. There is a natural drainageway generally running east-west on the property, and a portion of the drainageway is identified on the National Wetland Inventory as a riverine wetland. However, the wetland/jurisdiction water delineation determined there are no wetlands on the site, but there are jurisdictional waters associated with the drainageway, (approximately 0.07 acres). Curb, gutter, and sidewalk are present along the property frontage on NE Newby Street.

The requests would rezone the property from R-1 to R-3 and approve a 17-lot single family residential subdivision, with 15 single-family detached homes and 2 single-family attached homes (Lots 4 and 5). **Exhibit 3** shows the proposed zoning. **Exhibit 4** is the proposed subdivision tentative plan, and **Exhibit 5** shows the proposed public improvements and utilities. Most lots would access a new local street that would extend in an “L” between Buel Drive and Hoffman Drive. Lots 1 and 2 would have access from NE Newby Street. Lot 13 would have access to the new local street via a private easement across Lot 14.

### ***Neighborhood Meeting***

Before a rezone application or tentative subdivision plan application can be submitted, an applicant must hold a neighborhood meeting as specified in Chapter 17.72 of the Zoning Ordinance. The applicant conducted the required neighborhood meeting on January 29, 2019 in accordance with these requirements and submitted the necessary documentation of the neighborhood meeting with the application, including a list of attendees and meeting notes.

The neighborhood meeting notes indicate that, in addition to the applicant and the applicant's representatives, approximately 24 people attended the meeting. The meeting notes indicate discussion of the following main topics:

- Duplexes
- Cul-de-sac vs. through street
- Traffic and speeding
- Stormwater conveyance

The applicant's neighborhood meeting notes, submitted with the application, summarize the concerns expressed by attendees and the applicant's responses to the issues which were raised.



## **Discussion**

### ***Summary of Criteria & Issues***

#### **ZC 3-19. Zone Change**

The application is subject to the Zone Change criteria in Section 17.74.020 of the Zoning Ordinance, which include consistency with the Comprehensive Plan.

#### ***Comprehensive Plan Policies***

The primary substantive requirements are the provisions of Chapter V of the Comprehensive Plan (Housing and Residential Development), which include locational criteria for applying the R-3 zoning designation, need and adequacy of the buildable land inventory to provide adequate amounts of land in applicable zoning districts to provide for needed housing, and adequacy of utilities and services for the use and development permitted by the proposed zoning. The application was submitted before the effective date of the Great Neighborhood Principles, so those do not apply to this application.

There are no significant issues with the rezoning of the property as it relates to the criteria and these key issues. There is only one Comprehensive Plan map designation of “Residential”, which authorizes residential zoning districts based on locational policies. The subject property is contiguous with existing R-3 zoning to the east, and there is an existing mix of R-1, R-2, R-3, and R-4 zoning and development throughout this area. While residential Policy 71.06 discusses limitations on where R-1 and R-2 zoning should be applied, including locations with natural drainageways and wetlands, this isn’t prohibitive to designation of other zoning where some such features may be present, including policies about where R-3 zoning may be applied.

Residential Policies 71.09 and 71.10 discuss factors for where R-3 and R-4 zoning should be applied. Given the existing land use pattern of the area, the proposal is consistent overall. While Policy 71.09 discusses locational considerations of areas that have direct access from collector or arterial streets, the property has access to collectors via NE Newby Street, and the area includes existing development within the R-3 zone immediately to the east accessing NE Newby Street, which provides a connection between Grandhaven (a major collector) and 27<sup>th</sup> (a minor collector). Further, transportation policy 121.00 discourages the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.

The property can be provided with necessary services, and the site is in proximity to a park, elementary school, transit, and commercial and service uses.

The applicant has not requested a Planned Development, so approval of the requested zone change does not bind the applicant to a specific development proposal for the property once the property is rezoned. The subdivision tentative plan application is an independent application.

#### **S 2-19. Subdivision Tentative Plan**

The criteria for a subdivision are conformance of the proposed plan to the Land Division standards of Chapter 17.53, the development standards of the applicable zoning district (Chapter 17.18 for the R-3 Zone), and consistency with the Goals and Policies of the Comprehensive Plan, which are independent approval criteria for all land use decisions, as specified in Volume II of the Comprehensive Plan. Decisions must also ensure adequate coordination with other affected agencies to ensure the application is consistent with applicable local, state, and federal laws.

#### ***Land Division Standards***

The land division standards address issues such as street layout, block lengths, street improvement standards, etc. The proposed street configuration meets the applicable requirements for connectivity

given constraints presented by surrounding development. Due to the existing development pattern and uses to the west and south, further connectivity can't be achieved.

With one exception, the proposal includes street improvements in accordance with the applicable street standards. The proposed new local street includes curb, gutter, planter strip, and sidewalk. At the "L" in the street, the proposed centerline radius is 38', while the street standards specify a 100' minimum centerline radius, to an even 10 feet. The ordinance specifies that the Planning Commission may accept sharper curves "where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots. Staff will provide additional comments from the Engineering Department regarding this issue. Tighter radiuses have previously been approved in areas where slower speeds are desired in a residential setting, including corners at 90 degree turns which would comprise a block if street extension to adjoining properties could occur.

NE Newby is already improved with curb, gutter, and curbtight sidewalk without a planter strip, within the existing right-of-way.

The proposal includes piping of the existing open drainageway which runs west to east on the property, and rerouting the piped drainage conveyance from the point where the drainage enters the property, with the pipe to be routed in the new public street proposed within the development to the point where the drainage exits the property on the east side to existing conveyance to the east. Some of the sanitary sewer conveyance is proposed within public utility easements along side or rear lot lines rather than within the public right-of-way. Conditions are proposed that require the applicant to obtain authorization from DSL and the Army Corps of Engineers for alterations that would impact the delineated jurisdictional waters and final review of the utility and drainage plans by the Engineering Department. .

### ***Lot Standards for Zoning District***

The development standards of the zoning district address issues such as minimum lot size, lot dimensions, etc. Lots need to be configured to meet these standards and with the intent that there shouldn't be foreseeable difficulties in developing the resulting lots with the allowed uses considering building setbacks, etc. and the proposal meets these requirements.

### ***Comprehensive Plan Policies***

**Drainage and Natural Features.** The piping of the stormwater conveyance and the open drainageway would impact jurisdictional waters. The National Wetland Inventory identifies a riverine wetland on the property, but the wetland/jurisdictional waters delineation describes jurisdictional "waters" or a "waterway" described as "Drainage 1" which is part of the intermittent drainageway. The sampling locations in the wetland delineation report identified hydrophytic vegetation but not hydric soils. DSLs letter indicates 0 wetland acres and 0.7 acres of "water", which is about 3,099 square feet. The City doesn't have an adopted Local Wetland Inventory, designated "locally significant wetlands," or associated local regulation of such wetlands. Therefore, for this type of application, the City defers to the state and federal permitting requirements of the Department of State Lands and US Army Corps of Engineers. There are policies, discussed below that encourage retention of open drainageways. Given the locational context of the site, discussed below, staff finds the criteria can be satisfied if the drainage is conveyed in pipe, provided DSL and the US Army Corps of Engineers approves the off-site mitigation of the jurisdictional waters.

DSL has approved the delineation, which identifies approximately 3,099 square feet (0.07 acres) of jurisdictional waters. The applicant is proposing off-site mitigation of the wetlands/waters of the state. DSL has commented the state law establishes a preference for avoidance of wetland impacts. The applicant will need to address these requirements with DSL and the Corps of Engineers. Staff has proposed conditions which would require the applicant to obtain approval from DSL and the Corps of Engineers for the proposed off-site mitigation. Should they be unable to address those requirements

to obtain approval of off-site mitigation, the condition would be unmet, and should any result require the open drainageway conveyance to remain on site, that would require submittal of a new, revised tentative plan application. (If the open conveyance was retained at its current location, it would traverse several lots, posing potential development constraints on the proposed lots which would contain the open conveyance).

The Great Neighborhood Principles were not in effect at the time of submittal of this application, so those policies do not apply to this application. The Comprehensive Plan policies below are most relevant to the subdivision application, and considered in context of the site and its surroundings. This is the most upstream section of the drainageway which isn't piped. Upstream stormwater is all piped and discharged into the open drainageway on this property through a 30" pipe at the west property line. The drainage exits the property to the east via a culvert, and is piped for approximately an additional 200' before it daylight and remains an open drainageway to the east via tributaries to the North Yamhill River.

*Chapter V. Housing and Residential Development*

Residential Design Policy 80.00. In proposed residential development, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever possible.

*Chapter VII. Community Facilities and Services*

Storm Drainage Policy 143.00. The City of McMinnville shall encourage the retention of natural drainageway for storm water drainage.

These policies are considered in the context of the open drainageway on the property being the upper extent of the unpiPED drainageway. Upstream properties to the west are piped to the property, and the conveyance to the east is piped for about 200' before daylighting into the open drainageway for the remainder of the conveyance to the North Yamhill River. It is this context that staff weighed in finding the criteria satisfied should DSL and the Corps of Engineers approve off-site mitigation.

**Public Comments**

Notice of the proposed application was mailed to property owners and published in the newspaper. As of the date of this Staff Report, no public comments were received.

**Agency Comments**

Notice of the proposed application was sent to affected agencies and departments. Agency comments were received from the Engineering Division and the Oregon Department of State Lands. Those comments are noted in the Decision Document and addressed as conditions when applicable.

**Planning Commission Options (for Quasi-Judicial Hearing):**

- 1) **RECOMMEND APPROVAL** of the applications to the City Council as proposed by the applicant with the conditions recommended in the attached Decision Documents, per the decision documents provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial, specifying which criteria are not satisfied, or specifying how the applicant has failed to meet the burden of proof to demonstrate all criteria are satisfied, in the motion to deny.

**NOTE:** While a Planning Commission recommendation of approval of the application (or approval of the application in a different form) is transmitted to the City Council to make a final decision, a Planning Commission recommendation of denial is a final decision unless the decision is appealed to the City Council. MMC 17.72.130.

**Staff Recommendation:**

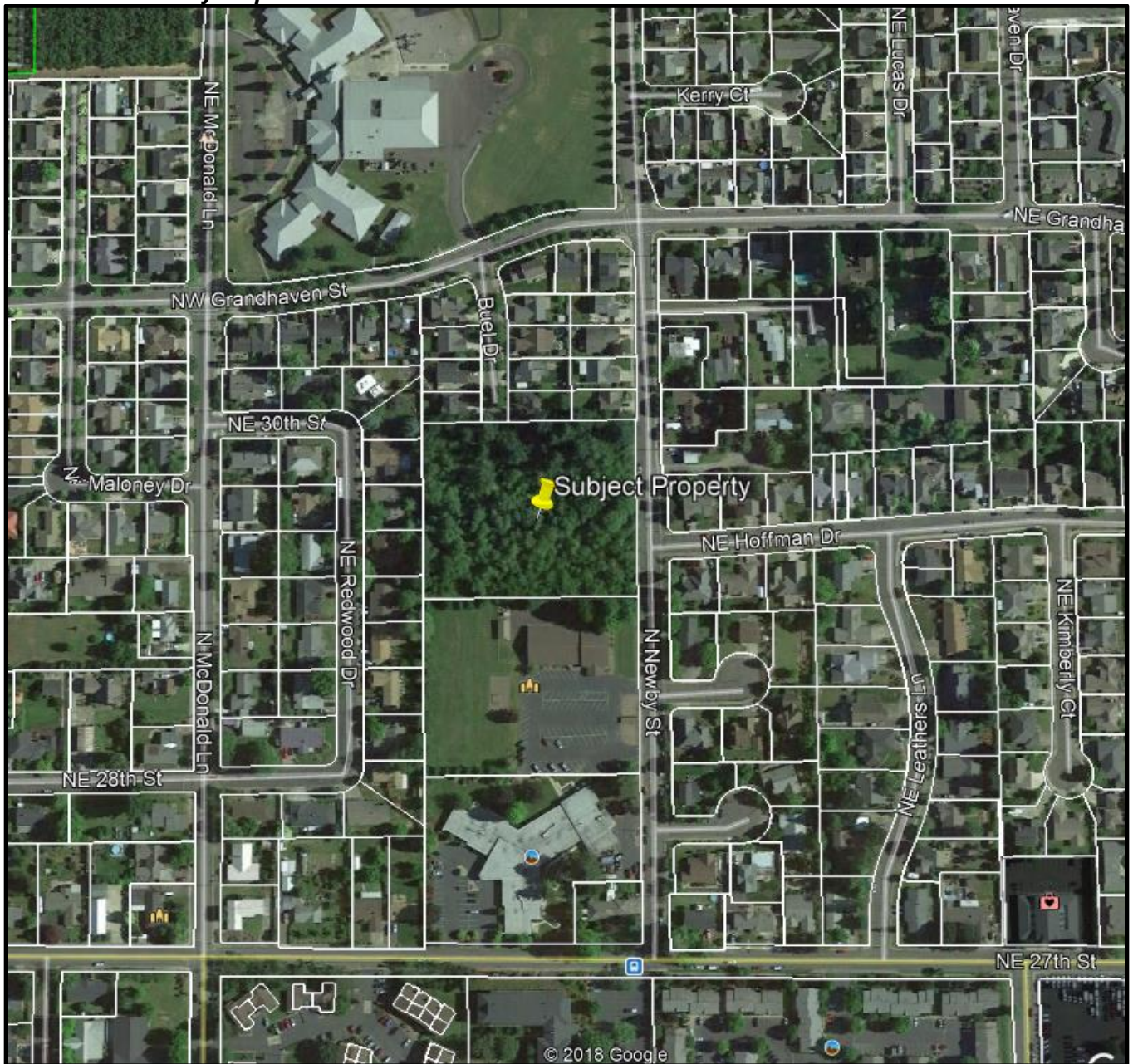
Staff has reviewed the proposals for consistency with the applicable criteria. Absent any new evidence or findings to the contrary presented during the hearing, staff finds that, subject to the recommended conditions specified in the attached Decision Documents, the application submitted by the applicant and the record contain sufficient evidence to find the applicable criteria are satisfied.

Staff **RECOMMENDS APPROVAL** of the applications, subject to the conditions specified in the attached Decision Documents, respectively.

**Suggested Motions:**

1. ZC 3-19. BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND RECOMMEND APPROVAL OF ZONE CHANGE APPLICATION ZC 3-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.
2. S 2-19. BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND RECOMMEND APPROVAL OF SUBDIVISION TETNATIVE PLAN APPLICATION S 2-19 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

**Exhibit 1. Vicinity Map & Aerial Photo**



**Exhibit 2. Current Zoning**

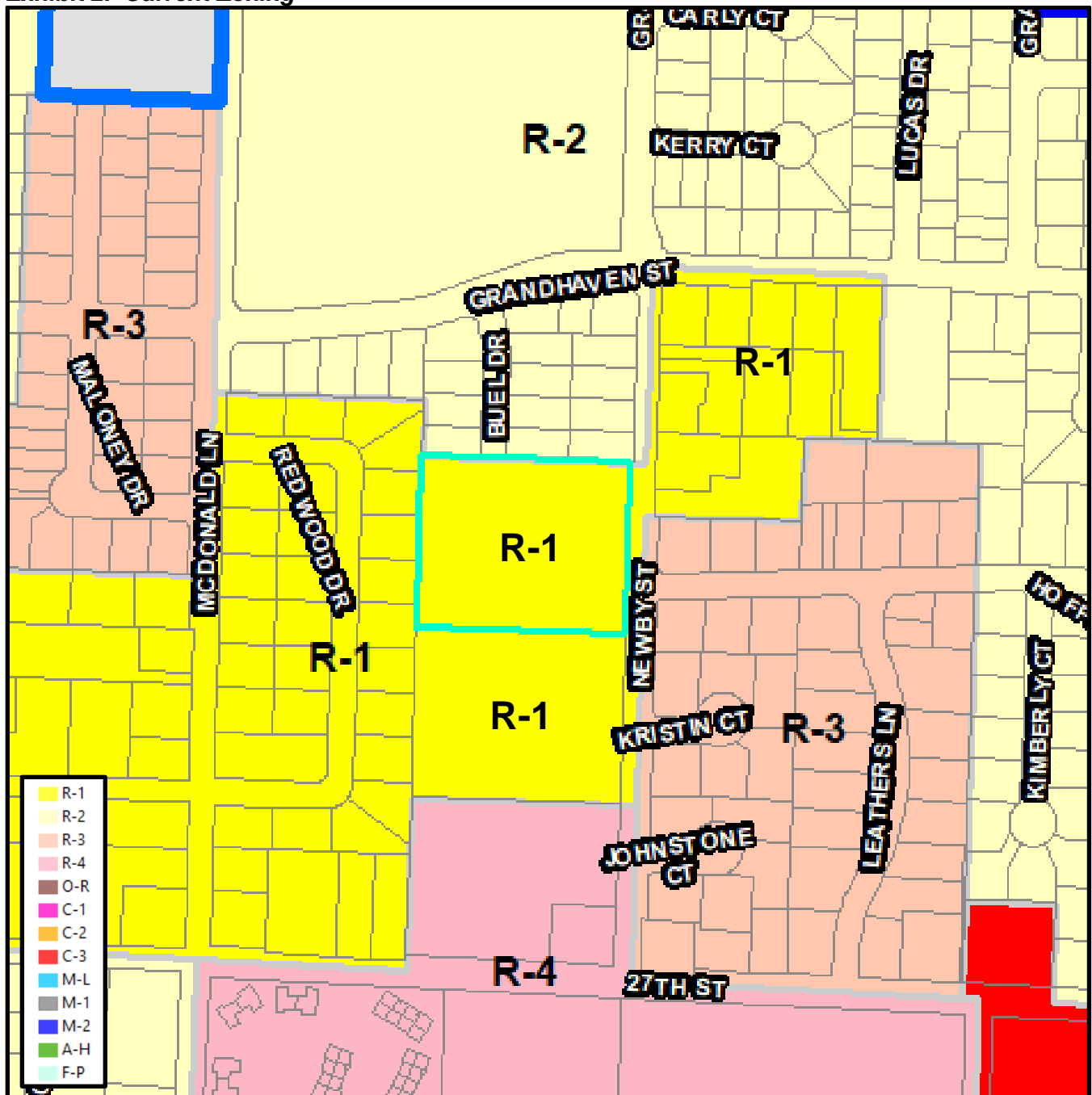
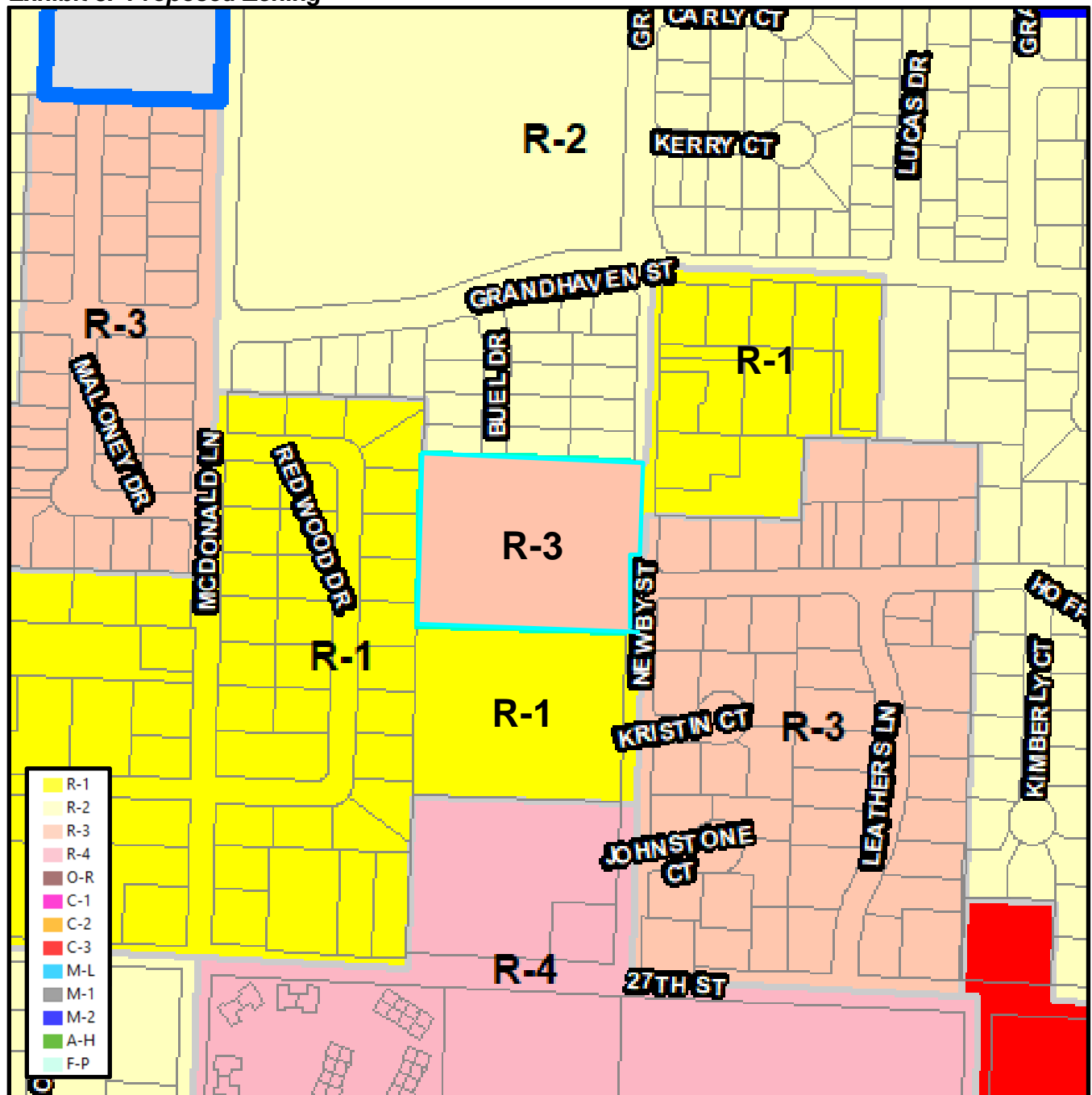
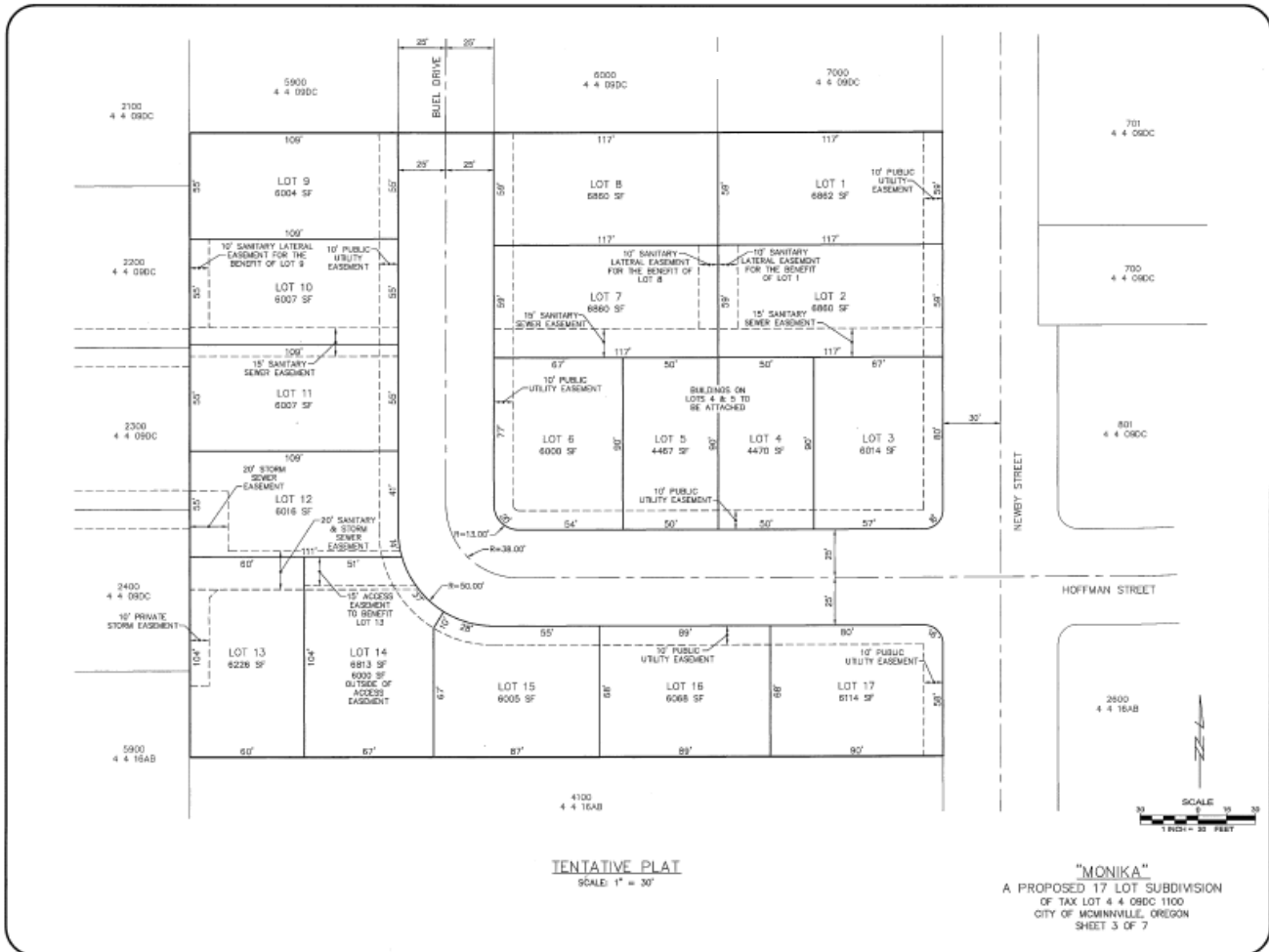




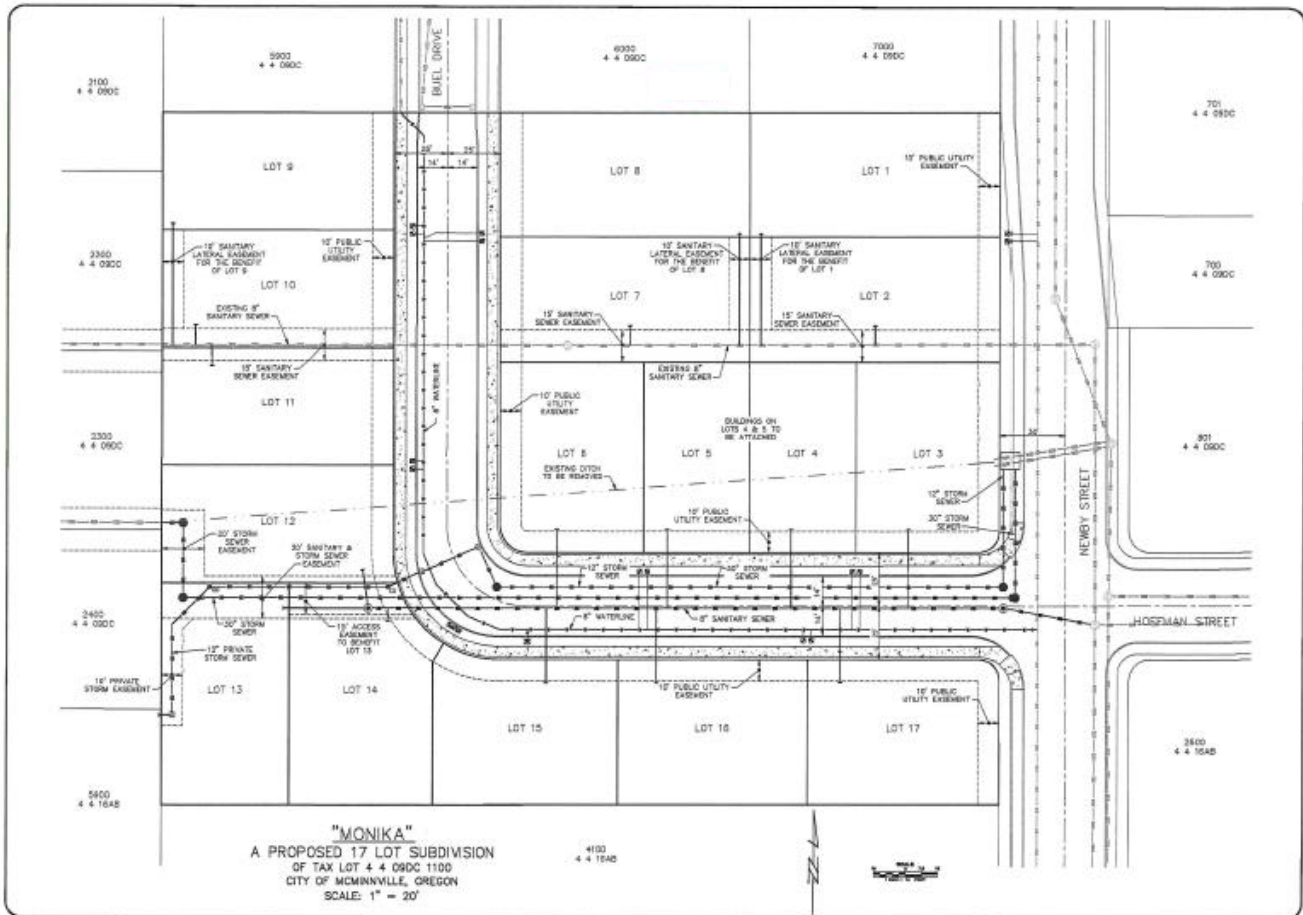
Exhibit 3. Proposed Zoning



# **Exhibit 4. Proposed Subdivision Tentative Plan**



**Exhibit 5. Proposed Public Improvements and Utility Plan**



TS:sjs

**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE  
APPROVAL OF A ZONE CHANGE FROM R-1 TO R-3 FOR A 2.93 ACRE PARCEL ON NE NEWBY  
STREET**

**DOCKET:** ZC 3-19 (Zone Change)

**REQUEST:** Application for a zone change from R-1 to R-3

**LOCATION:** NE Newby Street between NE Grandhaven and NE 2th Street (Tax Lot 1100, Section 9DC, T. 4 S., R. 4 W., W.M.)

**ZONING:** R-1

**APPLICANT:** Leonard Johnson (property owner)  
Ron Pomeroy, Navigation land Use Consulting (applicant's representative)

**STAFF:** Tom Schauer, Senior Planner

**DATE DEEMED  
COMPLETE:** June 7, 2019

**HEARINGS BODY  
& ACTION:** The McMinnville Planning Commission makes a recommendation to the City Council, and the City Council makes the final decision, per MMC 17.72.070

**HEARING DATE  
& LOCATION:** July 18, 2019, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**PROCEDURE:** An application for a Zone Change is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.

**CRITERIA:** The applicable criteria for a Zone Change are specified in Section 17.74.020 of the Zoning Ordinance, which include consistency with the Comprehensive Plan.

**APPEAL:** As specified in MMC 17.72.130, a Planning Commission recommendation of approval of the application (or approval of the application in a different form) is transmitted to the City Council to make a final decision. However, a Planning Commission recommendation of denial is a final decision unless the decision is appealed to the City Council. Such an appeal must be filed within 15 calendar days of the date the written notice of decision is mailed. The City Council's final decision may be appealed to the Oregon Land Use Board of Appeals as specified in State Statute. The City's final decision is subject to the 120 day processing timeline, including resolution of any local appeal.

**COMMENTS:**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Comments were received from the McMinnville Engineering Department and Oregon Department of State Lands. Their comments are provided in this document.

## DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Zone Change from R-1 to R-3 (ZC 3-19).

RECOMMENDATION: APPROVAL

Planning Commission: \_\_\_\_\_  
 Roger Hall, Chair of the McMinnville Planning Commission

Date: \_\_\_\_\_

Planning Department: \_\_\_\_\_  
Heather Richards, Planning Director

Date: \_\_\_\_\_



## **I. APPLICATION SUMMARY:**

### ***Subject Property & Request***

The proposal is an application for Zone Change (ZC 3-19) to rezone the property from R-1 to R-3. The application was submitted concurrently with an application for a 17-lot subdivision for the property.

The subject property is a 2.93 acre parcel located on NE Newby Street between NE Grandhaven and NE 27th Street. Grandhaven Subdivision to the north was platted in 1999, with Buel Drive stubbed to the north property line of the subject property. **See Exhibit 1.**

The subject property and properties to the west, south, and northeast are zoned R-1. Property to the north is zoned R-2 PD, and property to the east and southeast is zoned R-3 PD. **See Exhibit 2.** Predominant surrounding uses are single-family homes and duplexes to the north, single-family homes to the east and west, Adventure Christian Church to the south, and Life Care Center south of the church. Grandhaven Elementary School is located across NW Grandhaven Street to the north. The subject property is vacant. It previously had substantial tree cover as shown in the aerial photo, which has since been cleared by the applicant, with an arbor vitae screen remaining. There is a natural drainageway generally running east-west on the property, and a portion of the drainageway is a designated wetland. Curb, gutter, and sidewalk are present along the property frontage on NE Newby Street.

The concurrent requests would rezone the property from R-1 to R-3 and approve a 17-lot single family residential subdivision, with 15 single-family detached homes and 2 single-family attached homes (Lots 4 and 5). **Exhibit 3** shows the proposed zoning. While not part of the zone change application, the following exhibits are provided for reference. **Exhibit 4** is the proposed subdivision tentative plan, and **Exhibit 5** shows the proposed public improvements and utilities. Most lots would access a new local street that would extend in an “L” between Buel Drive and Hoffman Drive. Lots 1 and 2 would have access from NE Newby Street. Lot 13 would have access to the new local street via a private easement across Lot 14 (the other attached single-family home).

### ***Summary of Criteria & Issues***

The application is subject to the Zone Change criteria in Section 17.74.020 of the Zoning Ordinance, which include consistency with the Comprehensive Plan.

#### ***Comprehensive Plan Policies***

The primary substantive requirements are the provisions of Chapter V of the Comprehensive Plan (Housing and Residential Development), which include locational criteria for applying the R-3 zoning designation, need and adequacy of the buildable land inventory to provide adequate amounts of land in applicable zoning districts to provide for needed housing, and adequacy of utilities and services for the use and development permitted by the proposed zoning. The application was submitted before the effective date of the Great Neighborhood Principles, so those do not apply to this application.

There are no significant issues with the rezoning of the property as it relates to the criteria and these key issues. There is only one Comprehensive Plan map designation of “Residential”, which authorizes residential zoning districts based on locational policies. The subject property is contiguous with existing R-3 zoning to the east, and there is an existing mix of R-1, R-2, R-3, and R-4 zoning and development throughout this area. While residential Policy 71.06 discusses limitations on where R-1 and R-2 zoning should be applied, including locations with natural drainageways and wetlands, this isn’t prohibitive to designation of other zoning where some such features may be present, including policies about where R-3 zoning may be applied.

Residential Policies 71.09 and 71.10 discuss factors for where R-3 and R-4 zoning should be applied. Given the existing land use pattern of the area, the proposal is consistent overall. While Policy 71.09

discusses locational considerations of areas that have direct access from collector or arterial streets, the property has access to collectors via NE Newby Street, and the area includes existing development within the R-3 zone immediately to the east accessing NE Newby Street, which provides a connection between Grandhaven (a major collector) and 27th (a minor collector). Further, transportation policy 121.00 discourages the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.

The applicant has not requested a Planned Development, so approval of the requested zone change does not bind the applicant to a specific development proposal for the property once the property is rezoned. The subdivision tentative plan application is an independent application.

**Exhibit 1. Vicinity Map & Aerial Photo**

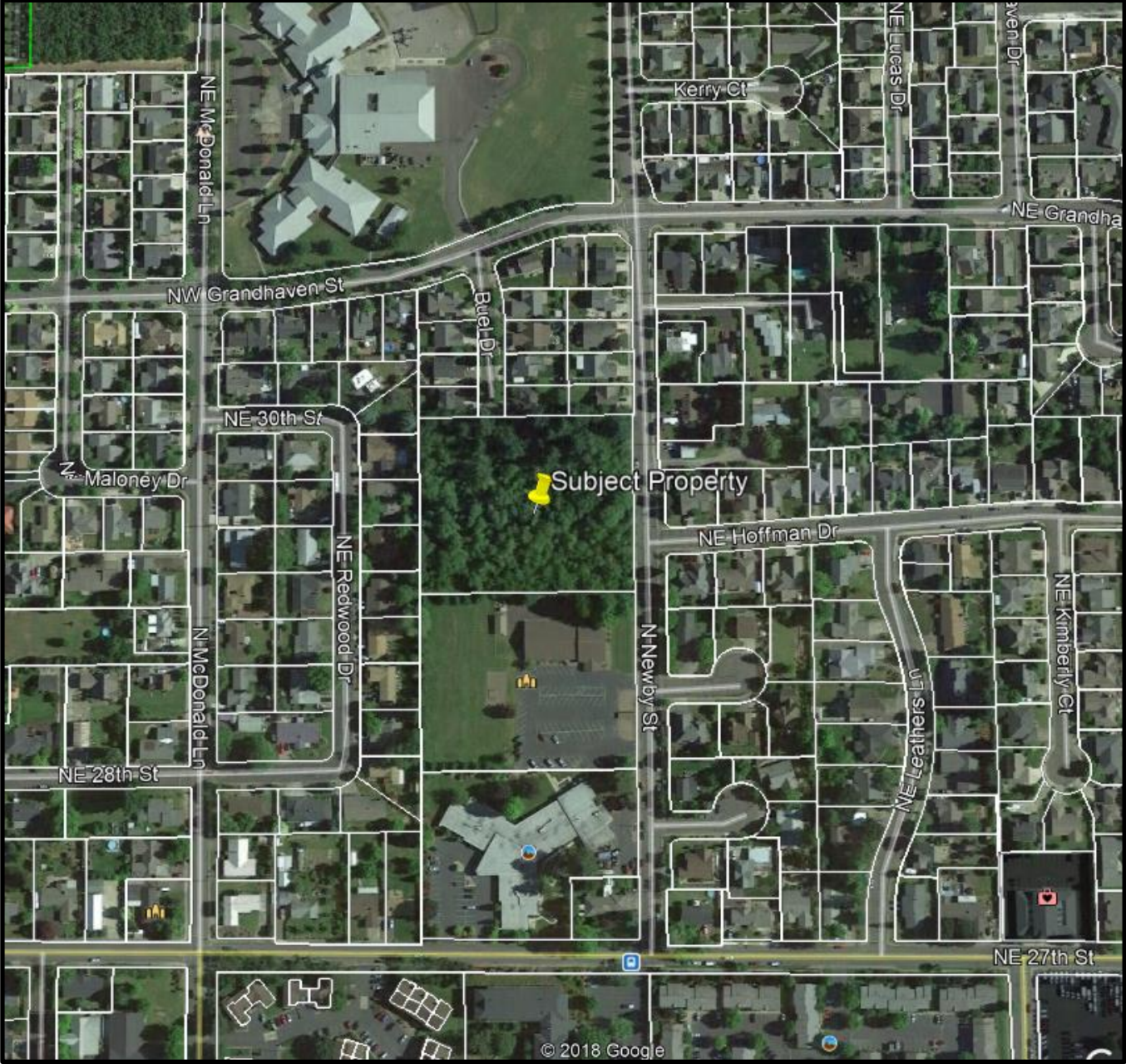


Exhibit 2. Current Zoning

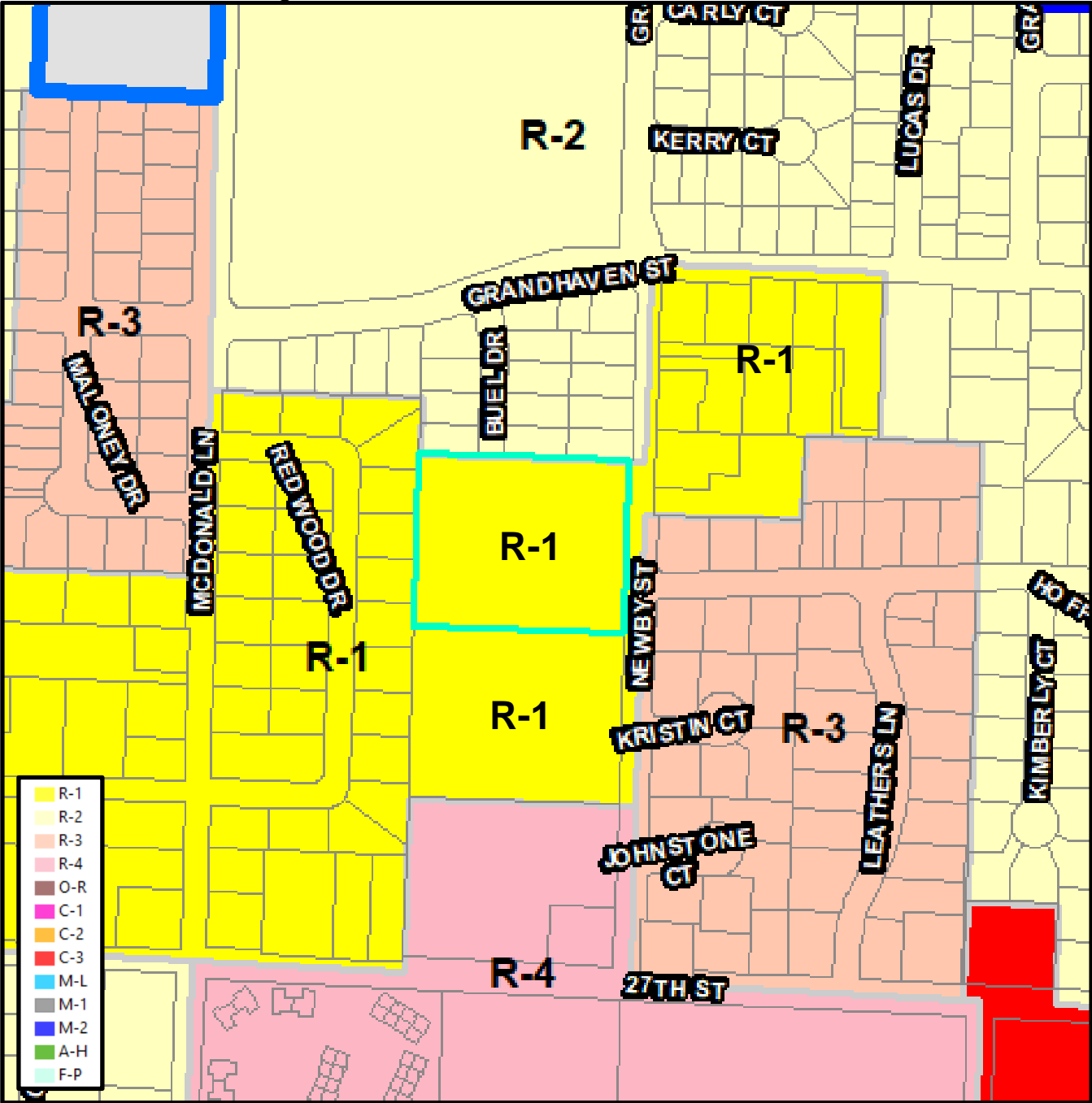
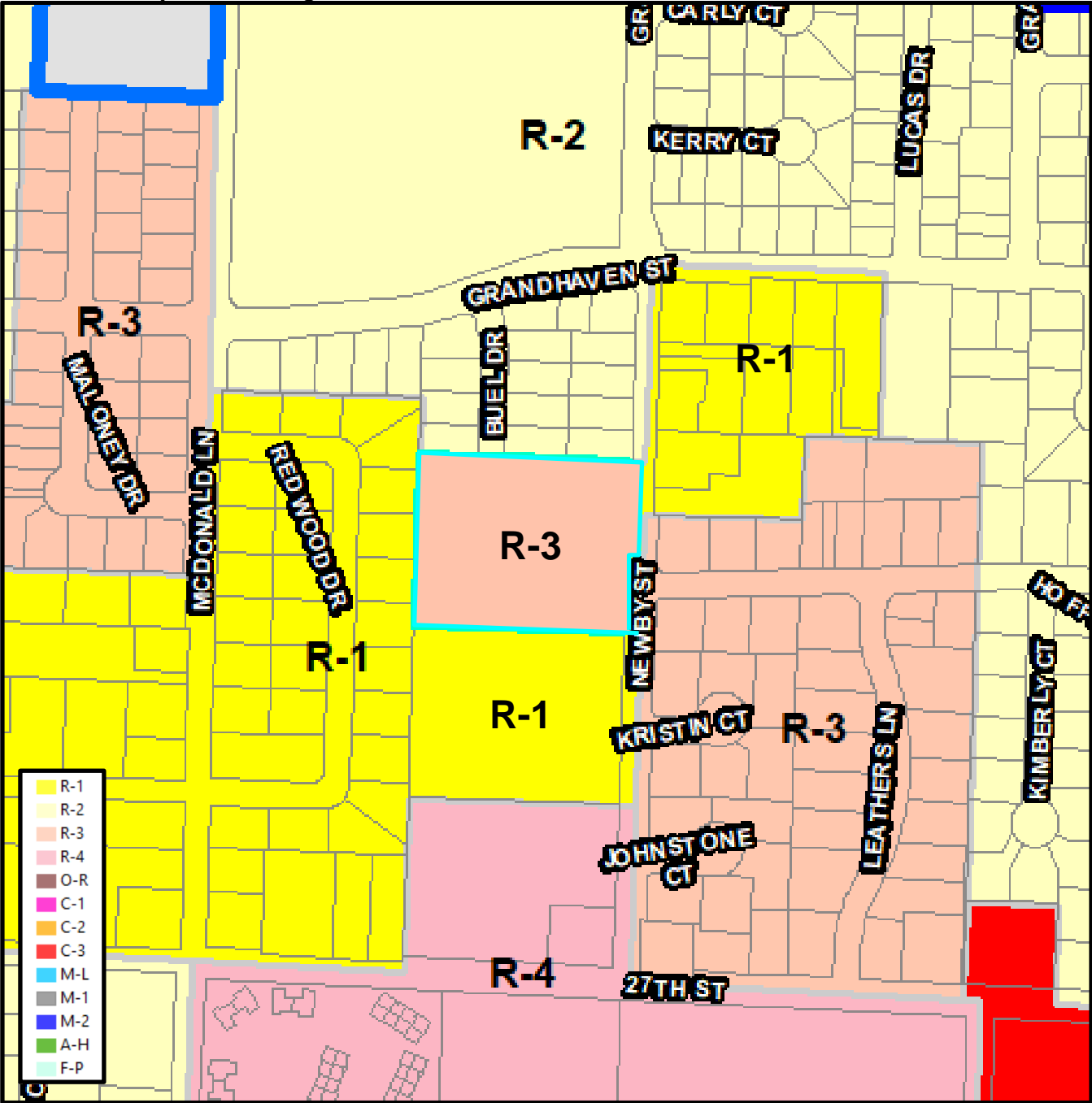


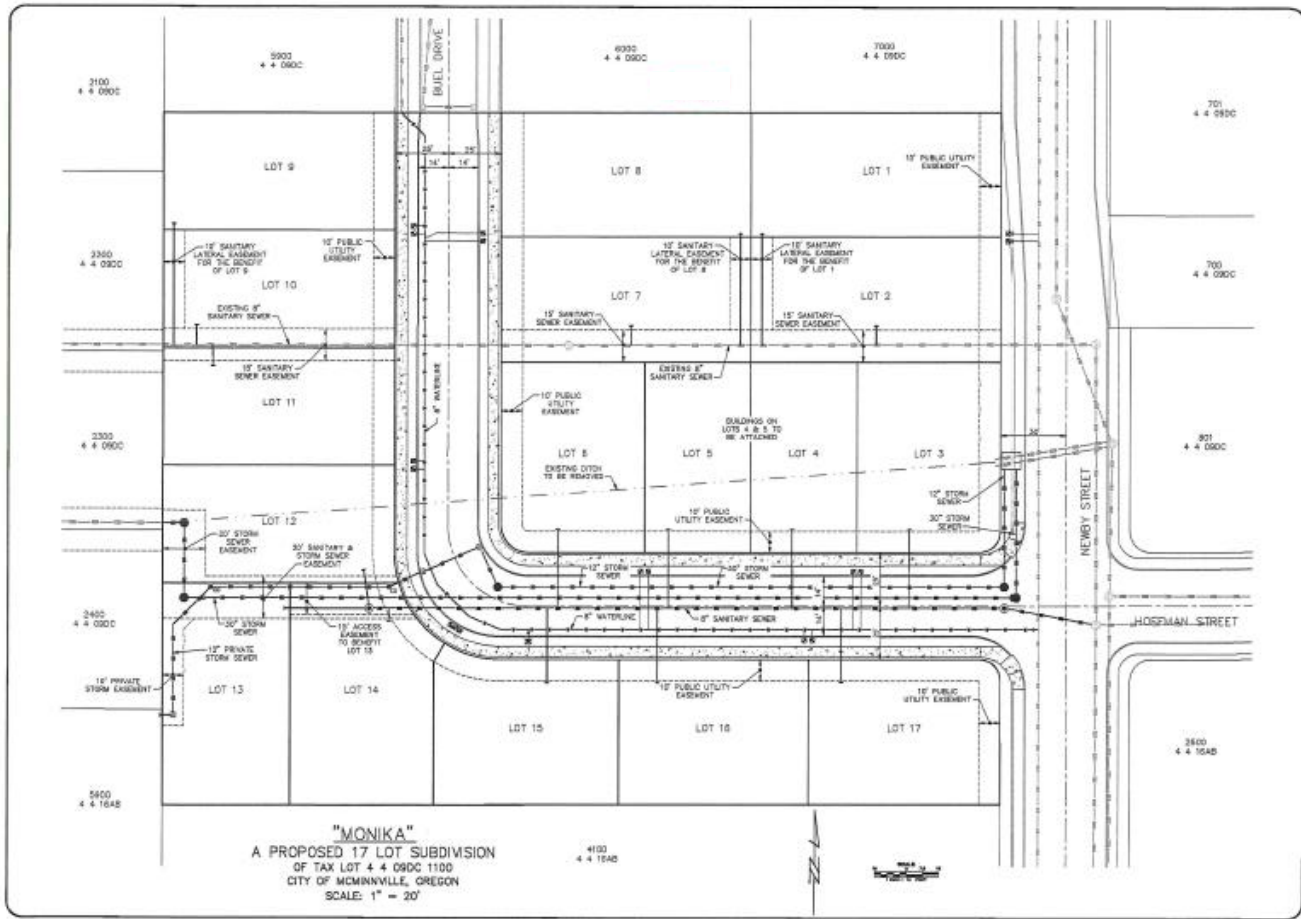
Exhibit 3. Proposed Zoning



[illegible]



### ***Exhibit 5. Proposed Public Improvements and Utility Plan***



## II. CONDITIONS:

*Not Applicable.*

### **III. ATTACHMENTS:**

1. ZC 3-19 Application and Attachments (on file with the Planning Department)

**IV. COMMENTS:**

## Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Comments were received from the Engineering Department and the Oregon Department of State Lands. However, they apply to the concurrent subdivision application.

## Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, July 9, 2019. As of the date of the Planning Commission public hearing on July 18, 2019, no public testimony had been received by the Planning Department.

## **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The applicant held a neighborhood meeting in accordance with Section 17.72.095 of the Zoning Ordinance on January 29, 2019.
2. The application was submitted on May 7, 2019
3. The application was deemed complete on June 7, 2019.
4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Notice was also provided to the Oregon Department of State Lands.

Comments received from agencies are addressed in the Decision Document. The letter from the Department of State Lands (DSL) was submitted as part of the application by the applicant, and DSL copied the City on the letter.

5. Notice of the application and the July 18, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
6. Notice of the application and the July 18, 2019 Planning Commission public hearing was published in the News Register on Tuesday, July 9, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.

No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

7. On July 18, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

1. **Location:** NE Newby Street between NE Grandhaven and NE 27<sup>th</sup> Street (Tax Lot 1100, Section 9DC, T. 4 S., R. 4 W., W.M.):
2. **Size:** 2.93 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** Current: R-1, Requested: R-3
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
  - a. **Natural Resources:** Jurisdictional waters, described in the National Wetland Inventory as riverine wetlands (approximately 3,099 square feet / 0.07 acres). The wetland/jurisdictional waters delineation determined no wetlands were present, but the requirements for the jurisdiction waters are substantially the same.

b. **Other:** None Identified

8. **Other Features:** Generally level site slightly sloping toward the natural drainageway that runs east west, and slightly sloping from west to east.

9. **Utilities:**

a. **Water:** A 6" water main is present along the frontage in NE Newby and an 8" water main is present in Buel Drive.

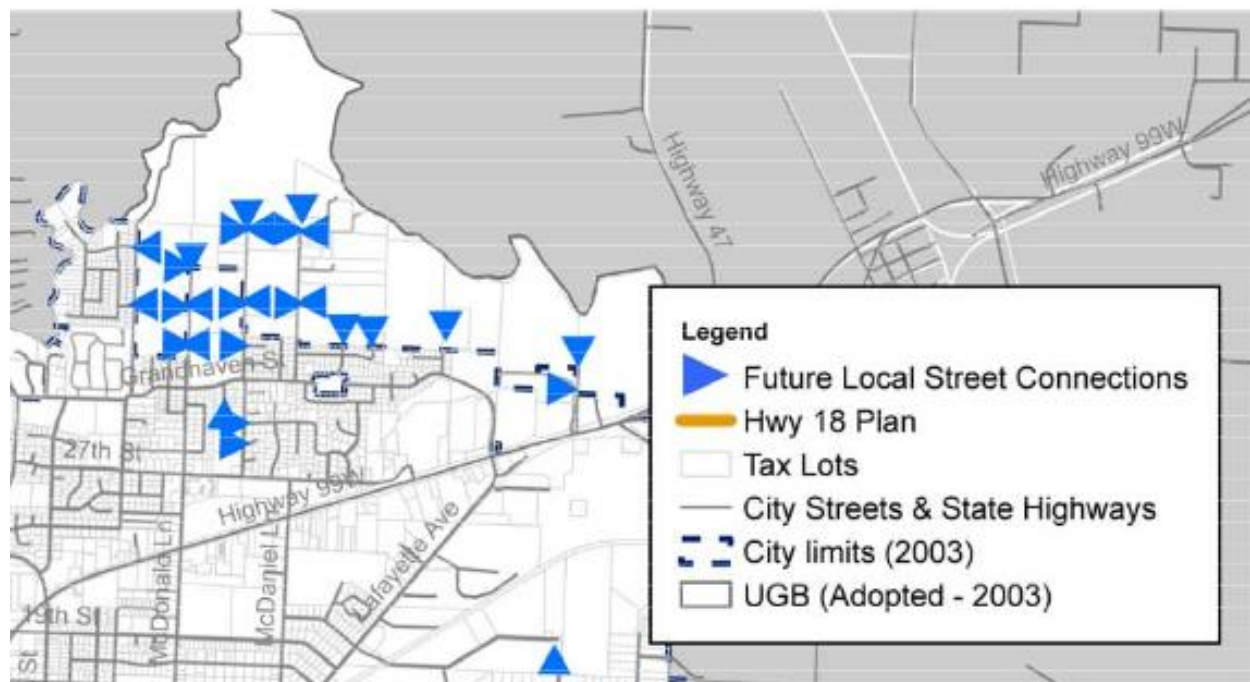
b. **Sewer:** A 12' sewer main crosses the property from west to east. A 15" sewer main is present in NE Newby Street.

c. **Stormwater:** Presently, storm drainage within a larger basin generally westerly of the property is captured in storm drain pipe and routed to a 30" stormdrain pipe in an easement that then discharges to the open east-west drainageway on this property at the west side of the property. The drainageway crosses NE Newby Street in a culvert, and remains piped for approximately 200' before daylighting again, where it continues as a natural open drainageway to the North Yamhill River via open natural tributary drainageways. The east-west drainageway is the uppermost upstream stretch of this open drainageway that is unpipied. **See Exhibits 6 & 7.**

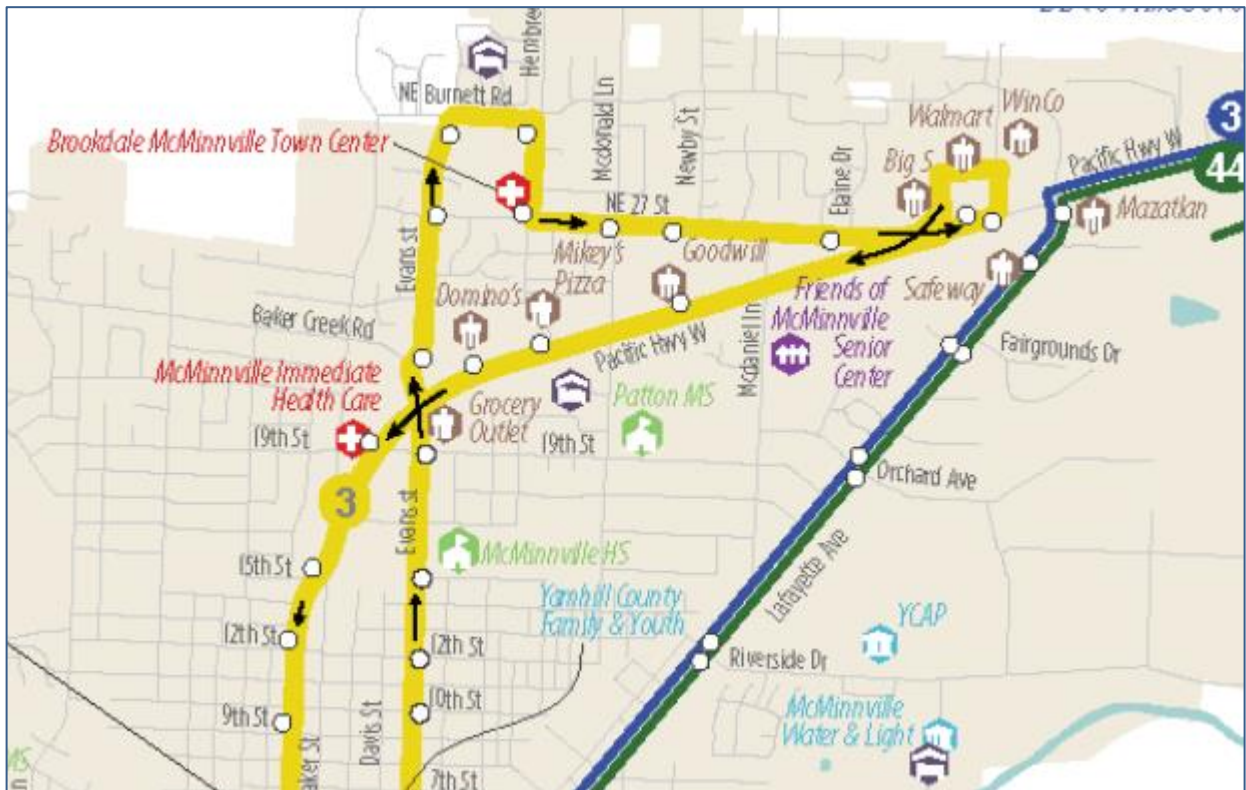
d. **Other Services:** Other services are available to the property. Overhead utilities are present along the property frontage on NE Newby Street. Underground utilities are present in Buel Drive.

10. **Transportation:** NE Grandhaven is a Major Collector, NE 27<sup>th</sup> is a Minor Collector, and McDonald Lane to the west is a Minor Collector. Other streets in the vicinity are local streets, including NE Newby Street and Buel Drive. **See Exhibit 8.** Buel Drive is improved with planter strips and sidewalks on both sides with on-street parking in a 50' wide right-of-way. NE Newby Street is improved with sidewalks and on-street parking on both sides. The right-of-way width of NE Newby varies along the property frontage from approximately 50' to 60'. There appears to be adequate right-of-way along the property frontage on the west side for planter strips without additional right-of-way dedication. However, the street frontage is already improved with curbtight sidewalk.

The Local Street Connectivity Map, Figure 2-1 in the Transportation System Plan, identifies future local street connections to the south terminus of Buel Drive and to NE Newby Street aligned with NE Hoffman Drive.



Transit is available on NE 27<sup>th</sup> Street, with a stop near NE Newby Street.



11. **Parks & Public Facilities:** Chegwyn farms Neighborhood Park is located approximately 1,000 to the northwest in a straight line, about 1,800 feet via a walking route. Grandhaven Elementary School is located approximately 300 feet to the north.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Zone Change are specified in 17.74.020 of the Zoning Ordinance, which include consistency with the Comprehensive Plan.

The applicant's findings for the proposed rezone and subdivision tentative plan are attached as an exhibit.

### **McMinnville Zoning Ordinance**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

#### **17.74.020. Comprehensive Plan Map Amendment and Zone Change - Review Criteria.**

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;

**FINDING: Satisfied.** See responses to applicable Comprehensive Plan policies below.

- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;

**FINDING: Satisfied.** The proposed development is located in an area with available services, with a mix of zoning and residential development, in proximity to shopping, services, parks, and transit. The city's Buildable Land Inventory identifies a deficit of residential land.

- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

**FINDING: Satisfied.** The proposed development is located in an area with available services to serve the property.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

**FINDING: Satisfied.** Criterion B is satisfied; however, the proposed amendment relates to needed housing, so this application is not required to meet Criterion B.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

**FINDING: Satisfied.** As addressed below, the housing policies of the Comprehensive Plan are addressed, and the effect of this decision doesn't exclude needed housing, decrease densities, or discourage needed housing through unreasonable cost or delay.

#### **Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to a development proposal at the time of application, including the Subdivision Tentative Plan application which was submitted concurrent with this Zone Change application. Therefore, where applicable standards exist which are addressed at the time of a development proposal, subsequent findings regarding the parallel comprehensive plan policies are not made when they are duplicative or a restatement of the specific standards which achieve and implement the applicable goals and policies.

The following findings are made relating to specific Goals and Policies. The applicant has provided more detailed findings regarding Comprehensive Plan policies.

- 71.09 *Medium and High-Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8– 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:*



1. *Areas that are not committed to low density development;*
2. *Areas that have direct access from collector or arterial streets;*
3. *Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
4. *Areas where the existing facilities have the capacity for additional development;*
5. *Areas within one-quarter mile of existing or planned public transportation; and*
6. *Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas. (Ord. 4961, January 8, 2013; Ord. 4796, October 14, 2003)*

**FINDING: Satisfied.** The proposed development is located in an area with available services, with a mix of zoning and residential development, in proximity to shopping, services, parks, and transit as documented in the application submittal. The property is level, and is not located within a floodplain. Drainage can be addressed through an acceptable drainage plan. The property has nearby access to collector streets at each end of NE Newby Street, provide proximity to these streets, while still consistent with transportation policy 121.00 which discourages direct access onto arterials and collectors by small-scale residential development.

71.10 *The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:*

1. *The density of development in areas historically zoned for medium and high density development;*
2. *The topography and natural features of the area and the degree of possible buffering from established low density residential areas;*
3. *The capacity of the services;*
4. *The distance to existing or planned public transit;*
5. *The distance to neighborhood or general commercial centers; and*
6. *The distance from public open space. (Ord. 4796, October 14, 2003)*

**FINDING: Satisfied.** The proposed development is located in an area with available services, with a mix of zoning and residential development, in proximity to shopping, services, parks, and transit. The location allows for a development plan that can be designed to be compatible with nearby development and densities.

121.00 *The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.*

**FINDING: Satisfied.** The site is located in close proximity to nearby collectors streets, but development can be designed to have convenient access to these facilities while avoiding direct driveway access onto them, since access will be via a new local street with two lots accessing the existing adjoining local street (NE Newby).

**CITY OF MCMINNVILLE  
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231 NE FIFTH STREET  
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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE  
APPROVAL OF A TENTATIVE SUBDIVISION PLAN FOR A 17-LOT SUBDIVISION FOR A  
2.93 ACRE PARCEL ON NE NEWBY STREET**

**DOCKET:** S 2-19 (Tentative Subdivision Plan)

**REQUEST:** Application for a tentative subdivision plan for a 17-lot single-family residential subdivision, including 15 single-family detached homes and 2 single-family attached homes

**LOCATION:** NE Newby Street between NE Grandhaven and NE 2th Street (Tax Lot 1100, Section 9DC, T. 4 S., R. 4 W., W.M.)

**ZONING:** R-1 (Single-family Residential). The application was submitted concurrent with an application to rezone the property to R-3.

**APPLICANT:** Leonard Johnson (property owner)  
Ron Pomeroy, Navigation land Use Consulting (applicant's representative)

**STAFF:** Tom Schauer, Senior Planner

**DATE DEEMED  
COMPLETE:** June 7, 2019

**HEARINGS BODY  
& ACTION:** Because this application was submitted concurrently with the rezone application, the McMinnville Planning Commission makes a recommendation to the City Council, and the City Council makes the final decision, per MMC 17.72.070.

**HEARING DATE  
& LOCATION:** July 18, 2019, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**PROCEDURE:** An application for a Tentative Subdivision Plan is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.

**CRITERIA:** The applicable criteria for a Tentative Subdivision Plan include the Land Division Standards of Chapter 17.53 and the Development Standards of the Applicable Zoning District (Chapter 17.18 for the R-3 Zone). In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial,

or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

**APPEAL:**

This is a concurrent application with the rezone application. Per MMC 17.72.070, the applications shall be subject to the hearing procedure that affords the most opportunity for public hearing and notice. Therefore, the Planning Commission will make a recommendation on this application to the City Council, and the City Council will make the final decision.

As specified in MMC 17.72.130, a Planning Commission recommendation of approval of the application (or approval of the application in a different form) is transmitted to the City Council to make a final decision. However, a Planning Commission recommendation of denial is a final decision unless the decision is appealed to the City Council. Such an appeal must be filed within 15 calendar days of the date the written notice of decision is mailed.

The City Council's final decision may be appealed to the Oregon Land Use Board of Appeals as specified in State Statute. The City's final decision is subject to the 120 day processing timeline, including resolution of any local appeal.

**COMMENTS:**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; Northwest Natural Gas; and the Oregon Department of State Lands. Comments were received from the McMinnville Engineering Department and Oregon Department of State Lands. Their comments are provided in this document.

## DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Tentative Subdivision Plan (S 2-19) **subject to the conditions of approval provided in Section II of this document.**

RECOMMENDATION: APPROVAL WITH CONDITIONS

Planning Commission: \_\_\_\_\_ Date: \_\_\_\_\_

Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: \_\_\_\_\_ Date: \_\_\_\_\_

Heather Richards, Planning Director

## **I. APPLICATION SUMMARY:**

### ***Subject Property & Request***

The proposal is an application for a Subdivision Tentative Plan (S 2-19) for a 17-lot single family residential subdivision, with 15 single-family detached homes and 2 single-family attached homes. The application was submitted concurrently with an application to rezone the property from R-1 to R-3. The decision for this application is contingent on approval of the rezone application, and is reviewed based on the standards of the R-3 zone.

The subject property is a 2.93 acre parcel located on NE Newby Street between NE Grandhaven and NE 27th Street. Grandhaven Subdivision to the north was platted in 1999, with Buel Drive stubbed to the north property line of the subject property. **See Exhibit 1.**

The subject property and properties to the west, south, and northeast are zoned R-1. Property to the north is zoned R-2 PD, and property to the east and southeast is zoned R-3 PD. **See Exhibit 2.** Predominant surrounding uses are single-family homes and duplexes to the north, single-family homes to the east and west, Adventure Christian Church to the south, and Life Care Center south of the church. Grandhaven Elementary School is located across NW Grandhaven Street to the north. The subject property is vacant. It previously had substantial tree cover as shown in the aerial photo, which has since been cleared by the applicant, with an arbor vitae screen remaining. There is a natural drainageway generally running east-west on the property, and a portion of the drainageway is a designated wetland. Curb, gutter, and sidewalk are present along the property frontage on NE Newby Street.

The concurrent requests would rezone the property from R-1 to R-3 and approve a 17-lot single family residential subdivision, with 15 single-family detached homes and 2 single-family attached homes (Lots 4 and 5). **Exhibit 3** shows the proposed zoning. **Exhibit 4** is the proposed subdivision tentative plan, and **Exhibit 5** shows the proposed public improvements and utilities. Most lots would access a new local street that would extend in an “L” between Buel Drive and Hoffman Drive. Lots 1 and 2 would have access from NE Newby Street. Lot 13 would have access to the new local street via a private easement across Lot 14 (the other attached single-family home).

### ***Summary of Criteria & Issues***

The criteria and issues for the zone change application (ZC 3-19) are addressed in the separate decision document. This document addresses the Tentative Subdivision Plan (S 2-19).

The criteria for a subdivision are conformance of the proposed plan to the Land Division standards of Chapter 17.53, the development standards of the applicable zoning district (Chapter 17.18 for the R-3 Zone), and consistency with the Goals and Policies of the Comprehensive Plan, which are independent approval criteria for all land use decisions, as specified in Volume II of the Comprehensive Plan. Decisions must also ensure adequate coordination with other affected agencies to ensure the application is consistent with applicable local, state, and federal laws.

### ***Land Division Standards***

The land division standards address issues such as street layout, block lengths, street improvement standards, etc. The proposed street configuration meets the applicable requirements for connectivity given constraints presented by surrounding development. Due to the existing development pattern and uses to the west and south, further connectivity can't be achieved.



With one exception, the proposal includes street improvements in accordance with the applicable street standards. The proposed new local street includes curb, gutter, planter strip, and sidewalk. At the “L” in the street, the proposed centerline radius is 38’, while the street standards specify a 100’ minimum centerline radius, to an even 10 feet. The ordinance specifies that the Planning Commission may accept sharper curves “where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots.” Staff will provide additional comments from the Engineering Department regarding this issue. Tighter radii have previously been approved in areas where slower speeds are desired in a residential setting, including corners at 90 degree turns which would otherwise comprise a block if street extension to adjoining properties could occur.

NE Newby is already improved with curb, gutter, and curbtight sidewalk without a planter strip, within the existing right-of-way.

The proposal includes piping of the existing open drainageway which runs west to east on the property, and rerouting the piped drainage conveyance from the point where the drainage enters the property, with the pipe to be routed in the new public street proposed within the development to the point where the drainage exits the property on the east side to existing conveyance to the east. Some of the sanitary sewer conveyance is proposed within public utility easements along side or rear lot lines rather than within the public right-of-way. Conditions are proposed to provide for final review of the utility and drainage plans by the Engineering Department. Before Engineering review occurs, the applicant will need to obtain authorization from DSL and the Army Corps of Engineers for alterations that would impact the delineated jurisdictional waters.

#### *Lot Standards for Zoning District*

The development standards of the zoning district address issues such as minimum lot size, lot dimensions, etc. Lots need to be configured to meet these standards and with the intent that there shouldn’t be foreseeable difficulties in developing the resulting lots with the allowed uses considering building setbacks, etc., and the proposal meets these requirements.

#### *Comprehensive Plan Policies*

**Drainage and Natural Features.** The piping of the stormwater conveyance and the open drainageway would impact jurisdictional waters. The National Wetland Inventory identifies a riverine wetland on the property, but the wetland/jurisdictional waters delineation describes jurisdictional “waters” or a “waterway” described as “Drainage 1” which is part of the intermittent drainageway. The sampling locations in the wetland delineation report identified hydrophytic vegetation but not hydric soils. DSLs letter indicates 0 wetland acres and 0.7 acres of “water”, which is about 3,099 square feet. The City doesn’t have an adopted Local Wetland Inventory, designated “locally significant wetlands,” or associated local regulation of such wetlands. Therefore, for this type of application, the City defers to the state and federal permitting requirements of the Department of State lands and US Army Corps of Engineers. There are policies, discussed below, that encourage retention of open drainageways. Given the locational context of the site, discussed below, staff finds the criteria can be satisfied if the drainage is conveyed in pipe, provided DSL and the US Army Corps of Engineers approves the off-site mitigation of the jurisdictional waters.

DSL has approved the delineation, which identifies approximately 3,099 square feet (0.07 acres) of jurisdictional waters. The applicant is proposing off-site mitigation of the wetlands/waters of the state. DSL has commented the state law establishes a preference for avoidance of wetland impacts. The applicant will need to address these requirements with DSL and the Corps of Engineers. Staff has proposed conditions which would require the applicant to obtain approval from DSL and the Corps of Engineers for the proposed off-site mitigation. Should they be unable

to address those requirements to obtain approval of off-site mitigation, the condition would be unmet, and should any result require the open drainageway conveyance to remain on site, that would require submittal of a new, revised tentative plan application. (If the open conveyance was retained at its current location, it would traverse several lots, posing potential development constraints on the proposed lots which would contain the open conveyance).

The Great Neighborhood Principles were not in effect at the time of submittal of this application, so those policies do not apply to this application. The Comprehensive Plan policies below are most relevant to the subdivision application, and considered in context of the site and its surroundings. This is the most upstream section of the drainageway which isn't piped. Upstream stormwater is all piped and discharged into the open drainageway on this property through a 30" pipe at the west property line. The drainage exits the property to the east via a culvert, and is piped for approximately an additional 200' before it daylights and remains an open drainageway to the east via tributaries to the North Yamhill River.

*Chapter V. Housing and Residential Development*

Residential Design Policy 80.00. In proposed residential development, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever possible.

*Chapter VII. Community Facilities and Services*

Storm Drainage Policy 143.00. The City of McMinnville shall encourage the retention of natural drainageway for storm water drainage.

These policies are considered in the context of the open drainageway on the property being the upper extent of the unpiPED drainageway. Upstream properties to the west are piped to the property, and the conveyance to the east is piped for about 200' before daylighting into the open drainageway for the remainder of the conveyance to the North Yamhill River. It is this context that staff weighed in finding the criteria satisfied should DSL and the Corps of Engineers approve off-site mitigation.

**Exhibit 1. Vicinity Map & Aerial Photo**

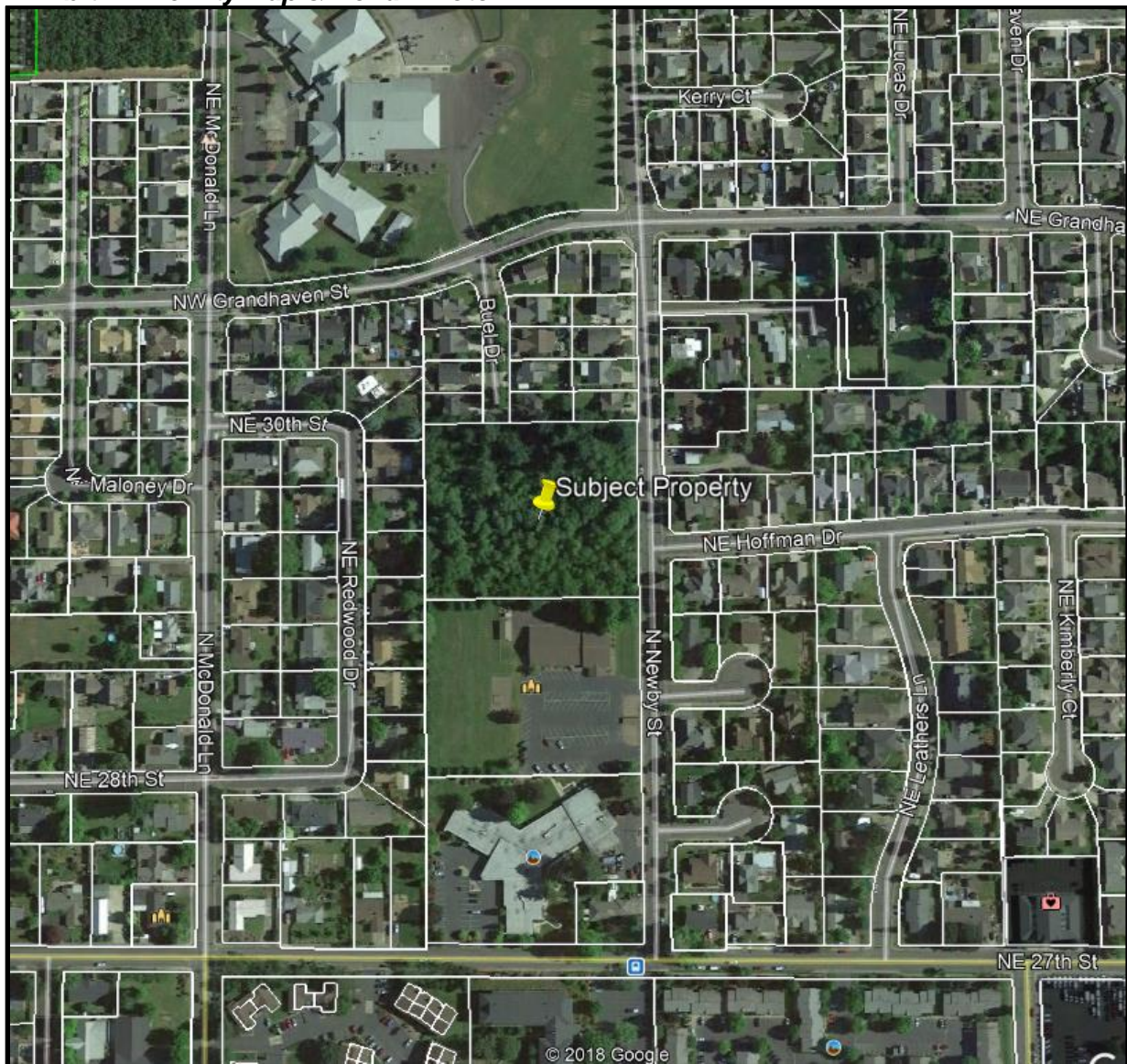


Exhibit 2. Current Zoning

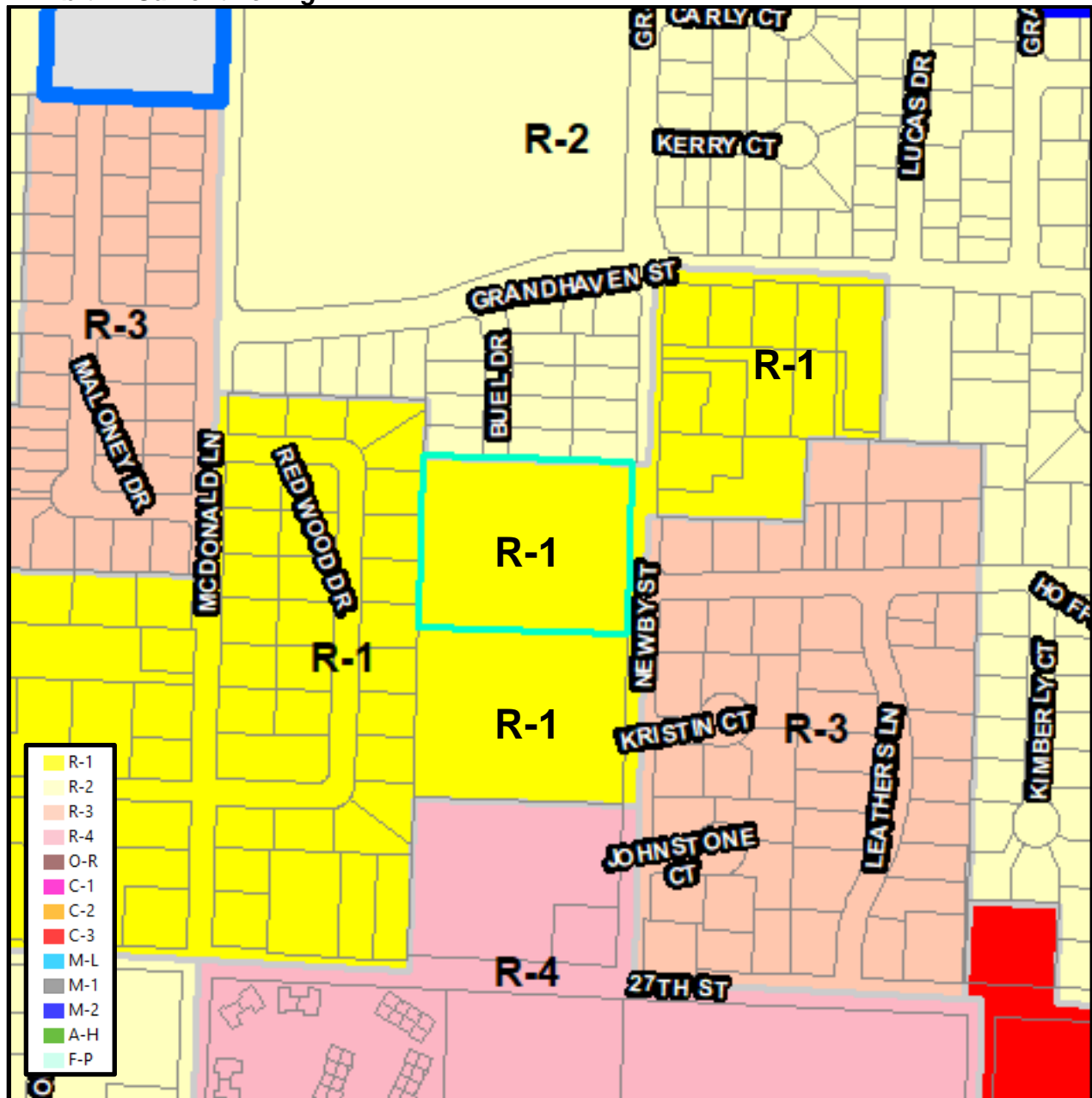
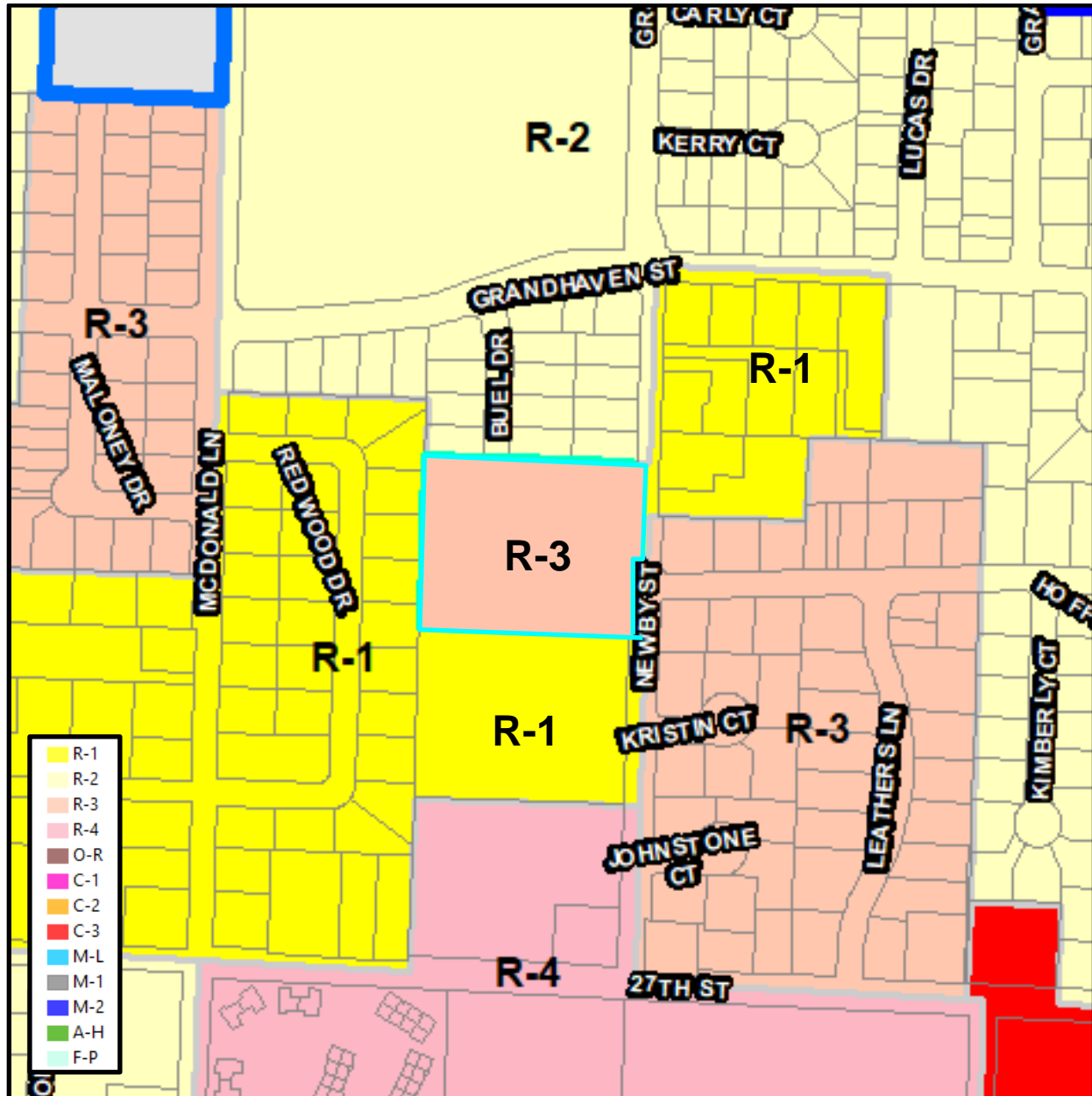
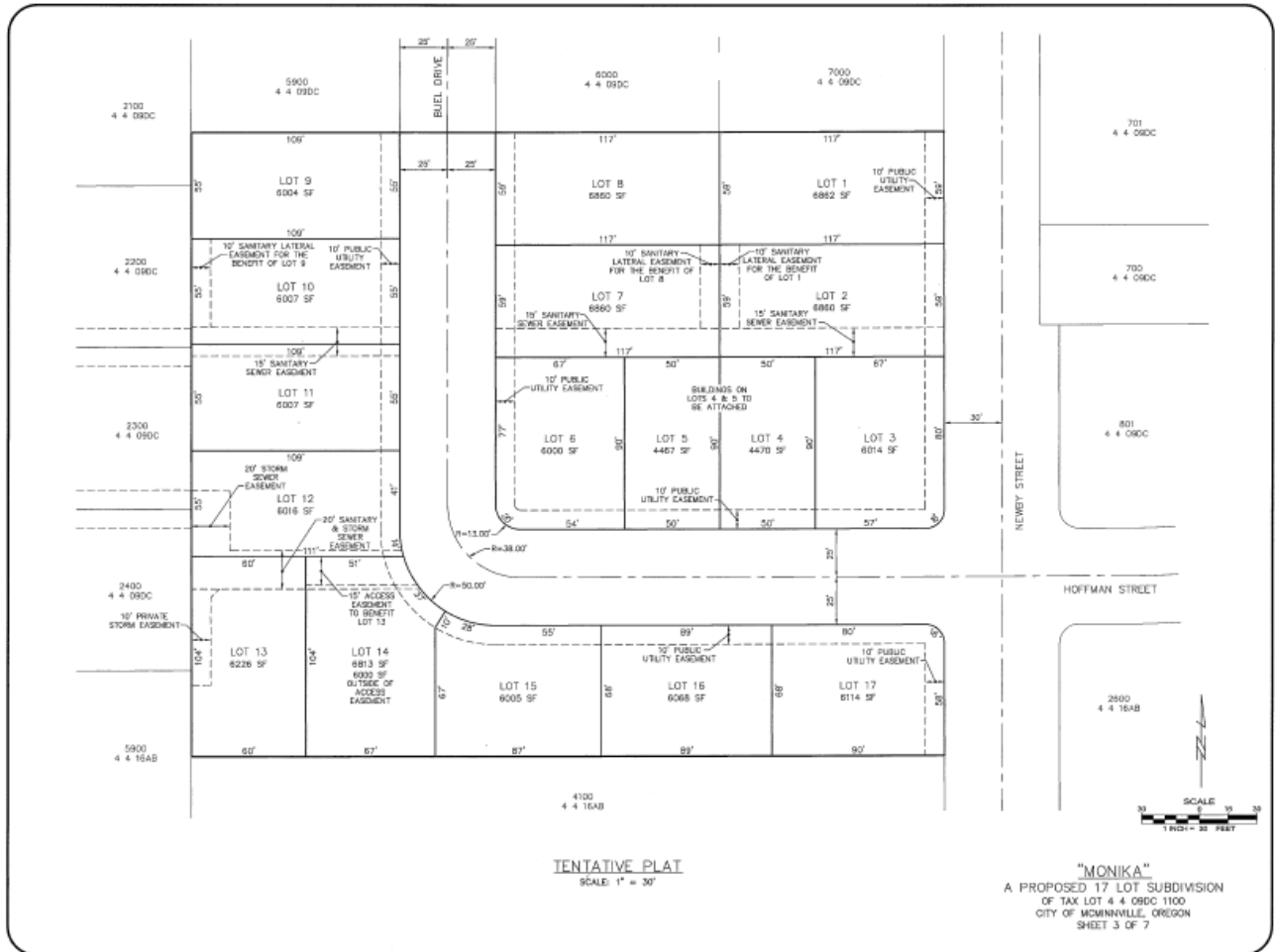


Exhibit 3. Proposed Zoning

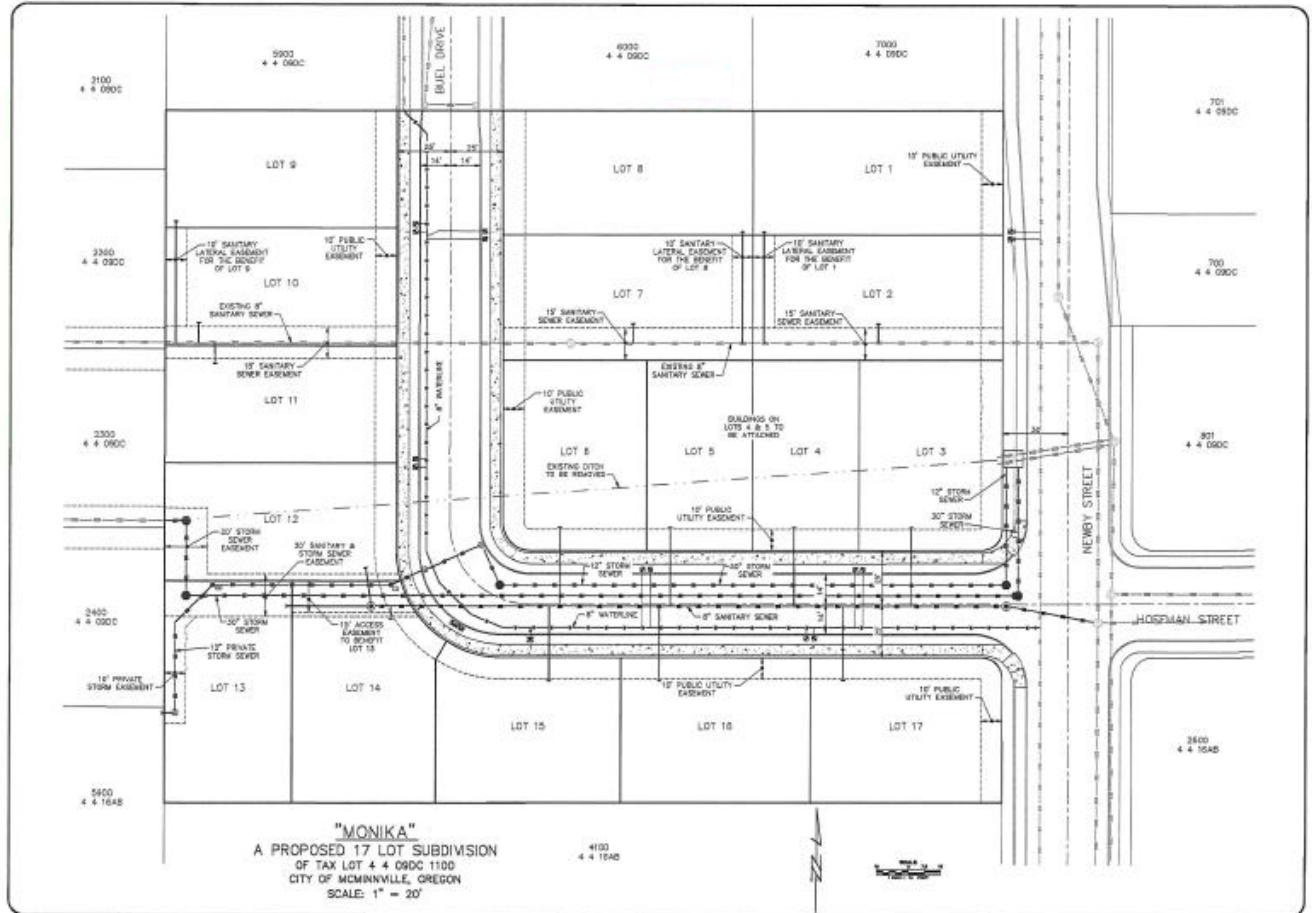




# **Exhibit 4. Proposed Subdivision Tentative Plan**



**Exhibit 5. Proposed Public Improvements and Utility Plan**



## **II. CONDITIONS:**

This approval shall expire 12 months from the date the final decision document is signed. Prior to expiration of the approval, the applicant shall comply with the conditions, execute a Construction Permit Agreement, and commence construction, complete construction or provide required security, and submit the final plat. Upon written request, the Planning Director may approve a one-year extension of the decision. Additional extensions shall require the subdivider to resubmit the tentative plan to the Planning Commission and make any revisions considered necessary to meet changed conditions.

If the property owner wishes a one-year extension of the Commission approval of this tentative plan, a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.

### **Rezoning**

1. This approval is contingent upon final approval of the zone change application ZC 3-19 from R-1 to R-3 for the subject property. The subdivision approval does not take effect until and unless the companion zone change request ZC 3-19 is approved by the City Council.

### **Permits**

2. The applicant shall secure all required state and federal permits, including, if applicable, those related to wetland fill and impacts, the federal Endangered Species Act, Federal Emergency Management Act, and those required by the Oregon Division of State Lands and US Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.
3. Prior to any further plan submittals, the applicant shall present evidence that DSL and the US Army Corps of Engineers have authorized off-site mitigation of any on-site jurisdictional waters and/or wetlands. The Director may authorize plan submittals prior to evidence of such authorization, with the applicant's recognition that any costs incurred by the applicant for reviews will be at the applicant's risk should authorization not be obtained from DSL and the Corps of Engineers.
4. Prior to any disturbance of jurisdictional waters or wetlands, the applicant shall present evidence that all permits and approvals have been obtained from by DSL and the US Army Corps of Engineers for any disturbance or work affecting jurisdictional waters or wetlands.

### **Engineering Plans and Permitting**

5. Street grades and profiles shall be designed and constructed to meet the adopted Land Division Ordinance standards and the requirements contained in the Public Right-of-Way Accessibility Guidelines (PROWAG). Additionally, corner curb ramps shall be constructed to meet PROWAG requirements.
6. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.
7. On-street parking will be restricted at all street intersections, in conformance with the requirements of the City's Land Development Ordinance.

8. The applicant shall install fire hydrants to serve this development as may be required by the McMinnville Fire Department. Also, if fire hydrants are required, they shall be in working order prior to the issuance of building permits.
9. Extension agreements as necessary are required for water and electric services to the site which shall include development fees and engineered/approved drawings. The applicant shall contact McMinnville Water & Light for details. The applicant shall also fill out a subdivision design application and pay applicable design fees.
10. A detailed storm drainage plan, which incorporates the requirements of the City's Storm Drainage Master Plan must be submitted to, and approved by, the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of backyard collection systems and easements, such must be private rather than public and private maintenance agreements must be approved by the City for them.
11. A detailed sanitary sewage collection plan which incorporates the requirements of the City's Collection System Facilities Plan must be submitted to, and approved by, the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
12. The applicant shall secure from the Oregon Department of State Lands (DSL), Army Corps of Engineers, and the Oregon Department of Environmental Quality (DEQ) all applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
13. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.

#### **Revised Tentative Plan**

14. Street names shall be submitted to the Planning Director for review and approval prior to submittal of the final plat.
15. If any revisions to the tentative plan are required as a result of the review of the engineering plans, the applicant shall submit a revised tentative plan reflecting any required revisions, including any revised easement locations that may be applicable.

#### **Street Tree Plan**

16. The applicant shall submit an application for a street tree plan to the Landscape Review Committee for review and approval prior to final plat submittal in accordance with Section 17.58. 100 of the Zoning Ordinance. The plan shall provide sufficient detail about location of utility services to the lots, locations of street lights, pedestals, and meter boxes, to evaluate the suitability of proposed street tree planting locations.

All street trees shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for the particular planting strip, and be spaced as appropriate for the selected species and as may be required for the location of above ground utility vaults, transformers, light poles, and hydrants.

### **Other Documents**

17. The applicant shall submit copies of any proposed restrictive covenants prepared for the development prior to the final plat approval.
18. Any documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. The Covenants, Conditions, and Restrictions (CC&Rs) shall explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&R's shall be reviewed and subject to City approval prior to final plat approval.

### **Construction**

19. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
20. All work shall be in accordance with the approved plans and permits. Improvements shall be installed in accordance with Section 17.53.150 of the Zoning Ordinance.
21. The applicant shall submit evidence that all fill placed in the areas where building sites are expected is engineered. Evidence shall meet with the approval of the City Building Division and the City Engineering Department.
22. All streets within the subdivision shall be improved with a 28-foot-wide paved section, curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by McMinnville Land Division standards.
23. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
24. The required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.
25. Prior to final plat, all requirements shall be completed for the construction and easement for the private access to Lot 13.
26. Per Section 17.58.110, street trees shall be installed prior to submittal of the final plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees as prescribed in Section 17.53.153.

### **Other Requirements**

27. The applicant shall provide twenty-five percent (25%) of the single-family lots for sale to the general public. The applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred twenty (120) days.



### **Final Plat**

28. The final plat shall be in conformance with the approved tentative plan and shall include all items required by Section 17.53.075.
29. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements.
30. The final plat shall include 10-foot wide public utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
31. The applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.

### **Building Permit Issuance**

32. At the time of building permit application, applicable SDCs, including Parks SDCs shall be paid.

### **Other Completion**

33. If security is provided prior to final plat for installation of street trees, the applicant shall complete installation of street trees, per the timing described in Subsection (B) below. The applicant shall plant street trees within curbside planting strips in accordance with the approved street tree plan. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material which does not meet this standard.
  - A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
  - B. Each year the applicant shall install street trees, from November 1 to March 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees.
  - C. It shall be the applicant's responsibility to relocate trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting

34. Any improvements which were secured prior to final plat approval shall be completed in accordance with the construction permit agreement.
35. As-built plans shall be submitted as required by the Engineering Department within 30 days after acceptance of the improvements by the City Engineer, as required by Section 17.53.150 of the Zoning Ordinance and applicable provisions of the construction permit agreement and other required agreements.

### **III. ATTACHMENTS:**

1. S 2-19 Application and Attachments (on file with the Planning Department)

### **IV. COMMENTS:**

#### **Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of State Lands. Comments were received from the Engineering Department and the Oregon Department of State Lands.

- McMinnville Engineering Department

1. That a detailed storm drainage plan, which incorporates the requirements of the City's Storm Drainage Master Plan must be submitted to, and approved by, the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of backyard collection systems and easements, such must be private rather than public and private maintenance agreements must be approved by the City for them.
2. That a detailed sanitary sewage collection plan which incorporates the requirements of the City's Collection System Facilities Plan must be submitted to, and approved by, the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
3. That the applicant secures from the Oregon Department of State Lands (DSL), Army Corps of Engineers, and the Oregon Department of Environmental Quality (DEQ) all applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
4. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements.
5. That all streets within the subdivision shall be improved with a 28-foot-wide paved section, curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division.
6. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.

7. The final plat shall include 10-foot wide public utility easements along both sides of all public rights-of-way for the placement and maintenance of required utilities.
  8. That the applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
- Department of State Lands  
The City was copied on the letter to the applicant which was submitted with the application and is available as an attachment.

### **Public Comments**

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, July 9, 2019. As of the date of the Planning Commission public hearing on July 18, 2019, no public testimony had been received by the Planning Department.

### **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

1. The applicant held a neighborhood meeting in accordance with Section 17.72.095 of the Zoning Ordinance on January 29, 2019.
2. The application was submitted on May 7, 2019
3. The application was deemed complete on June 7, 2019.
4. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Notice was also provided to the Oregon Department of State Lands.

Comments received from agencies are addressed in the Decision Document.

5. Notice of the application and the July 18, 2019 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
6. Notice of the application and the July 18, 2019 Planning Commission public hearing was published in the News Register on Tuesday, July 9, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance.

No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

7. On July 18, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

## **VI. FINDINGS OF FACT - GENERAL FINDINGS**

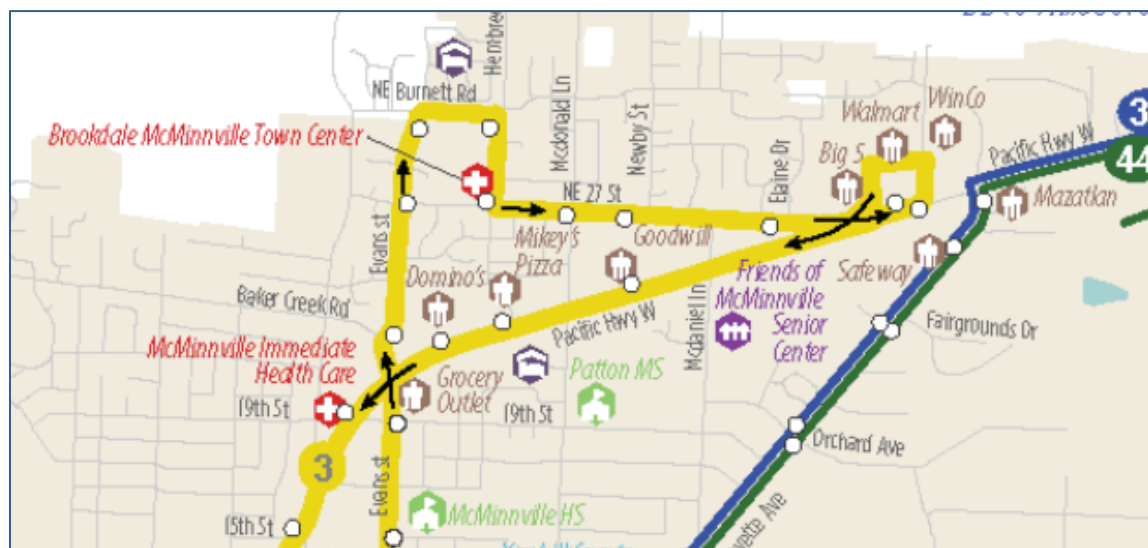
1. **Location:** NE Newby Street between NE Grandhaven and NE 27<sup>th</sup> Street (Tax Lot 1100, Section 9DC, T. 4 S., R. 4 W., W.M.):
2. **Size:** 2.93 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** Current: R-1, Requested per concurrent zone change application: R-3
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Vacant
7. **Inventoried Significant Resources:**
  - a. **Natural Resources:** Jurisdictional waters, described in the National Wetland Inventory as riverine wetlands (approximately 3,099 square feet / 0.07 acres). The wetland/jurisdictional waters delineation determined no wetlands were present, but the requirements for the jurisdictional waters are substantially the same.
  - b. **Other:** None Identified
8. **Other Features:** Generally level site slightly sloping toward the natural draingeway that runs east west, and slightly sloping from west to east.
9. **Utilities:**
  - a. **Water:** A 6" water main is present along the frontage in NE Newby and an 8" water main is present in Buel Drive.
  - b. **Sewer:** A 12' sewer main crosses the property from west to east. A 15" sewer main is present in NE Newby Street.
  - c. **Stormwater:** Presently, storm drainage within a larger basin generally westerly of the property is captured in storm drain pipe and routed to a 30" stormdrain pipe in an easement that then discharges to the open east-west drainageway on this property at the west side of the property. The drainageway crosses NE Newby Street in a culvert, and remains piped for approximately 200' before daylighting again, where it continues as a natural open drainageway to the North Yamhill River via open natural tributary drainageways. The east-west drainageway is the uppermost upstream stretch of this open drainageway that is unpiPED. **See Exhibits 6 & 7.**
  - d. **Other Services:** Other services are available to the property. Overhead utilities are present along the property frontage on NE Newby Street. Underground utilities are present in Buel Drive.
10. **Transportation:** NE Grandhaven is a Major Collector, NE 27<sup>th</sup> is a Minor Collector, McDonald Lane to the west is a Minor Collector. Other streets in the vicinity are local streets, including NE Newby Street and Buel Drive. **See Exhibit 8.** Buel Drive is improved with planter strips and sidewalks on both sides with on-street parking in a 50' wide right-of-way. NE Newby Street is improved with sidewalks and on-street parking on both sides.

The right-of-way width of NE Newby varies along the property frontage from approximately 50' to 60'. There appears to be adequate right-of-way along the property frontage on the west side for planter strips without additional right-of-way dedication. However, the street frontage is already improved with curbtight sidewalk.

The Local Street Connectivity Map, Figure 2-1 in the Transportation System Plan, identifies future local street connections to the south terminus of Buel Drive and to NE Newby Street aligned with NE Hoffman Drive.

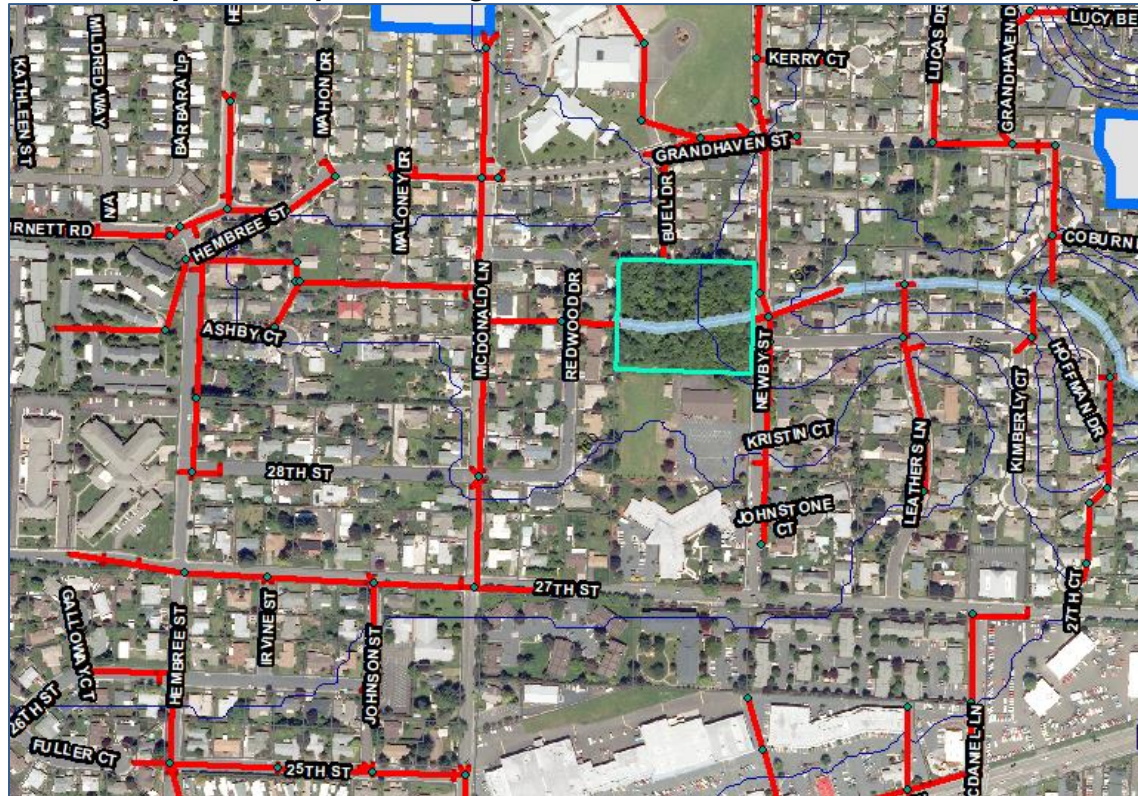


Transit is available on NE 27<sup>th</sup> Street, with a stop near NE Newby Street.

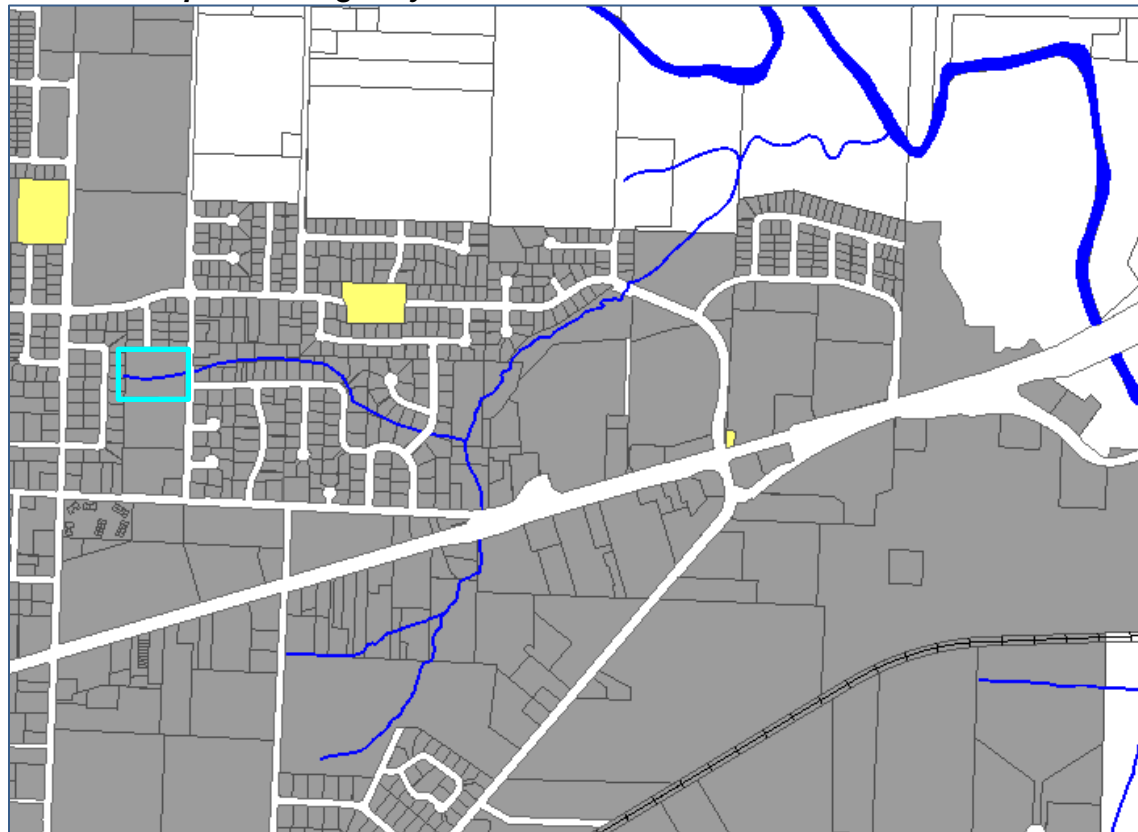




**Exhibit 6. Piped and Open Drainage**



**Exhibit 7. Open Drainageway**



### **Exhibit 8. Street Functional Classification**



### **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a tentative subdivision plan are conformance of the proposed plan to the Land Division standards of Chapter 17.53, the development standards of the applicable zoning district (Chapter 17.18 for the R-3 Zone), and consistency with the Goals and Policies of the Comprehensive Plan, which are independent approval criteria for all land use decisions, as specified in Volume II of the Comprehensive Plan. Decisions must also ensure adequate coordination with other affected agencies to ensure the application is consistent with applicable local, state, and federal laws.

#### **McMinnville Zoning Ordinance**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

#### **Chapter 17.53. Land Division Standards**

The applicable sections of Chapter 17.53 are listed below.

##### **Approval of Streets and Ways**

- 17.53.100. Creation of Streets.
- 17.53.101. Streets.
- 17.53.103. Blocks.
- 17.53.105. Lots.
- 17.53.110. Lot Grading.
- 17.53.120. Building Lines.
- 17.53.130. Large Lot Subdivision.
- 17.53.140. Left-Over Land.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant's proposed tentative plan demonstrates compliance with the applicable standards of the sections listed above, subject to conditions of approval.

**17.53.100. Creation of Streets.** All streets within the subdivision are proposed as public streets, to be dedicated on the plat, except that access to Lot 13 will be via easement across Lot 14 in accordance with the applicable easement access standards of Section 17.53.100.

**17.53.101. Streets.** The proposal complies with the street standards of 17.53.101. The street layout provides for the continuation of the alignment of Buel Drive and NE Hoffman Drive with no offset intersections. The street layout in an “L” configuration is the most practical layout for connectivity given existing conditions. It utilizes east-west orientation to the extent practical for solar orientation and access for lots. The proposed new street is a local street with right-of-way width and street width in conformance with the widths specified in the City’s Complete Street Design Standards for a local residential street. No reserve strips are proposed. The proposed new street is in alignment with existing streets. Surrounding properties are developed, so there isn’t a need for street plugs for future street extensions. Street intersections are designed for 90 degree right angles. No additional right-of-way is required for abutting streets. No half streets are proposed. No cul-de-sacs are proposed. No eyebrows are proposed.

As a condition of approval, the applicant will need to obtain approval of a street name for the new street extension consistent with the City’s naming conventions when existing streets are extended.

No excessive grades are required for the proposed street.

The applicant proposed a 38’ centerline radius at the “L” of the proposed street. This is less than the 100’ minimum radius, and is not to an even 10 feet as required by 17.53.101(L). The Planning Commission has discretion to accept sharper curves “where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots.” Tighter radii have previously been approved in areas where slower speeds are desired in a residential setting, including corners at 90 degree turns which would comprise a block if street extension to adjoining properties could occur.

There are no proposed streets adjacent to railroads, no frontage roads, and no alleys.

As a condition of approval, the proposed private drive will need to be constructed to the same structural standards that would apply to a public street, and a storm drainage plan will be required.

There are no arterials, collectors or bikeway requirements associated with the proposed subdivision. There are no residential collector streets associated with the proposed development.

Sidewalks are consistent with 17.53.101(S) and (T) and the Complete Street Design Standards, except that existing sidewalks present on NE Newby Street are curbtight without a 5’ planter strip, and are proposed to remain. A portion of sidewalk will need to be removed for the new street connection and driveway access for Lots 1 and 2.

No gates are proposed within the public right-of-way or for the private way serving Lot 13.

**17.53.103. Blocks.** Due to the existing development and street patterns, the block length and perimeter standards will somewhat exceed the 400 foot block length

and 1,600 foot block perimeter. Measuring from the street centerline, the block containing Lots 1-8 together with the existing development to the north will have a width of approximately 300 feet and a length of approximately 600 feet. The perimeter is approximately 1,700 feet. Due to the constraints created by the existing development and street configuration to the north, west, and south, the block containing Lots 9-17 together with the adjoining development will not come close to meeting the block length or perimeter standards. This is authorized when "topography or location of adjoining streets justifies an exception."

The applicant is proposing public utility easements along the right-of-way and is proposing easements located where necessary to proposed sanitary sewer and storm drainage facilities outside of the right-of-way.

**17.53.105. Lots.** The proposed lots are suitable shapes for development, generally rectangular with side lot lines perpendicular to the right-of-way, except for Lot 13 served by private easement. Lots are not excessively deep, and lot depth doesn't exceed two times the width on lots. Lots 15-17 are wider than deep. The smallest lots are Lots 4 and 5 (4470 sf and 4467 sf) which will have the attached single-family homes. Other lot sizes range from 6000 sf to 6862 sf. Except for Lots 13 and 14, at the corner of the "L" no lot has less than 50 feet of frontage. There is no access onto an arterial or collector, no through lots are proposed, and no flag lots are proposed.

**17.53.110. Lot Grading.** No excessive slopes are proposed. Grading and fill associated with the proposal, including piping of the open drainageway will be subject to review by the appropriate departments and permitting agencies as a condition of approval.

**17.53.120. Building Lines.** No special building setback lines are proposed, except as controlled by easements, and where noted for single-family attached homes on Lots 4 and 5, which will have a common wall with a zero lot line setback where adjoined at the common wall

**17.53.130 Large Lot Subdivision** is not applicable because this is not a large lot subdivision.

**17.53.140 Left-Over Land** is not applicable because the proposed subdivision doesn't result in left-over land.

#### Improvements

17.53.150. Improvement Procedures.

17.53.151. Specifications for Improvements.

17.53.153. Improvement Requirements.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant's proposed tentative plan demonstrates compliance with the applicable standards of the sections listed above.

**17.53.150. Improvement Procedures.** The applicant will be required to comply with the improvement procedures as a condition of approval.

**17.53.151. Specifications for Improvements.** As a condition of approval, the applicant will be required to provide civil drawings that comply with all City specifications.

**17.53.153. Improvement Requirements.** The applicant's proposal includes improvements necessary to serve lots consistent with the requirements of this section. As a condition of approval, the applicant will be required to provide civil drawings that comply with all City specifications of this section.

As a condition of approval, the applicant will be required to submit a street tree plan for review and approval of the Landscape Review Committee.

#### **Chapter 17.18. R-3 Two-Family Residential Zone**

The applicable sections of Chapter 17.18 are listed below. The tentative plan was submitted concurrent with a zone change application from R-1 to R-3. The requirements of the R-3 zone are addressed below, and the proposed subdivision tentative plan is contingent on approval of the zone change.

17.18.010. Permitted Uses.

17.18.030. Lot Size.

17.18.040. Yard Requirements.

17.18.060. Density Requirements

**FINDING: SATISFIED WITH CONDITIONS.** The applicant's proposed tentative plan demonstrates compliance with the applicable standards of the sections listed above.

**17.18.010. Permitted Uses.** The proposed use of the lots is 15 detached single-family dwellings and 2 attached single-family dwellings. These are permitted uses in the R-3 zone. For the attached dwellings, they are subject to the provisions of 17.18.010(C)(1)-(8). These requirements will be addressed as a condition of approval. (C)(3) requires a combined area of 8,000 square feet for both lots. The combined area of Lots 4 and 5 is 8,937 square feet.

**17.18.030. Lot Size.** The minimum lot size for the R-3 zone is 6,000 square feet, except as otherwise provided for attached single-family dwellings. All lots for single-family detached dwellings are at least 6,000 square feet.

**17.18.040. Yard Requirements.** With the proposed lot sizes and shapes, there is no foreseeable difficulty in meeting setback requirements. The shallower interior lots (15 and 16) could accommodate a structure that is approximately 33' deep between the front and rear setbacks of 15 and 20 feet.

**17.18.060. Density Requirements.** Based on the proposed uses and lot sizes, the proposal complies with the applicable density requirements of this section.

#### **Comprehensive Plan Volume II:**

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they



apply to this application. Therefore, where applicable standards exist, subsequent findings regarding the parallel comprehensive plan policies are not made when they are duplicative or a restatement of the specific standards which achieve and implement the applicable goals and policies.

The following additional findings are made relating to specific Goals and Policies. Policies applicable to this subdivision application are addressed through implementation standards, except as provided below. The applicant has provided more detailed findings regarding Comprehensive Plan policies as part of the application submittal.

## **Chapter V. Housing and Residential Development**

### *Residential Design Policies:*

- 79.00 *The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy. (Ord. 4796, October 14, 2003)*
- 80.00 *In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.*

**FINDING: SATISFIED WITH CONDITIONS.** The proposed development is consistent with the density authorized by the zoning, topography, and availability of services.

The applicant is seeking approval from DSL and the US Army Corps of Engineers to mitigate the jurisdictional waters offsite. If they are able to meet those requirements, given the locational context of the drainage swale within the drainage system as discussed in this document, the existing drainage swale could be rerouted to tie into the existing piped drainage system immediately upstream and downstream.

### *Lot Sales Policy:*

- 99.10 *The City of McMinnville recognizes the value to the City of encouraging the sale of lots to persons who desire to build their own homes. Therefore, the City Planning staff shall develop a formula to be applied to medium and large size subdivisions, that will require a reasonable proportion of lots be set aside for owner-developer purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.*

**FINDING: SATISFIED WITH CONDITIONS.** This requirement is addressed with a condition of approval requiring the applicant to make lots available for sale.

## Chapter VI. Transportation System.

### Streets

118.00 *The City of McMinnville shall encourage development of roads that include the following design factors:*

*5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

121.00 *The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.*

### Connectivity and Circulation

132.26.05 *New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map. (Ord. 4922, February 23, 2010)*

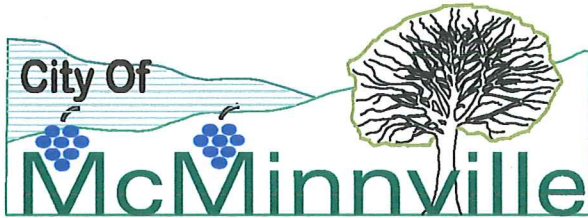
### Circulation

132.41.05 *Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints. (Ord. 4922, February 23, 2010)*

132.41.30 *Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods. (Ord. 4922, February 23, 2010)*

**FINDING: Satisfied.** The applicant's proposal provides for street connectivity consistent with the Local Street Connectivity Map in the Transportation System Plan.

TS:sjs



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

**Office Use Only:**

File No. 2C 3-19  
Date Received 5-7-19  
Fee 3759.00  
Receipt No. \_\_\_\_\_  
Received by [Signature]

## Comprehensive Plan Map Amendment/ Zone Change Application

### Applicant Information

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

Applicant Name Leonard Johnson Phone (503) 434-0364

Contact Name Ron Pomeroy, Navigation Land Use Consulting, LLC Phone (503) 687-3012  
(If different than above)

Address P.O.Box 1514

City, State, Zip McMinnville, OR 97128

Contact Email ron@navigationlanduse.com

### Property Owner Information

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

Contact Name Leonard Johnson Phone (503) 434-0364

Address 3375 NW Westside Road

City, State, Zip McMinnville, OR 97128

Contact Email dragsaw2@gmail.com

### Site Location and Description

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

Property Address \_\_\_\_\_

Assessor Map No. R44 09 - DC - 01100 Total Site Area 2.93 acres

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

Comprehensive Plan Designation Residential Zoning Designation R-1

This request is for a:

☐ **Comprehensive Plan Amendment**

☒ **Zone Change**

1. What, in detail, are you asking for? State the reason(s) for the request and the intended use(s) of the property. \_\_\_\_\_

This zone change application requests approval to change the zoning designation of this site from R-1 to R-3. This zone change application is a companion to a subdivision application requesting approval of a tentative subdivision plan for the development of a 17-lot single-family residential subdivision on this site.

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol. 2). \_\_\_\_\_

See attached narrative, findings and exhibits

3. If your request is subject to the provisions of a planned development overlay, show, in detail, how the request conforms to the requirements of the overlay. \_\_\_\_\_

See attached narrative, findings and exhibits

4. If you are requesting a Planned Development, state how the proposal deviates from the requirements of the Zoning Ordinance and give justification for such deviation. \_\_\_\_\_

\_\_\_\_\_

A Planned Development is not being requested

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Considering the pattern of development in the area and surrounding land uses, show, in detail, how the proposed amendment is orderly and timely. \_\_\_\_\_

\_\_\_\_\_

See attached narrative, findings and exhibits

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

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6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request. \_\_\_\_\_

See attached narrative, findings and exhibits

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7. Document how the site can be efficiently provided with public utilities, including water, sewer, electricity, and natural gas, if needed, and that there is sufficient capacity to serve the proposed use.

See attached narrative, findings and exhibits

8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

See attached narrative, findings and exhibits

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

- ☐ A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed features within and adjacent to the subject site, such as: access; lot and street lines with dimensions; distances from property lines to structures; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.). If of a larger size, provide five (5) copies in addition to **an electronic copy** with the submittal.
- ☐ A legal description of the parcel(s), preferably taken from the deed.
- ☐ Payment of the applicable review fee, which can be found on the Planning Department web page.

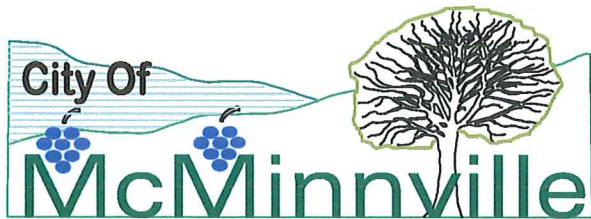
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

  
Applicant's Signature

5/7/19  
Date

Same  
Property Owner's Signature

5/7/19  
Date

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128

(503) 434-7311 Office • (503) 474-4955 Fax

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)**Office Use Only:**File No. S2-19Date Received 5-7-19Fee 5081.50

Receipt No. \_\_\_\_\_

Received by SP

## Tentative Subdivision Application

### **Applicant Information**

**Applicant is:** ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other \_\_\_\_\_
Applicant Name Leonard Johnson Phone (503) 434-0364
 Contact Name Ron Pomeroy, Navigation Land Use Consulting, LLC Phone (503) 687-3012  
*(If different than above)*
Address P.O.Box 1514City, State, Zip McMinnville, OR 97128Contact Email ron@navigationlanduse.com

### **Property Owner Information**

 Property Owner Name \_\_\_\_\_ Phone \_\_\_\_\_  
*(If different than above)*
Contact Name Leonard Johnson Phone (503) 434-0364Address 3375 NW Westside RoadCity, State, Zip McMinnville, OR 97128Contact Email dragsaw2@gmail.com

### **Site Location and Description**

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

Property Address \_\_\_\_\_

Assessor Map No. R44 09 - DC - 01100 Total Site Area 2.93 acres

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

Comprehensive Plan Designation Residential Zoning Designation R-1

## **Subdivision Information**

1. What is this application for?  
☐ Subdivision (10 (ten) or fewer lots)  
☒ Subdivision (more than 10 (ten) lots)
2. Briefly describe the project: This subdivision application requests approval of a tentative subdivision plan for the development of a 17-lot single family residential subdivision on this site.  
\_\_\_\_\_  
\_\_\_\_\_
3. Name of proposed subdivision: Monika
4. Size of proposed subdivision in acres or square feet: 2.93 acres
5. Number of lots: 17 Minimum lot size: 4,467 square feet
6. Number and type of Residential Units: 15 single-family detached residences and 2 single-family attached residences  
\_\_\_\_\_  
\_\_\_\_\_
7. Average lot size: 6,049 square feet Gross density per acre of entire subdivision: 5.8 du/ac
8. Total anticipated population: 45 (estimated 2.6 persons per household)
9. Size of park(s)/open space in acres or square feet: -
10. General description of the subject site and current land use: Generally square in shape and vacant. Site lacks most vegetation except for mature arborvitae located along its southern edge. An open drainage ditch traverses the site in a generally east-west orientation and the site slopes from its northern and southern edges toward the open ditch.  
\_\_\_\_\_
11. Describe existing uses and zoning of surrounding properties:

	<u>Zoning</u>	<u>Current Use</u>
North	<u>R-2 PD</u>	<u>Single-family and duplex development</u>
South	<u>R-1</u>	<u>Adventure Christian Church</u>
East	<u>R-3 PD and R-1</u>	<u>Single-family residential development</u>
West	<u>R-1</u>	<u>Single-family residential development</u>
12. Describe the topography of the subject site: Sloping from its northern and southern edges toward an open drainage ditch that traverses the site in a generally east-west orientation.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Does the site contain any existing structures, wells, septic tanks? Explain None

14. How will the proposed subdivision be served by utilities? Note the location and size of all service lines (water, sanitary sewer, storm sewer, natural gas, electricity). \_\_\_\_\_  
All utilities are available or can be made available to sufficiently serve the site. See attached.

15. What is the anticipated date construction will begin? Fall, 2019

16. What is the anticipated date of completion? Fall, 2021

17. If applicable, explain how the subdivision will be phased? One phase

18. Does your tentative subdivision plan delineate the general location of all previously recorded easements and encumbrances presently binding upon the subdivision site? (A current title report or subdivision guarantee for the site would disclose such easements or encumbrances).

Yes ☒ No ☐ N/A ☐

19. Does your tentative subdivision plan delineate necessary access and utility easements?

Yes ☒ No ☐ N/A ☐

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

- ☐ A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), tentative subdivision plan, and supplementary data. Tentative plans should be accompanied by improvement plans so that the general programs and objectives are clear to the reviewer. The information to be included in the tentative subdivision plan as listed in the information sheet and in Section 17.53.070 (Submission of Tentative Subdivision Plan) of the Zoning Ordinance. If of a larger size, provide five (5) copies in addition to **an electronic copy** with the submittal.
- ☐ Payment of the applicable review fee, which can be found on the Planning Department web page.

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

  
Applicant's Signature

Date 5/7/19

Same  
\_\_\_\_\_  
Property Owner's Signature

Date \_\_\_\_\_



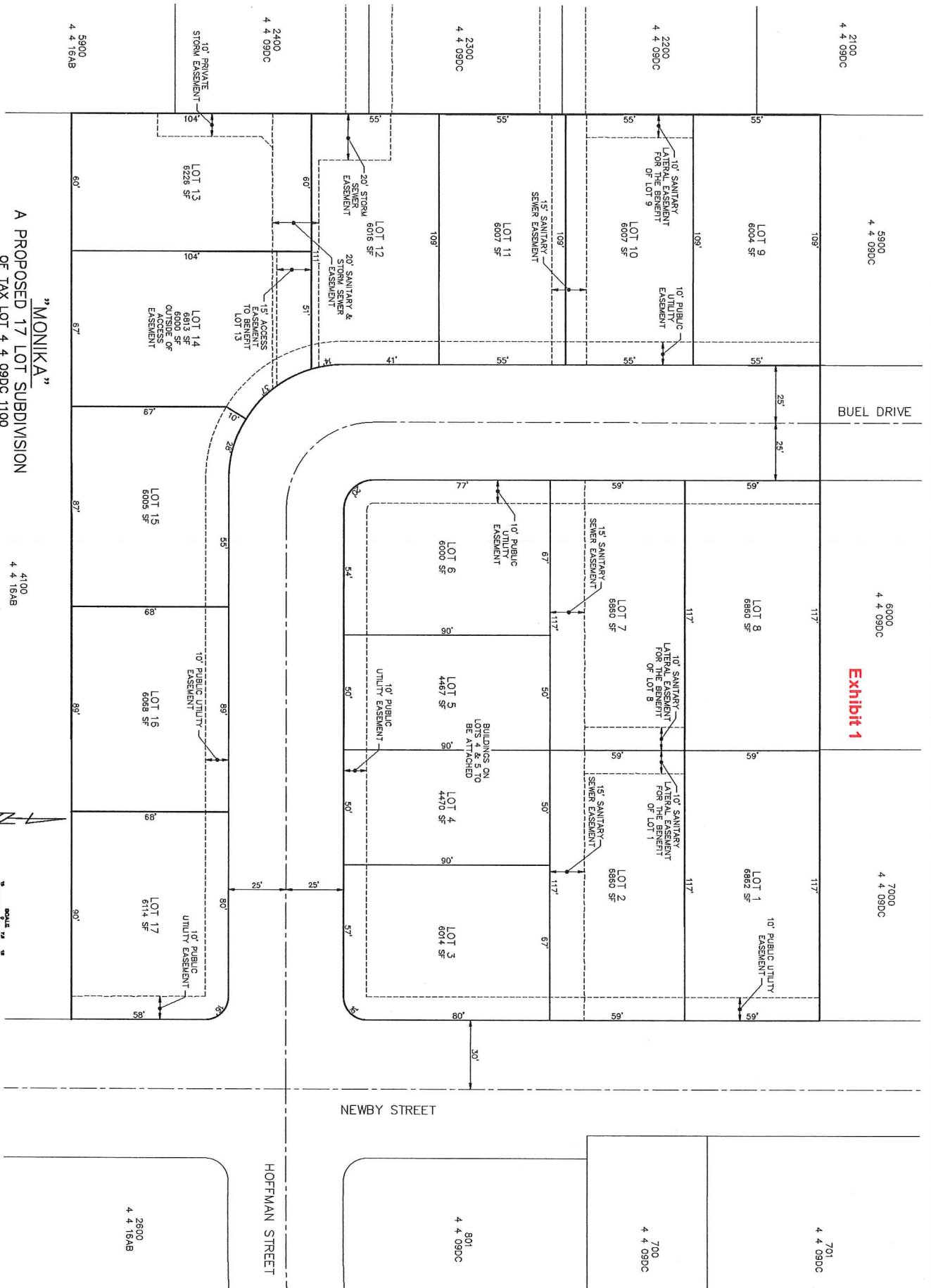


ASSESSMENT & TAX  
CARTOGRAPHY

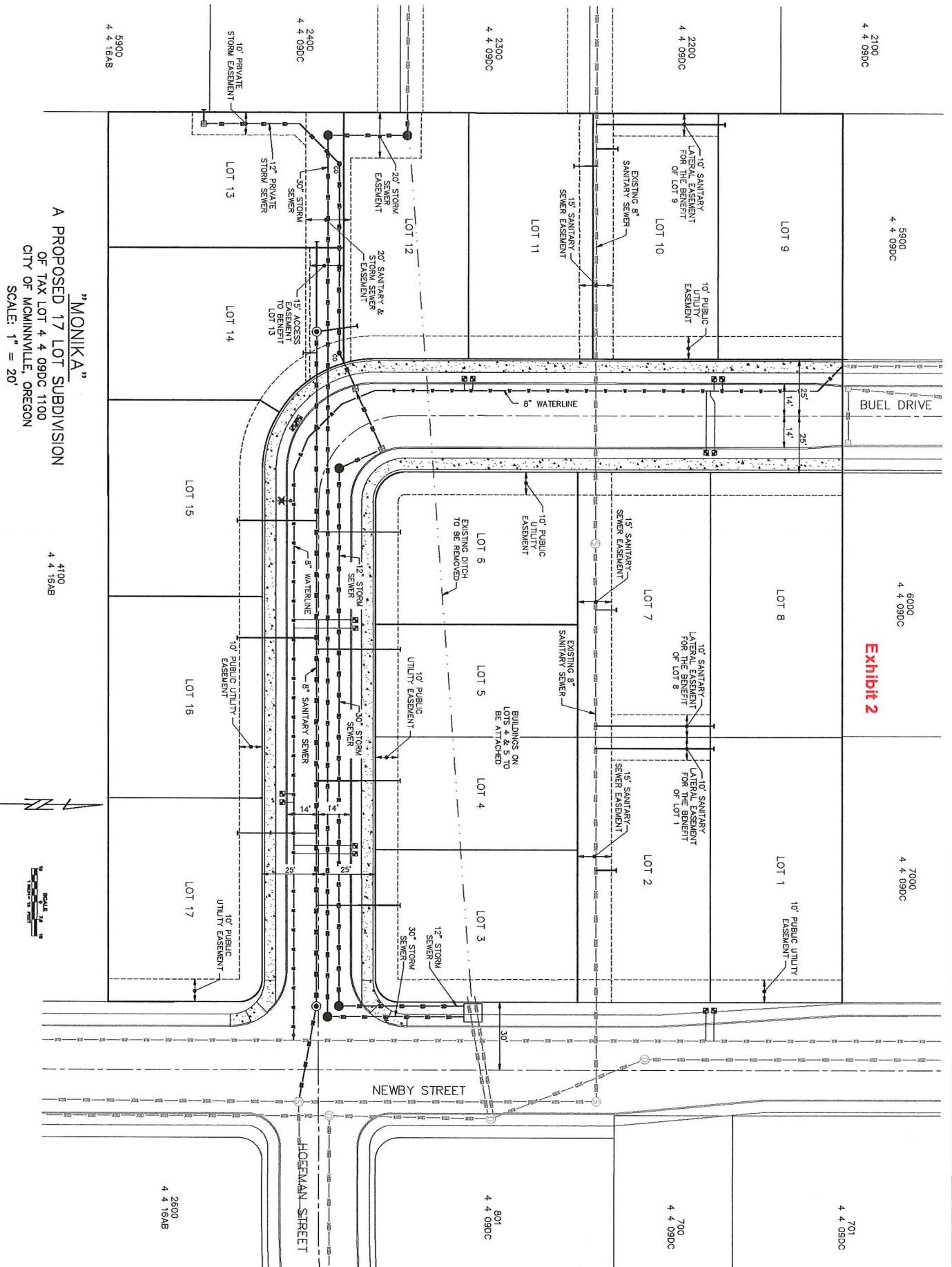
S.W. 1/4 S.E. 1/4 SEC. 9 T.4S. R.4W. WM.  
YAMHILL COUNTY OREGON  
1" = 100'



"MONIKA"  
A PROPOSED 17 LOT SUBDIVISION  
OF TAX LOT 4 4 09DC 1100  
CITY OF MCMINNVILLE, OREGON  
SCALE: 1" = 20'







**Exhibit 2**

## **- Land Use Applications -**

- **Zone Change**
- **Residential Subdivision**

Submitted to: City of McMinnville, Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128

Owner: Leonard Johnson  
3775 NW West Side Road  
McMinnville, OR 97128

Owner's Consultants: Navigation Land Use Consulting, LLC  
P.O. Box 1514  
McMinnville, OR 97128  
Contact: Ron Pomeroy, AICP  
Email: [ron@navigationlanduse.com](mailto:ron@navigationlanduse.com)  
Phone: 503.687.3012

R A Storm and Company  
22965 Sunnycrest Road  
Newberg, OR 97132  
Contact: Mart M Storm  
Email: [nick@slawbuilt.com](mailto:nick@slawbuilt.com)  
Phone: 503.550.8130

Yamhill County Tax Map: T. 4 S., R. 4 W., W.M., 9DC, Tax Lot 01100

Site Size: 2.93 acres

Zoning: R-1  
(Single-Family Residential)

## I. Executive Summary

On behalf of Leonard Johnson, Navigation Land Use Consulting, LLC is pleased to submit this land use proposal for consideration and approval of a Zone Change application and a Subdivision application for a residential tentative subdivision plan. In brief, the intent of these applications are identified as follows:

- Approval of a zone change application on approximately 2.93 acres of land from the site's current zoning designation of R-1 (Single-Family Residential) designation to an R-3 (Two-Family Residential) zone designation.
- Approval of a 17 lot tentative residential subdivision plan on approximately 2.93 acres of land that would provide opportunity for the construction of 17 single-family homes.

The submitted tentative plan proposes a westerly extension of a local public street from the current intersection of NE Newby Street and NE Hoffman Street to then curve northward to align with and connect to the current temporary southerly terminus of NE Buel Drive.

## II. Site Description

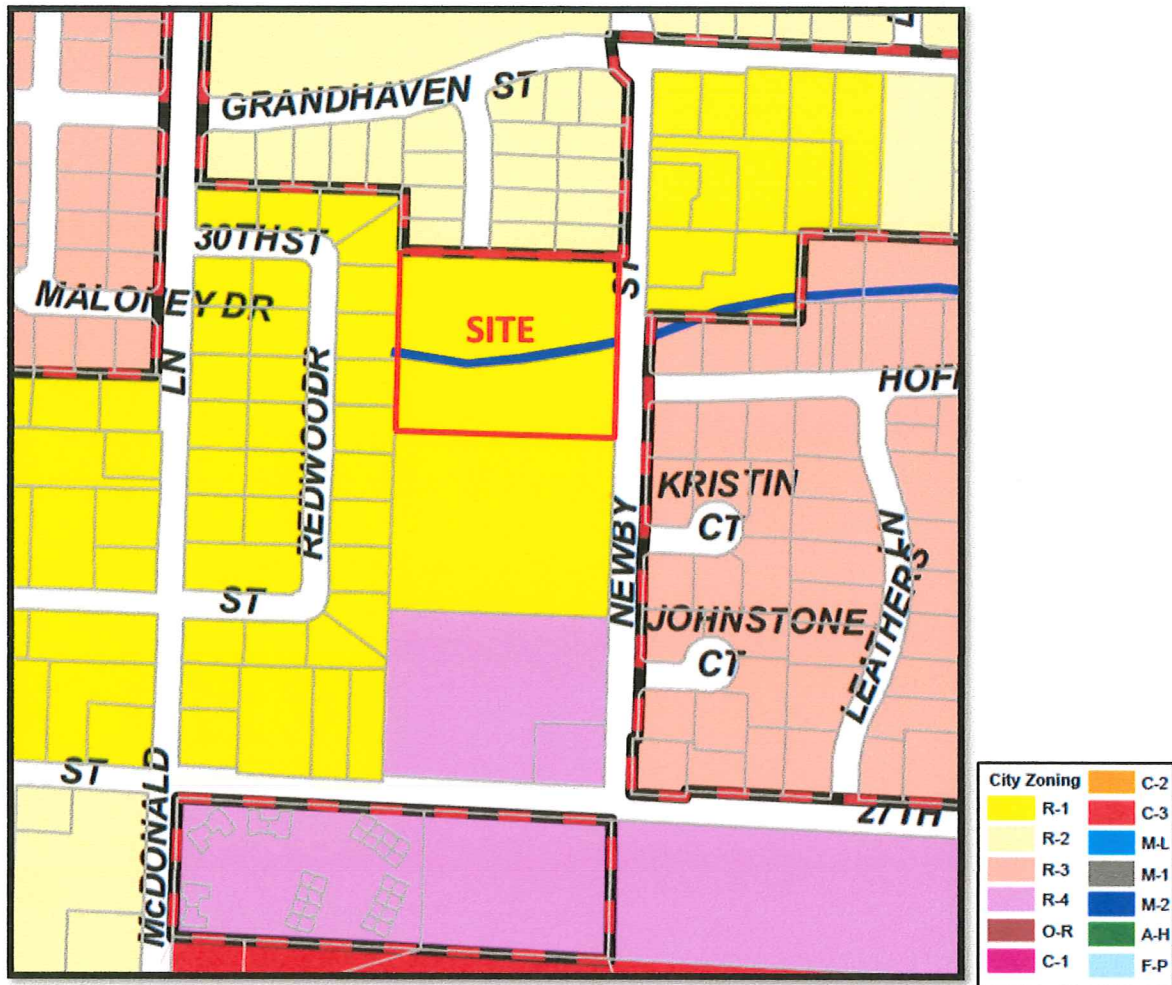
The subject site is approximately 2.93 acres in size, is effectively square in shape and is located adjacent to the west side of NE Newby Street. There are no improvements on the site which was cleared of most trees and vegetation in recent months preceding this development request. A continuous row of mature arborvitae remain along the southern edge of the site. The site generally slopes from its north and south edges toward an east-west oriented storm drainage ditch that crosses the site and which is identified as a tributary to the North Yamhill River. This comprehensive plan designation of the site is identified as Residential on the McMinnville Comprehensive Plan Map. The site is also identified as being zoned R-1 (Single-Family Residential) on the McMinnville Zoning Map. The site is generally located north of NE 27<sup>th</sup> Street, south of NE Grandhaven Street and west of NE Newby Street.

The Adventure Christian Church occupies land adjacent to the southern edge of this site. All other adjacent properties are residentially developed with the exception of tax lot 2100 located adjacent to the northwesternmost corner of the site; this lot appears to currently be utilized as additional yard space for the adjacent residence to its south which is addressed as 2930 NE Redwood Drive. The western edge of this site lies adjacent to the Redwood Addition residential subdivision. North of this site is the Grandhaven residential subdivision beyond which lies Grandhaven Elementary School. East and southeast of the site across NE Newby Street is the Juliann Addition residential subdivision and other individually platted lots which likely resulted through a series of approved minor land partitions occurring over prior decades. All adjacent land is designated Residential on the McMinnville Comprehensive Plan Map. Adjacent property to the west, south and northeast is designated R-1 (Single-Family Residential) on the McMinnville Zoning Map. Adjacent property to the north is zoned R-2 PD (Single-Family Residential Planned Development) and property to the east and southeast is zoned R-3 PD (Two-Family Residential Planned



Development) on the McMinnville Zoning Map. Additionally, land adjacent to the south side of the Adventure Christian Church is zoned R-4 (Multiple-Family Residential) on the McMinnville Zoning Map.

The existing zoning of the subject site and surrounding lands are as depicted on the graphic below.



### III. Requests

As stated above in the Executive Summary portion of this application, Leonard Johnson is requesting approval of:

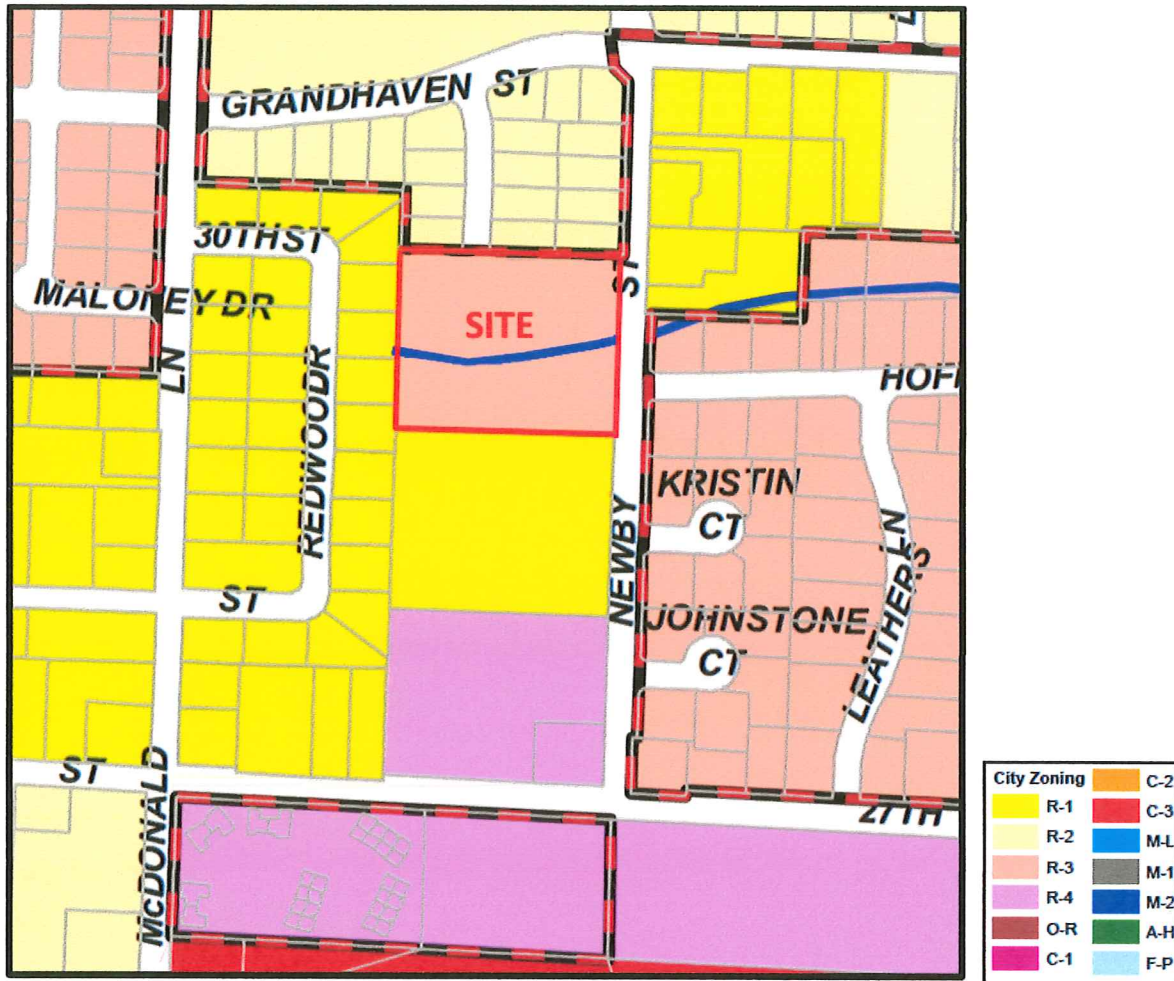
- A zone change on approximately 2.93 acres of land from the site's current zoning designation of R-1 (Single-Family Residential) designation to an R-3 (Two-Family Residential) zone designation; and

Leonard Johnson  
Zone Change / Subdivision

May 2019  
Page 3

- A 17 lot tentative residential subdivision plan on approximately 2.93 acres of land that would provide opportunity for the construction of 17 single-family homes.

Should this zone change request be approved, the resultant zoning of the subject site and surrounding land would be as depicted on the graphic below.



For general orientation to the main elements of the proposed tentative subdivision plan, a local public residential street is proposed to be constructed that would begin at the site's eastern edge and be aligned with the current intersection of NE Newby Street and NE Hoffman Street. This public street would extend into the site for a distance of approximately 250-feet and would turn northward and continue through the site to connect with the existing temporary terminus of NE Buel Drive. Fifteen of the proposed lots would be provided access from the proposed local public street with the two remaining lots being provided access by NE Newby Street. All 17 of the proposed lots comply with the minimum lot size, dimensional, and shape requirements of single-



family lots in the R-3 zone and as per the land division standards of Chapter 17.53 of the McMinnville Zoning Ordinance. Fifteen of the proposed seventeen lots are intended for development of single-family detached residences while two of the lots (Lots 4 and 5) are intended for development of single-family attached residences (Exhibit 1 - Tentative Subdivision Plan).

The materials contained in the narrative and conclusionary findings of fact of this proposal address the relevant criteria for approval of both the zone change request and the subdivision request. Individual applications for the Zone Change request and for the Subdivision request have been prepared and filed with the City to run concurrently.

#### **IV. Conclusionary Findings for Approval of the requested Zone Change**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Zone Change are specified in Section 17.74.020 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Volume I Background Element is the main body or text of the McMinnville Comprehensive Plan. Included in this volume are all the inventories and research documentation on which the goals and policies were based. The requirements of the statewide goals for inventory information and land use related projections (e.g. population and housing) are also contained in this volume.

1. Leonard Johnson is requesting approval of:
  - A zone change application on approximately 2.93 acres of land from the current zone of R-1 (Single-Family Residential) to R-3 (Two-Family Residential); and
2. The subject site is approximately 2.93 acres in size and is generally located north of NE 27<sup>th</sup> Street, south of NE Grandhaven Street and west of NE Hoffman Street and is more specifically described as R4409DC 01100. The site is currently zoned R-1 (Single-Family Residential) and designated as Residential on the McMinnville Comprehensive Plan Map.
3. Sanitary sewer and municipal water and power can sufficiently serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected flows resulting from development of the property as proposed. Northwest Natural Gas, Comcast, McMinnville School District 40 and the McMinnville Police and Fire Departments can also sufficiently serve this site.

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Leonard Johnson  
Zone Change / Subdivision

May 2019  
Page 5



4. The following citation from Volume I Background Element of the McMinnville Comprehensive Plan is applicable to the request:

Chapter V. Housing and Residential Development – Additional Design Considerations:

Two specific areas of concern were examined by the Citizens' Advisory Committee's subcommittees in relation to residential development designs.

The incorporation of solar access review into the land division ordinance received favorable reaction. Such review could require that all subdivision designs seek to maximize access to the sun through orientation of both streets and lots. This requirement has been used in other cities without causing major development problems. By orienting streets and lots towards the optimal access to the sun, the City would not be requiring the installation of active solar energy systems, but would instead encourage and allow the use of both passive and active solar systems. The large size of future areas proposed for residential development further enhances the applicability of this design requirement in McMinnville.

Pedestrian paths (sidewalks) are required by ordinance to be constructed in all new residential developments. Bike paths, however, have only been constructed in a few selected areas. The City should encourage the development of bike paths and foot paths to activity areas, such as parks, schools, and recreation facilities, in all development designs. Close attention to maintenance costs to the public will, however, have to be monitored.

Based on the information presented on residential development design considerations, the City finds that:

1. A minimum level of public facilities and services including, but not limited to, sanitary sewer, storm drainage systems, water services, and improved streets should continue to be required for all residential developments. The standards for these facilities and services should be periodically examined to insure the services are commensurate with, but do not exceed, the density of development projected.
2. Open space is required in all residential developments in several ways. Traditional zoning setbacks reserve a large portion of each individual lot for potential open space. [...]
3. Parkland requirements in the land division ordinance provide for either the dedication of parkland to the public or payment of money in lieu of land to develop the city park system. The requirements of the ordinance need to be examined to see that all future residential developments, including mobile home parks and newly created parcels through partitioning, contribute equitably to the park program.
4. The incorporation of solar access review into the land division ordinance should be undertaken. Such review would require the orientation of streets and lots towards the sun in a manner which would best utilize access to solar energy. The



requirement should not be designed to lessen the density of development available on any parcel of land.

5. The City should encourage the provision of bike and foot paths within residential developments to connect to public and/or private parks, or recreation facilities and to connect to any paths which currently abut the land.

Findings: This proposal meets the intent of this portion of Volume I of the Comprehensive Plan. This is evident in that all requisite public facilities and services shall be sufficiently provided to adequately serve this site and the proposed development as articulated further in additional Findings provided below. The standards for these facilities and services are periodically examined and amended by the City.

As described by criterion 2 above, the open space provided by this proposed tentative subdivision plan is comprised of the “traditional zoning setbacks” which “reserve a large portion of each individual lot for potential open space.” Additionally, and as addressed by criterion 3 above, commensurate fee-in-lieu-of park fees shall be assessed to the developer by the City as deemed appropriate.

Regarding criterion 4 above, while the City does not have a specific, adopted solar access code, Section 17.53.101(A)(3) (Streets – General) of the McMinnville Zoning Ordinance speaks to maximizing the “potential for unobstructed solar access to all lots or parcels.” Also that “streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features.” Additionally, that “the east-west orientation of streets shall be integrated into the design.” The proposed tentative subdivision plan complies with this Comprehensive Plan Volume I criterion and Section 17.53.101(A)(3) of the McMinnville Zoning Ordinance in that this plan proposes to align the site’s new internal local public street with the current intersection of NE Newby Street and NE Hoffman Street at the site’s eastern edge and also to connect this proposed through street to the current temporary terminus of NE Buel Drive at the site’s northern edge. Opportunities for an alternative street layout would necessitate the incorporation of one or more cul-de-sac streets and would generally have the effect of lessening solar access opportunities as well as conflict with Comprehensive Plan Volume II Policies 118.00(5) and 132.41.05, relative to street connectivity. The proposed street layout promotes compliant street intersection alignments and increased local street connectivity. The resultant proposed street connection yields an approximate 50-percent east-west alignment and an approximately 50-percent north-south alignment. To the extent physically possible, given the site size, shape and required street alignment and connections, the proposed lots are provided the potential for unobstructed solar access to the maximum extent feasible.

There are no public and/or private parks or recreational facilities, or paths leading to such, currently abutting the subject site as referenced in criterion 5 above. Therefore, pedestrian mobility through this development will be provided by the construction of public sidewalks as required by City standards to provide pedestrian mobility within this neighborhood and the surrounding network of public sidewalks similar to that found in all of the other adjacent

residential neighborhoods and throughout the city. Therefore, these criteria have been satisfied.

5. The following Goals and Policies of Volume II of the McMinnville Comprehensive Plan (1981) are applicable to the request:

The implementation of most goals, policies, and proposals as they apply to this application are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply to this application.

The following additional findings are made relating to specific Goals and Policies:

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

Policies:

2.00 The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristic, and natural hazards.

5.00 The quality of the air resources in McMinnville shall be measured by the standards established by the Oregon Environmental Quality Commission and the Federal Environmental Protection Agency.

9.00 The City of McMinnville shall continue to designate appropriate lands within its corporate limits as "floodplain" to prevent flood induced property damages and to retain and protect natural drainage ways from encroachment by inappropriate uses.

12.00 The City of McMinnville shall insure that the noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.

Finding: Goal II 1 and Policies 2.00, 5.00, 9.00 and 12.00 are satisfied by this proposal in that there is no portion of this site that is identified with building constraints such as excessive slope, limiting soil characteristic(s) and/or natural hazards. Any and all infrastructure and right-of-way improvements shall be designed, proposed, reviewed and permitted as per standards and requirements administered and supported by the City of McMinnville. While there are no residential development requirements or standards addressing the quality of air resources in McMinnville, the City is cognizant of standards established by the Oregon Environmental Quality Commission and the Environmental Protection Agency (EPA) as they relate to impactful commercial or industrial uses within the city. Additionally, there are no lands being proposed for development that are identified as Floodplain on the McMinnville Comprehensive Plan Map or as being located within zone AE of the associated Federal Emergency Management Association (FEMA) Flood Insurance Rate Map (FIRM - 41071C0406D); the subject site is identified on the associated FIRM as being located in Zone X. Noise compatibility between adjacent single-family residential developments is established in that there are no adopted policies that address adjacent same-type development as being potentially noise incompatible. The intent of this



proposal is to allow the creation of single-family residential development to be located adjacent to existing single-family residential development and is therefore not an incompatible proposed use to those adjacent developments. The adjacency of the Adventure Christian Church to the southern edge of this site is also not noise incompatible as churches are listed as Conditional Uses in all of McMinnville's residential zones and are therefore found by the general nature of their use to be compatible with adjacent residential development.

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

**58.00** City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

**60.00** Attached single-family dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.

**Findings:** Goal V 1 and Policies 58.00 and 60.00 are met by this proposal in that, while 15 of the 17 proposed lots are designed and intended for single-family detached use and are fairly consistent in size providing an average lot size of approximately 6,300 square feet, two of the 17 proposed lots are designed and intended for single-family attached use on lots approximating 4,470 square feet each. This proposed variation of residential lot sizes would provide opportunity for development of a variety of lots, housing types and sizes at varying price points which adds to the variety of housing opportunities to be made available within the community.

**GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND-INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.**

**68.00** The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

**71.00** The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

**71.05** The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord.4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)

**71.09** Medium and High-Density Residential (R-3 and R-4) - The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 dwelling units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential



development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:

1. Areas that are not committed to low density development;
2. Areas that have direct access from collector or arterial streets;
3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;
4. Areas where the existing facilities have the capacity for additional development;
5. Areas within one-quarter mile of existing or planned public transportation; and
6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas. (Ord. 4961, January 8, 2013; Ord. 4796, October 14, 2003)

71.10 The following factors should be used to define appropriate density ranges allowed through zoning in the medium density residential areas:

1. The density of development in areas historically zoned for medium and high density development;
2. The topography and natural features of the area and the degree of possible buffering from established low density residential areas;
3. The capacity of the services;
4. The distance to existing or planned public transit;
5. The distance to neighborhood or general commercial centers; and
6. The distance from public open space. (Ord. 4796, October 14, 2003)

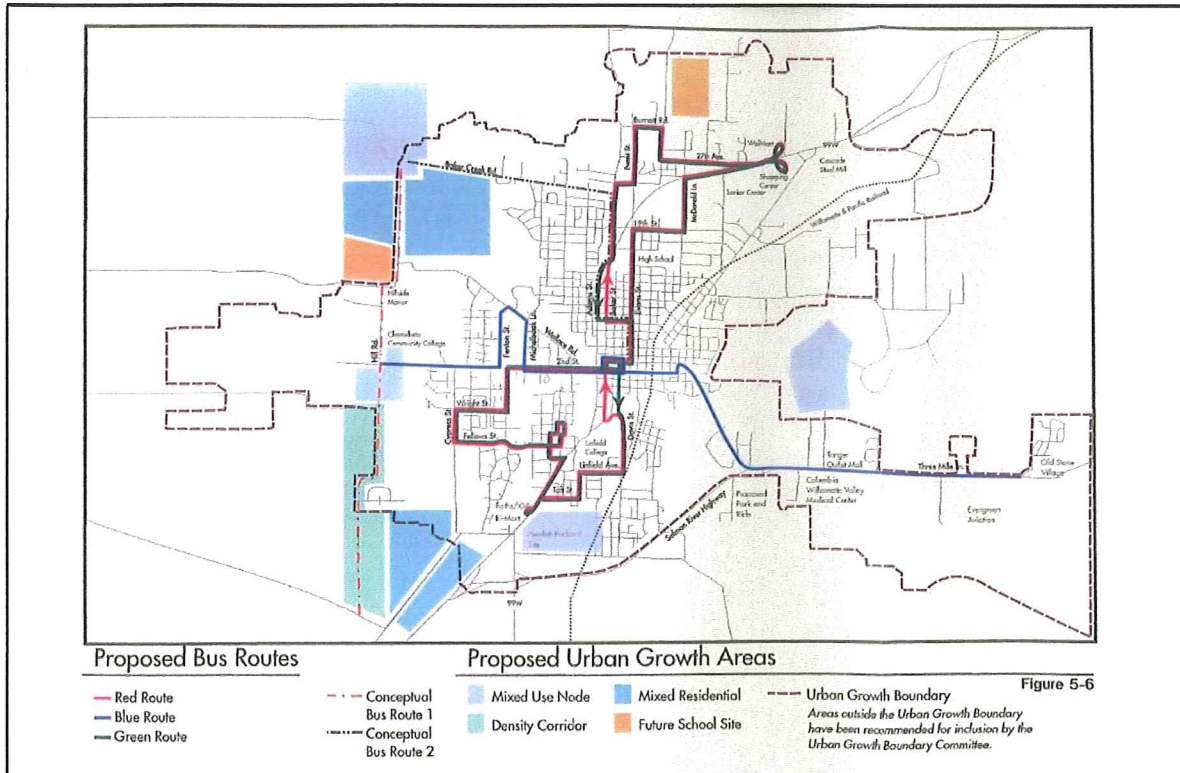
Finding: Goal V 2 and Policies 68.00, 71.00, 71.05, 71.09 (1-6), and 71.10 (1-6) are met by this residential zone change proposal in that all residential zoning classifications shall be allowed in areas designated as Residential on the McMinnville Comprehensive Plan Map. Rezoning this site to allow an increase in residential density encourages more efficient residential development in an area where urban services are already available before committing alternate areas to residential development. Additionally, a range of residential single-family lot sizes and dwelling unit types is proposed thereby promoting an energy-efficient and land intensive development pattern. As noted above, while 15 of the 17 proposed lots are designed and intended for single-family detached use and are fairly consistent in size and provide an average lot size of approximately 6,300 square feet, two of the 17 lots are designed and intended for single family attached use and on lots approximating 4,470 square feet each. The two proposed single-family attached lots are internal to the subdivision and not located adjacent to any existing developed residential

lots. Public services, as addressed in Findings presented below have the capacity to sufficiently serve and accommodate this proposed residential development.

While not close to McMinnville's urban center, the subject site is located in an area that, rather than being committed to low density development, is already committed to a variety of residential zoning designations and densities, and generally developed in a manner reflecting those residential design densities. Specifically, land designated R-1 is located to the west and northeast and is residentially developed with lots commensurate with R-1 requirements. However, adjacent R-1 zoned land to the south is developed with the Adventure Christian Church. Adjacent land to the north is zoned and residentially developed to R-2 standards and land to the east across NE Newby Street from the site is zoned and residentially developed commensurate with R-3 standards. Both R-4 and C-3 (General Commercial) zoned lands are located across NE 27<sup>th</sup> Street further to the south and are developed with uses and densities appropriate to those zones.

This site is located in an area that is well served by an existing public street network. Additionally, NE Newby Street adjacent to the site's eastern edge is designated as a Local Street and NE Grandhaven Street, located approximately one block north of the subject site, is designated as a Major Collector street in the City's adopted Transportation System Plan. As reflected in Policy 71.01(2) above, an R-3 zoned site is not required to have immediately adjacent access to a collector or arterial street, but rather is required to be located in an area that has access to a collector or arterial street. The subject site is located in an area that has direct access from a Major Collector street, Grandhaven Street, which is located only one block to the north of the site.

City services can be extended from adjacent development sufficient to adequately serve this proposal as is demonstrated on the Overall Utility Plan (Exhibit 2). Public transit is shown to be located within approximately 650 feet of the site and identified by the proposed Red and the Blue Bus Routes both traveling along NE 27<sup>th</sup> Street as depicted on Figure 5-6 of the adopted McMinnville Transit Feasibility Study, below.



Additionally, the 2018 Yamhill County Transit Area Transit Development Plan shows, for the McMinnville Service Area, a service route also located along NE 27<sup>th</sup> Street (identified in yellow) and located within approximately 650-feet of the subject site which is less than the City's one-quarter mile proximity requirement related to existing or planned public transportation. The associated graphic from this plan is presented below.



## Yamhill County Transit Area - McMinnville Service Map



As noted in Findings provided above, this site is not located within a FEMA Flood Hazard Zone and is not located within the any portion of the McMinnville flood plain and does not contain any development limitations as to topography or poor drainage; the matter of the open storm drainage pipe from existing adjacent development to the west that currently empties storm water into an open ditch on this site will be further discussed relative to Findings provided addressing other criteria.

The density proposed for the subdivision development is 5.8 dwelling units per acre. This is an appropriate density for R-3 zoned residential developments as prescribed by the requirements of the R-3 chapter of the McMinnville Zoning Ordinance and as prescribed by Policy 71.09 of Volume II of the Comprehensive Plan. As noted above, the topography and natural features of the site are not prohibitive to development according to R-3 zoning and density standards or other applicable McMinnville land development standards

Utilizing a straight-line measurement, neighborhood shopping opportunities are found approximately 1,000 feet south of the site within the Town Center commercial development. The

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Town Center commercial area currently includes uses such as Goodwill, Harbor Freight, Hallmark, Zapateria Leon, the UPS Store, Jo-Ann's Craft Store, and numerous other retail establishments, fitness centers, restaurants and financial services. The nearest public open space to the subject site is Grandhaven Elementary School located some 350 feet to the north; while not specifically designated as "open space," there are policies in Volume II of the Comprehensive Plan that speak to and encourage the public usage of the recreational facilities within the McMinnville School District where acceptable to the District and the City (such as Policies 20.00 and 162.00). Additionally, the nearest dedicated public park is Chegwyn Farms Neighborhood Park located approximately 1,000 feet (about 0.19 miles) northwest of the subject site.

Buffering:

The following portion of this Finding relates to the buffering element of Policy 71.10 regarding the degree of possible buffering from established low density residential areas and Policy 71.09 that speaks to the maximization of the privacy of established lower density residential areas when adjacent to proposed medium density development. To address this, information related both to proposed developed and to existing lot-size adjacency is provided. Lot size information relied on for these calculations was obtained from the tentative subdivision plan submitted for this proposed subdivision, and from publicly available Yamhill County tax maps and Yamhill County Assessor's data.

The three northernmost lots of the proposed Monika subdivision average some 6,575 square feet in size. The three lots of the Grandhaven subdivision to the north of the subject site (Lots 9, 10 and 20) that will be located adjacent to the three northernmost lots of the proposed subdivision (Lots 1, 8 and 9) average approximately 6,859 square feet in size. This means that these three lots of the Grandhaven subdivision are each an average of approximately 284 square feet larger (about 4 percent larger) than the average size of the three adjacent lots of the proposed Monika subdivision. Additionally, the five westernmost lots of the proposed Monika subdivision (Lots 9 – 13) average some 6,052 square feet in size. The adjacent five lots of the existing Redwood subdivision to the west (Lots 4 – 8) average approximately 10,072 square feet each in size (this is inclusive of tax lot 2100 which is currently not improved with a residence and appears to be used as additional yard area for the adjacent residence addressed as 2930 NE Redwood Drive). Comparing the average lot sizes of these adjacent lots yields that these five lots of the Redwood Addition subdivision are an average of approximately 4,020 square feet larger (about 66 percent larger) than the five adjacent lots of the proposed Monika subdivision.

The following information is provided to help provide context and perspective for these lot size differentials relative to other existing residential development with different zoning designations. Primarily, this information demonstrates that the average lot size comparisons of developments adjacent to the proposed development described above are within the established acceptable average lot size differential range of previously approved adjacent residential uses characterized by different adjacent zoning designations. Specifically, the difference in average lot size between the five proposed western lots of the Monika subdivision and the five adjacent Redwood Addition subdivision lots is not too dissimilar than that which exists between the three northernmost lots of the Redwood Addition subdivision (Lots 1-3) and those five adjacent existing lots of the Grandhaven subdivision (Lots 1-5). In that instance, these three Redwood Addition subdivision lots average approximately 10,772 square feet each in size while the five adjacent lots in the Grandhaven subdivision to the north average approximately 7,475 square feet in size. This means that these three northern lots of the Redwood Addition subdivision average approximately



3,297 square feet larger (about 44 percent larger) than the average lot size of the five adjacent lots of the established Grandhaven subdivision to the north.

Also, located about two blocks west of the subject site is the R-3 PD zoned Maloney single-family residential subdivision which abuts developed R-1 zoned land at its southern edge. The six lots located along the southern edge of the Maloney subdivision average approximately 7,492 square feet each in size. However, the three adjacent R-1 zoned parcels to the south average approximately 13,786 square feet in size. This means that these three R-1 zoned lots are approximately 6,294 square feet larger (about 84 percent larger) than the six adjacent R-3 PD zoned lots to the north.

In these examples provided, located both adjacent to and nearby the subject site, the City has previously found that additional buffering requirements were not necessary and were not applied to any of these zone change and/or subdivision approvals (including the R-3 PD zone change approval that enabled the Maloney subdivision to move forward into platting and development). The City's decision to not require additional buffering treatment is also true of both the Hoffman Addition and Julianne Addition residential subdivisions (with base zones of R-3) located to the east across NE Newby Street being approved adjacent to R-1 zoned land to the north which was already developed at a low residential density.

This situation where medium density residential development was approved adjacent to low density residential development without additional buffer requirements being required similarly exists in all quadrants of the city. Relative to the developments cited in this discussion, the City has found it sufficient to implement the policy position referenced above (McMinnville Comprehensive Plan Volume I, Chapter V, Subsection 2 – Additional Design Considerations) in that traditional zoning setbacks reserve a large portion of each individual lot for potential open space. The City's actionable implementation of this policy in these situations is that the minimum yard requirements as established in the Zoning Ordinance have been deemed sufficient to maximize the privacy of established adjacent low density residential locations particularly in situations where the requested development will result in the adjacency of other single-family detached housing which is found relative to all perimeter lots in this proposal. By following the City's demonstrated practice, and by providing residential setbacks equal to or potentially greater than that required by the McMinnville Zoning Ordinance, these requirements have been met.

#### Residential Design Policies:

79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.

80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.

81.00 Residential designs which incorporate pedestrian and bikeway paths to connect with activity areas such as schools, commercial facilities, parks, and other residential areas, shall be encouraged.

82.00 The layout of streets in residential areas shall be designed in a manner that preserves the development potential of adjacent properties if such properties are recognized for development on the McMinnville Comprehensive Plan Map.

83.00 The City of McMinnville shall review the design of residential developments to insure site orientation that preserves the potential for future utilization of solar energy.

Findings: Policies 79.00, 80.00, 81.00, 82.00 and 83.00 are met by this proposal in that the proposed residential density is commensurate with that prescribed by the requested R-3 zoning designation as all proposed lots demonstrating compliance with the lot size requirements of this zoning designation. A Planned Development designation is not requested as part of this land use proposal. There are currently no distinctive or unique natural features on this site other than an open drainageway that traverses this site in a generally east-west orientation that has, for many years, been the recipient of collected stormwater from adjacent residential development to the west that empties into this ditch by way of an open 30-inch wide pipe located at the site's west edge and aligned with the western edge of proposed Lot 12. The stormwater emptying onto this site from the west currently enters the City's underground storm sewer system at a point located in the NE Newby Street right-of-way to the east. It is proposed to convey this flow to the City's stormwater drainage system in NE Newby Street through underground continuation of the 30-inch storm sewer to be placed in easements as necessary and within the public right-of-way that is proposed to be dedicated as part of this residential development.

The street layout proposes to connect with the existing surrounding public street network. This would be accomplished by dedication and improvement of a local public street that would begin at the site's eastern edge and be aligned with the current intersection of NE Newby Street and NE Hoffman Street. The proposed public street would extend westerly into the site approximately 250-feet and would turn northward and continue through the site to connect with the existing temporary southerly terminus of NE Buel Drive. Dedication and construction of this missing piece of the surrounding connected local street network within this area would enhance mobility opportunities for automobiles, pedestrians and bicyclists and provide additional connection opportunities to areas such as Grandhaven Elementary School and the nearby commercial area to the south, and would also comply with Policies 118.00(5) and 132.41.05 described elsewhere in these Findings.

Findings related to the potential utilization of solar access relative to Policy 83.00 are as provided in the Findings previously provided addressing the referenced portion of McMinnville's Comprehensive Plan – Volume I, Chapter V - Housing and Residential Development - Additional Design Considerations, above.



Urban Policies:

99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.
2. Storm sewer and drainage facilities (as required).
3. Streets within the development and providing access to the development, improved to city standards (as required).
4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)
5. Deleted as per Ord. 4796, October 14, 2003.

Finding: Policy 99.00 (1-5) is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and the proposed public street (additional street detail is provided elsewhere within these submitted Findings) within the development either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to sufficiently accommodate flow resulting from development of this site.

Specific to the proposed storm sewer system, there is an open drainageway that traverses this site in a generally east-west orientation that has, for many years, been the recipient of collected stormwater from adjacent residential development which empties into this drainage ditch by way of an open 30-inch wide pipe located at site's west edge and aligned with the western edge of proposed Lot 12. The stormwater emptying onto this site from neighborhood(s) to the west and the natural site drainage currently enters the City's underground storm sewer system at a point adjacent to the site's eastern edge and located in the NE Newby Street right-of-way. It is proposed to convey this seasonal flow to the City's underground stormwater drainage system in NE Newby Street through a continuation of the 30-inch wide storm sewer pipe to be placed in easements, as necessary, and within the public right-of-way proposed to be dedicated as part of this residential development.

This open drainage ditch located on the subject site is identified as a tributary to the North Yamhill River. Accordingly, a Jurisdictional Wetland Delineation for this site was prepared by Schott & Associates and provided to the Oregon Department of State Lands (DSL) for review (Exhibit 3).

In part, the Jurisdictional Wetland Delineation for the subject site concludes that:

"Based on vegetation, soils and hydrology data, one drainage totaling 0.07 ac was

identified within the site boundaries. The drainage day lighted on site from the western boundary and extended to the east where it entered a culvert under North Newby Street. The site was historically forested and had recently been cleared of vegetation. Neither hydric soils nor hydrology indicators were found at the plots documenting the area. [emphasis added]

The NWI [National Wetland Inventory] does indicate a riverine feature extending through the middle of the site. Schott & Associates agreed with this and mapped the feature based on site conditions.”

On February, 15, 2019, following completion of their review of the Jurisdictional Wetland Delineation, DSL issued a letter (Exhibit 4) stating in part:

“Based upon the information presented in the report, we concur with the waterway boundaries as mapped in Figure 6 of the report.”

And

“Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands [..].”

Through this letter, DSL demonstrates its concurrence with the findings and recommendations of the Jurisdictional Wetland Delineation prepared by Schott & Associates for this site and supports fill activities for this waterway. This DSL concurrence letter also states in part:

“Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.”

On May 1, 2019, the applicant’s land use consultant emailed DSL Jurisdiction Coordinator Daniel Evans and DSL Aquatic Resource Coordinator Michael DeBlasi related to the Department’s recommendation for consultation regarding site design prior to completing the local land use process. In a follow-up phone conversation with Daniel Evans, Mr. Evans made clear that the Department’s recommendation that the applicant work with Department staff prior to land use approval was standard “boilerplate” language inserted in all of the Department’s concurrence letters. Further, while their boilerplate language indicates otherwise, the Department does not engage in conversations or provide input regarding appropriate site design with the applicant at this point in the process. Rather, this potential conversation only occurs with the Department after the local land use process has been completed and a permit to authorize fill in this location is filed with DSL, or a joint permit to authorize such fill is filed with DSL and the Army Corps of Engineers (ACOE). The applicant accepts this clarifying direction from DSL.

Lot Sales Policy:

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99.10 The City of McMinnville recognizes the value to the City of encouraging the sale of lots to persons who desire to build their own homes. Therefore, the City Planning staff shall develop a formula to be applied to medium and large size subdivisions that will require a reasonable proportion of lots be set aside for owner-developer purchase for a reasonable amount of time which shall be made a part of the subdivision ordinance.

Finding: Policy 99.10 is not applicable to this application but is yet addressed so as to not have the appearance of oversight on the part of the applicant. While Policy 99.10 does not define how many lots comprise a “medium” or a “large” subdivision, a 17 lot subdivision remains on the smaller side of subdivisions given the history of such residential subdivision developments in McMinnville. A recent example of this scale of development not being considered either medium or large, and therefore Policy 99.10 not being either relevant or applied during the land use review and approval process, is the land use application for the 20-lot Heiser Addition residential subdivision (S 1-16), approved by the McMinnville Planning Commission on April 21, 2016, as well as the land use application for the Minor Modification of the Heiser Addition subdivision (S 1-17), approved by the McMinnville Planning Director on June 12, 2017. While the number of proposed and approved lots remained at twenty for this residential project, Policy 99.10 was not found to be applicable to this scale of residential development. Similarly, as this current proposal is for three fewer lots (17 lots rather than 20 lots), this Policy is similarly found to not be applicable to this review.

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

Streets:

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

118.00 The City of McMinnville shall encourage development of roads that include the following design factors:

1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.
2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.
3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.
4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord. 4922, February 23, 2010)



5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist

119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.

122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.

### 3. Local Streets

- Designs should minimize through-traffic and serve local areas only.*
- Street widths should be appropriate for the existing and future needs of the area.*
- Off-street parking should be encouraged wherever possible.*
- Landscaping should be encouraged along public rights-of-way.*

Finding: Goal VI 1 and Policies 117.00, 118.00 (1-5), 119.00 and 122.00(3) are satisfied by this proposal in that each of the proposed lots, with the exception of Lot 13, will abut a local residential public street developed to current City standards with adequate capacity to safely accommodate the expected trip generation resulting from this development and its connection to the surrounding street network; Lot 13 is proposed to be provided access by way of a 15-foot wide private access easement granted across Lot 14 from its right-of-way edge to its western edge for the benefit of Lot 13. Regarding trip generation, development of this site to R-1 standards would likely yield a theoretical maximum of eleven single-family residences. The development currently proposed would add six additional single-family residences to that theoretical maximum dwelling unit number which results in an estimated increase in the overall vehicular traffic impact on the surrounding street network by approximately 57 daily vehicle trips based on the current, 10<sup>th</sup> Edition of the ITE Manual (Institute of Traffic Engineers Trip Generation Manual); it is of value to note that driving from the residence and returning to the residence is defined as two vehicle trips. Local residential public streets are designed with a carrying capacity of 1,200 vehicle trips as identified in Exhibit 2-4 – Complete Streets Design Guidelines of the adopted McMinnville Transportation System Plan. The local residential public street located adjacent to and nearby the subject site have the ability to sufficiently accommodate the total anticipated 161 daily vehicle trips resulting from approval of these zone change and subdivision requests and subsequent construction of the 17 anticipated single family homes.

As residential cul-de-sac streets are discouraged where opportunities for through streets exist, the local residential street proposed within the development will provide a through connection between the intersection of NE Newby Street and NE Hoffman Street and the temporary southerly terminus of NE Buel Drive. The proposed street design will have minimal adverse effects on the characteristic natural northerly and southerly slopes of the site. Since this local street is designed and proposed to be constructed to public local street standards, off-street parking is encouraged and the proposed park strips shall be required to be landscaped and planted with approved street trees in accordance with the

approval of a future street tree planting plan. Providing this missing public street connection to the otherwise interconnected surrounding local public street network will enhance existing opportunities for vehicular, pedestrian and bicycle movement throughout this area.

#### Parking:

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

127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.

Finding: Policies 126.00 and 127.00 are satisfied by this proposal in that off-street parking will be required for all single-family residences as specified by the McMinnville Zoning Ordinance. Such off-street parking (a minimum of two on-site parking spaces for each residence as per 17.60.060(A)(5) of the McMinnville zoning ordinance) shall be incorporated into the design of each single-family residence as a requirement of obtaining building permit approval. It is also the applicant's intent to provide four paved off-street parking spaces for each residence (two-car driveways with two-car garages) which is 200% of that which is required by the applicable standard of the McMinnville Zoning Ordinance.

#### Bike Paths

130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.

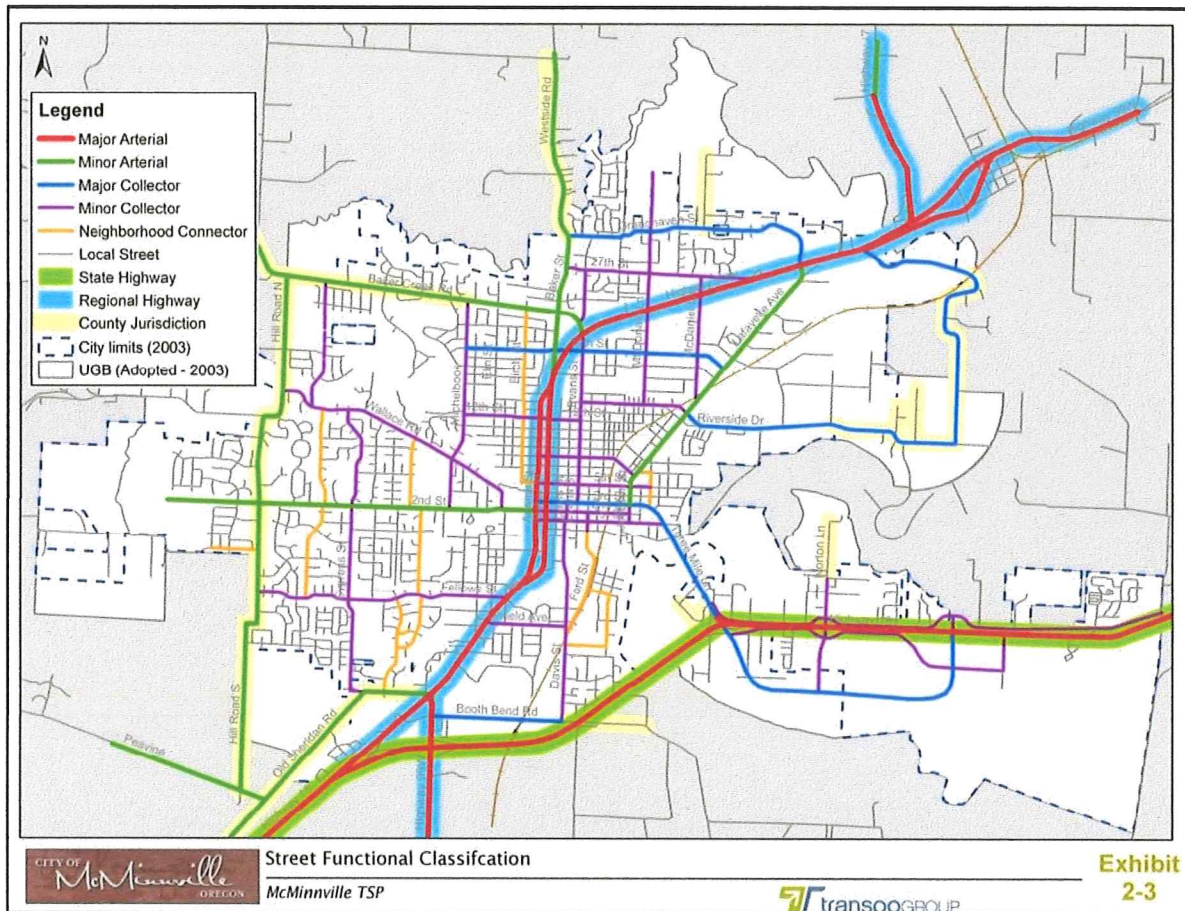
132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.

132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

Finding: Policies 130.00, 132.00 and 132.15 are satisfied by this proposal in that the public sidewalks that will be constructed as part of the required street improvements will provide pedestrian connections within this subdivision and to locations beyond this subdivision including Grandhaven Elementary School which is located one block to the north of the subject site and to the commercial center located across NE 27<sup>th</sup> Street to the south. Public streets designed to implement the requirements of the Bicycle System Plan (Chapter 6) of the McMinnville Transportation System Plan (TSP) provide for enhanced bicycle connection of residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. These design elements of the Bicycle System Plan are specifically applicable to collector and arterial streets and, as identified in Exhibit 2-4 of the TSP (Complete Street Design Standards), are not part of the



street design standards of either Neighborhood Connector or Local Residential streets. Exhibit 2-4 of the McMinnville TSP also states that bike facilities are noted as being Shared Lanes for Neighborhood Connector and Local Residential streets; NE Newby Street adjacent to this site is identified in Exhibit 2-3 (Street Functional Classification) of the McMinnville TSP as a Local Street. The street proposed as part of this application's companion subdivision request is also a Local Street and will accommodate bike facilities in the form of Shared Lanes as prescribed. These referenced exhibits are provided below; these graphics are also available on the City of McMinnville website. By designing and constructing the proposed local residential street to the applicable requirements of the TSP's Complete Streets Design Standards, and by the findings presented above, these Policies have been met.



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# Exhibit 2-4 Complete Streets Design Guideline

# Complete Street Design Standards

			Arterial		Collector		Neighborhood Connector	Local Residential	Alley
Streetscape	Street Profile	Auto/Truck Amenities (lane widths)	Major	Minor	Major	Minor	See Street Width	See Street Width	20 ft.
			2-4 lanes (12 ft.)	2 lanes (11 ft.)	2 lanes (11 ft.)	2 lanes (10 ft.)	None	None	None
			14 ft.	12 ft.	12 ft.	10 ft.	None	None	None
	Bike	Bike Facility	2 Lanes (6 ft.)	2 Lanes (6 ft.)	2 Lanes (5 ft.)	2 Lanes (5 ft.) or Shared Lane	Shared Lane	Shared Lane	None
		Curb-to-curb Street Width	On-Street Parking Two Sides None	na 74 ft.	na 44 ft.	30 or 40 ft. 30 or 40 ft.	28 ft.	28 ft.	Not Apply
	Pedestrian Zone (with ADA requirements)	Pedestrian Amenities	8 ft. Com Sidewalks (both sides) Planter Strips	5 ft. Res 10-12 ft. Com 6 ft. Res na Com	5 ft. Res 10-12 ft. Com 6 ft. Res na Com	5 ft. Res 10-12 ft. Com 6 ft. Res na Com	5 ft.	5 ft.	None
	Traffic Management	Preferred Adjacent Land Use - Intensity	High	Medium to High	Medium	Medium	Medium to Low	Low	Low
		Maximum Average Daily Traffic	32,000	20,000	16,000	10,000	1,200 - 3,000	1,200	500
		Traffic Calming	Not Typical	Not Typical	Not Typical	Permissible/ Not Typical	Permissible/ Not Typical	Typical	Not Typical
		Managed Speed	35 mph	30-35 mph	25-30 mph	25 mph	25 mph	15-25 mph	10 mph
		Through-traffic Connectivity	Primary	Typical	Typical	Typical	Not Typical	Not Permissible	Not Permissible
		Access Control	Yes	Yes	Some	Some	No	No	No
		Maximum Grade	6%	6%	10%	10%	12%	12%	12%
	Right-of-Way:		104 ft.	96 ft.	74 ft.	56 ft. (no bike lane) 66 ft. (bike lane)	50 ft.	50 ft.	20 ft.

## General Design Notes:

- Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. For arterial and collector streets within industrial zones, lane widths shall be 12 feet.
- An absolute maximum bike lane width for safety concerns is 5 ft. on arterial and 4 ft. on collector street, which is expected to occur only in locations where existing development along an established route or other severe physical constraints preclude construction of the preferred facility width.
- Street designs for each development that provide for emergency and fire vehicle access.
- Sidewalks 10-12 feet in width are required in commercial areas to accommodate the Pedestrian zone. Street trees are to be placed in tree wells. Placement of street trees and furniture and business accesses are to meet ADA requirements for pedestrian access.
- Speeds in the urban business district may be 30-35 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges for each Functional Class. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.
- None with on-street parking.

## Street Design Standard Notes:

- Exclusive of side slope easement which may be required in addition for cuts and fills in rough terrain.
- The right-of-way and street width may be varied after consideration of the unique characteristics of the land including geology, topography, unique vegetation, and its relation to land developments already present or proposed in the area.
- The right-of-way, street width, improvement standards, and turnaround radius of corner to industrial cul-de-sacs and streets shall be dependent upon the type of vehicle traffic to be served.
- On-street parking shall be no less than 15 feet. On-street parking shall not be permitted within a 10-foot distance of street intersections and shall be located to the rear of the curb return. Where such a local residential street intersects an arterial, parking along the local street shall not be permitted within 100 feet of the intersection and shall be no less than 15 feet. On-street parking shall not be permitted within 10 feet of the curb return. On-street parking shall be no less than 15 feet. On-street parking shall not be permitted within 10 feet of the curb return. On-street parking shall be no less than 15 feet. On-street parking shall not be permitted within 10 feet of the curb return. On-street parking shall be no less than 15 feet. On-street parking shall not be permitted within 10 feet of the curb return. On-street parking shall be no less than 15 feet. On-street parking shall not be permitted within 10 feet of the curb return. 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## General Design Notes:

- Lane widths shown are the preferred construction standards that apply to existing routes adjacent to areas of new development, and to newly constructed routes. For arterial and collector streets within industrial zones, lane widths shall be 12 feet.
- An absolute minimum bike lane width for safety concerns is 5 ft. on arterial and 4 ft. on collector streets, which is expected to occur only in locations where existing development along an established route or other severe physical constraints preclude construction of the preferred facility width.
- Street design for each development shall provide for emergency and fire vehicle access.
- Sidewalks 10-12 feet in width are required in commercial areas to accommodate the Pedestrian zone. Street trees are to be placed in tree wells. Placement of street trees and furniture and business accesses are to meet ADA requirements for pedestrian access.
- Speeds in the central business district may be 20-25 mph. Traffic calming techniques, signal timing, and other efforts will be used to keep traffic within the desired managed speed ranges for each Functional Class. Design of a corridor's vertical and horizontal alignment will focus on providing an enhanced degree of safety for the managed speed.
- None with on-street parking.

## Street Design Standard Notes:

- Exclusive of side slope easement which may be required in addition for cuts and fills in rough terrain.
- The right-of-way and street width may be varied after consideration of the unique characteristics of the land including topography, geology, unique vegetation, and its relation to land developments already present or proposed in the area.
- The right-of-way, street width, improvement standards, and turnaround radius of commercial industrial cul-de-sacs and streets shall be dependent upon the types of vehicle traffic to be served.
- For proposed streets to be placed on a lot less than 25 feet, on-street parking shall not be permitted within a 10-foot distance of the street intersection and from the beginning of a turn system. The use of a local residential street intersection on arterial parking along the local street shall not be permitted within 100 feet of the intersection and from the beginning of a turn system.
- Sidewalks and planter strips shall not be required along eyleshores.
- For cul-de-sacs greater than 300 feet in length, fire hydrants may be required to be installed at the end of the bulb and appropriately spaced along the throat of the cul-de-sac as determined by the McMinnville Fire Department.

## Connectivity and Circulation:

**132.26.05** New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map. (Ord. 4922, February 23, 2010)

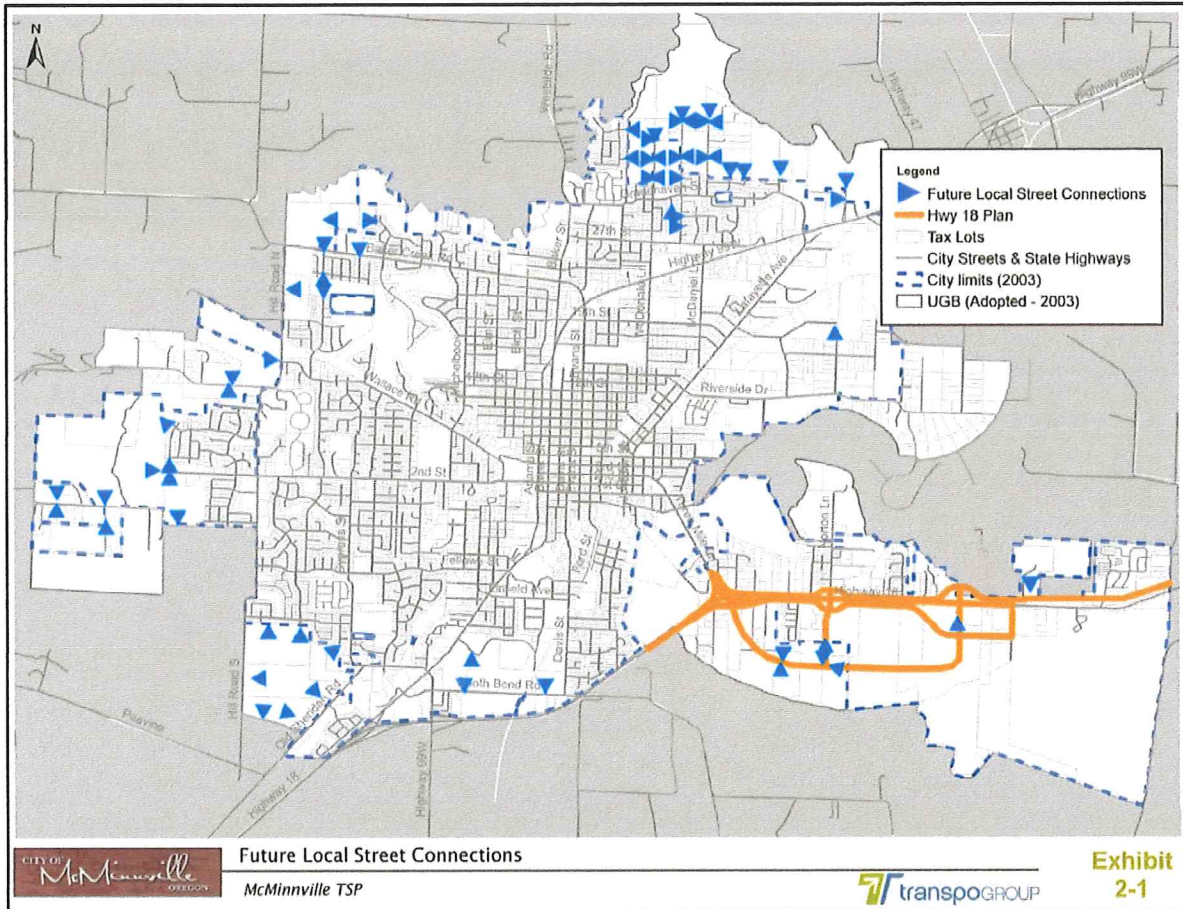
**Finding:** Policy 132.26.05 is satisfied by this proposal in that the new street connections and the associated pedestrian and bicycle features prescribed by City requirements and provided in this proposal and its exhibits are consistent with the applicable local street connectivity elements outlined in the McMinnville Transportation System Plan (TSP) and administered by the City. The connection of the intersection of NE Newby Street and NE Hoffman Street with the temporary southerly terminus of NE Buel Drive proposed by this application's companion subdivision request and tentative subdivision plan is specifically identified on the Future Local Street Connections graphic identified in McMinnville's TSP as Exhibit 2-1 (provided below for graphic reference) and is implemented by this proposal.

Leonard Johnson  
Zone Change / Subdivision

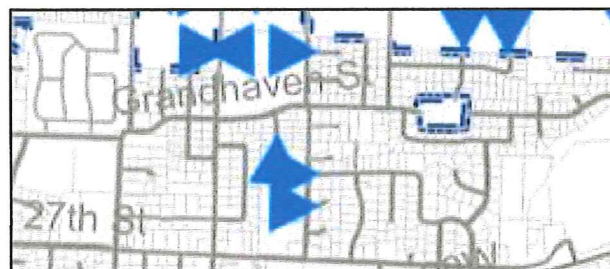
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Enlarged portion of the Future Local Street Connections map provided above showing the intended connection of the NE Newby Street and NE Hoffman Street intersection with the temporary southerly terminus of NE Buel Drive:



Supportive of General Land Use Plan Designations and Development Patterns -- Policies:

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132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand - both short-term and long-term planned uses.

Finding: Policy 132.27.00 is satisfied by this proposal in that the proposed transportation facilities reflect and support the Residential land use designation of the site as identified on the McMinnville Comprehensive Plan Map and support the development patterns within the surrounding area as identified and addressed within this proposal and these Findings. The proposed transportation facilities and services are appropriate to serve the needs of the proposed development and are supportive of adjacent neighborhoods as determined by the City's adopted standards identified in this submitted proposal and its Findings and Exhibits.

Public Safety:

132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system (Ord. 4922, February 23, 2010)

Finding: Policy 132.32.00 is satisfied by this proposal by the construction of the proposed local street connecting NE Newby Street with the temporary southerly terminus of NE Buel Drive. This connection would allow entry into the proposed subdivision from two directions; from its eastern edge and from its northern edge. This street dedication and improvement will also allow for the removal of the temporary vehicle barricade currently installed on NE Buel Drive thereby allowing improved fire, medical and police vehicle circulation and access times within this area.

Livability:

132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways. (Ord. 4922, February 23, 2010)

Finding: Policy 132.35.00 is satisfied by this proposal in that the City's transportation design and construction standards and requirements have been adopted to satisfy and implement this and other related Comprehensive Plan policies, and to preserve and enhance livability in McMinnville. Through this proposal's compliance and implementation of these applicable policies, standards and requirements and those applicable portions of the City's adopted Transportation System Plan as addressed by this proposal and findings of fact, this Policy is satisfied.

Circulation -- Policies:



132.41.00 Residential Street Network – A safe and convenient network of residential streets should serve neighborhoods. When assessing the adequacy of local traffic circulation, the following considerations are of high priority:

1. Pedestrian circulation,
2. Enhancement of emergency vehicle access,
3. Reduction of emergency vehicle response times,
4. Reduction of speeds in neighborhoods, and
5. Mitigation of other neighborhood concerns such as safety, noise, and aesthetics. (Ord. 4922, February 23, 2010)

132.41.05 Cul-de-sac streets – Cul-de-sac streets in new development should only be allowed when connecting neighborhood streets are not feasible due to existing land uses, topography, or other natural and physical constraints. (Ord. 4922, February 23, 2010)

132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)

132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)

132.41.30 Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods. (Ord. 4922, February 23, 2010)

Finding: Policies 132.41.00, 132.41.05, 132.41.20, 132.41.25 and 132.41.30 are satisfied by this request in that the proposed street pattern provides a safe, interconnected and efficient connection of existing residential streets to serve both the proposed and adjacent existing residential neighborhoods. There are no arterial or collector streets within or adjacent to this development site. The proposed street system is designed to promote a balance of safe and efficient movement of vehicles, pedestrians and bicycles as required by the McMinnville TSP and as required by the applicable portions of the McMinnville Zoning Ordinance Chapter 17.53 (Land Division Standards) which are further addressed in Findings provided below relative to this request's companion subdivision application. Vehicular access to the adjacent street system promotes safe street connectivity to the surrounding transportation network. Additionally, the vehicular travel speed through this site is based on an adopted street classification scheme identified in the adopted McMinnville TSP. The proposed street is designed as a local residential street and, as such, is limited to a legal vehicular travel speed of 25 miles per hour as is the vehicular travel speed of the local residential streets in the adjacent residential neighborhoods. This residential vehicle speed limitation and the adopted local street design standards have been successful in McMinnville in mitigating matters related to noise, pedestrian and bicycle movement, and aesthetics as can be seen in the adjacent residential

neighborhoods. This proposed local residential street connection also implements and supports Policy 118.00(5) and McMinnville's Future Local Street Connections plan (Exhibit 2-1 of McMinnville's TSP) as addressed elsewhere in these Findings.

Additional information relative to potential concerns related to safety are found in Chapter 4 of the McMinnville TSP; Chapter 4 then refers to Appendix I of the TSP to provide details and address implementation. Appendix I provides the specifics of the Neighborhood Traffic Calming Program (NTCP) which provides three major types of traffic calming devices for local residential streets: vertical deflection, horizontal deflection, and obstruction. The Program outlines policies and procedures by which problem areas are studied and possible neighborhood traffic calming measures are identified and applied as warranted by the findings of the study.

It is understood that street safety concerns have been previously voiced by members of the public to the City regarding the existing curvature of NE Grandhaven Street adjacent to Grandhaven Elementary School and the intersection design of NE Grandhaven Street and NE Buel Drive. It is relevant to note that NE Grandhaven Drive is identified on McMinnville's Street Functional Classification Map (TSP, Exhibit 2-3) as a Major Collector street, but that streets so classified are not the stated primary focus of the TSP's Neighborhood Traffic Calming Program. To date, the City has not found implementation of any such traffic calming devices being warranted relative to either the residential development of the subject site and the proposed dedication and construction of a local connecting through street, or that would be applied to neighborhood/local streets within the adjacent surrounding neighborhoods. Any potential future modifications to the alignment or functioning of NE Grandhaven Street or any other existing streets are beyond the scope of this proposal.

#### Neighborhood Traffic Management

132.43.05 Encourage Safety Enhancements – In conjunction with the residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements:

1. Traffic circles;
2. Painted or raised crosswalks (see also recommended crosswalk designation in Chapter 4);
3. Landscaping barriers between roadway and non-motorized uses;
4. Landscaping that promotes a residential atmosphere;
5. Sidewalks and trails; and
6. Dedicated bicycle lanes. (Ord. 4922, February 23, 2010)

132.43.10 Limited Neighborhood Cut-Through Traffic – Local residential streets should be designed to prevent or discourage their use as shortcuts for through traffic. Local traffic



control measures should be coordinated with the affected neighborhood. (Ord. 4922, February 23, 2010)

Findings: Policies 132.43.05 (1-6) and 132.43.10 are satisfied by the proposal for Findings previously provided addressing Policies 132.41.00, 132.41.05, 132.41.20, 132.41.25 and 132.41.30 above. In addition, traffic circles (or roundabouts) are specific traffic control and enhancement design solutions for application in specific circumstances warranting their construction. Two possible traffic circles locations were identified in McMinnville's adopted Transportation System Plan (TSP) Appendix D – TSP Project Summaries to potentially be located along SW Fellows Street and along NW Baker Creek Road. More recently, McMinnville's first two traffic circles have been constructed at the intersections of NW Hill Road and NW Baker Creek Road, and NW Hill Road and NW Wallace Road. The construction and dedication of the currently proposed local residential street does not warrant the construction of a traffic circle.

The proposed local residential street is shown on the attached graphic exhibits to be designed with a five-foot wide curbside planter strip separating the roadway from the non-motorized uses along both sides of the future right-of-way dedication. These planter strips will be landscaped to promote a residential atmosphere as approved by the McMinnville Landscape Review Committee upon submittal and successful review and approval of such a landscape plan.

#### Environmental Preservation:

132.46.00 Low impact street design, construction, and maintenance methods should be used first to avoid, and second to minimize, negative impacts related to water quality, air quality, and noise in neighborhoods. (Ord. 4922, February 23, 2010)

Finding: Policy 132.46.00 is satisfied by the proposal in that the street design, construction and maintenance methods required by the City were adopted to, in part, implement each element of this policy. These design, construction and maintenance methods administered by the City are satisfied as demonstrated in this proposal and as will be adhered to through the entirety of the design, construction, inspection and approval process prior to the platting of this subdivision.

Additionally, drainage that crosses this site in a generally west to east direction is proposed to be conveyed underground from the site's western to eastern extent with the associated flow volume entering the City's underground storm system at catch basins existing in the NE Newby Street right-of-way. This drainage ditch is identified as a tributary to the North Yamhill River and an associated Jurisdictional Wetland Delineation prepared by Schott & Associates have been reviewed by the Oregon Department of State Lands which subsequently issued a concurrence letter in support of that analysis. Should these land use requests be approved, a joint permit application will be filed with DSL and the Army Corps of Engineers for approval, followed by submittal of the approval to the City of McMinnville, prior to any such work occurring affecting this feature of the site. For additional discussion and Findings relative to the avoidance of negative impacts to water quality, please see the response provided above at Policy 99.00 (1-5) and Exhibits 3 and 4.

132.46.05: Conservation – Streets should be located, designed, and improved in a manner that will conserve land, materials, and energy. Impacts should be limited to the minimum necessary to achieve the transportation objective. (Ord. 4922, February 23, 2010)

Finding: This Policy is satisfied through this proposal's compliance with the applicable elements of the McMinnville Transportation System Plan and the McMinnville Zoning Ordinance as addressed in these Findings. The streets are proposed to be located in an efficient manner as described in this proposal and designed in a manner compliant with all City requirements for local residential streets as shown in the attached Exhibits and as shall be required by associated conditions of approval should this request be approved.

Additionally, and as noted in the Finding provided for Policy 132.46.00 above, drainage that crosses this site in a generally west to east direction is proposed to be conveyed underground from the site's western to eastern extent with the associated flow volume entering the City's underground storm system at catch basins existing in the NE Newby Street right-of-way. This drainage ditch is identified as a tributary to the North Yamhill River and an associated Jurisdictional Wetland Delineation prepared by Schott & Associates have been reviewed by the Oregon Department of State Lands which subsequently issued a concurrence letter in support of that analysis. Should these land use requests be approved, a joint permit application will be filed with DSL and the Army Corps of Engineers for approval, followed by submittal of the approval to the City of McMinnville, prior to any such work occurring affecting this feature of the site. For additional discussion and Findings relative to this element of the proposal, please see the response provided above at Policy 99.00 (1-5) and Exhibits 3 and 4.

#### Pedestrian Programs

132.54.00: Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community. (Ord. 4922, February 23, 2010)

Finding: Policy 132.54.00 is satisfied by this proposal in that, should this proposal be approved, the City will have demonstrated support and encouragement for efforts that promote health, and environmental benefits of walking for the individual and the McMinnville community. This would be achieved by the City's support for the creation of the proposed local residential street connecting NE Newby Street with the temporary southerly terminus currently in place on NE Buel Drive. The pedestrian connection created by this proposed local street and sidewalk system will enhance pedestrian circulation within this residential portion of the city. A municipal endorsement of this street connection through the approval of this proposal not only promotes walking for health and community livability, but also helps to preserve a more healthy environment by providing an additional opportunity for pedestrian and bicycle movement as opposed to vehicular movement.

GOAL VII.1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT



WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMINNVILLE URBAN GROWTH BOUNDARY.

Sanitary Sewer System:

136.00 The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.

139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines within the framework outlined below:

1. Sufficient municipal treatment plant capacities exist to handle maximum flows of effluents.
2. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.
3. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized.
4. Extensions will implement applicable goals and policies of the comprehensive plan.

Storm Drainage:

142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

Water System:

144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.

145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

1. Facilities are placed in locations and in such a manner as to insure compatibility with surrounding land uses.
2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.

3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.
4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.

147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

Water and Sewer -- Land Development Criteria:

151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:

1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.
2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.
3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.
4. Federal, state, and local water and waste water quality standards can be adhered to.
5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.

Finding: Goal VII 1 and Policies 136.00, 139.00 (1-4), 142.00, 143.00, 144.00, 145.00 (1-4), 147.00 and 151.00 (1-5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to sufficiently accommodate flow resulting from development of this site as proposed. The City's administration of all municipal water and sanitary sewer systems guarantees adherence to federal, state, and local quality standards. The City of McMinnville is required to continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated



provision of utilities to developing areas and in making land-use decisions. Additionally, the subject site will be converted in an orderly manner to urbanizable standards through the coordinated extension of utilities (Exhibit 2), and as shall be conditioned through approval of this zone change and residential subdivision development proposal.

Specific to the proposed underground stormwater distribution system and the characteristics of and impact on the open ditch system currently existing on the site, please also refer to additional discussion and findings provided for Policy 99.00 above and the associated referenced Exhibits.

Police and Fire Protection:

153.00 The City shall continue coordination between the planning and fire departments in evaluating major land use decisions.

155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.

Finding: Policies 153.00 and 155.00 are satisfied in that emergency service departments will be provided the opportunity to review this proposal. Additionally, public street access will be provided directly to every lot, or through a compliant private access easement relative to Lot 13, within this proposed tentative subdivision plan on streets designed to meet all applicable City of McMinnville requirements.

Parks and Recreation:

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOYMENT OF ALL CITIZENS OF THE COMMUNITY.

163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

163.05 The City of McMinnville shall locate future community and neighborhood parks above the boundary of the 100-year floodplain. Linear parks, greenways, open space, trails, and special use parks are appropriate recreational uses of floodplain land to connect community and other park types to each other, to neighborhoods, and services, provided that the design and location of such uses can occur with minimum impacts on such environmentally sensitive lands. (Ord. 4840, January 11, 2006)

166.00 The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.

167.00 The City of McMinnville shall encourage the retention of open space and scenic areas throughout the community, especially at the entrances to the City.

168.00 Distinctive natural features and areas shall be retained, wherever possible, in future urban developments.

169.00 Drainage ways in the City shall be preserved, where possible, for natural areas and open spaces and to provide natural storm run-offs.

170.05 For purposes of projecting future park and open space needs, the standards as contained in the adopted McMinnville Parks, Recreation, and Open Space Master Plan shall be used. (Ord. 4796, October 14, 2003)

Finding: Goal VII 3 and Policies 163.00, 163.05, 166.00, 167.00, 168.00, 169.00 and 170.05 are satisfied in that park fees shall be paid for each housing unit at the time of each building permit application as required by McMinnville Ordinance 4282, as amended. There is no portion of this site that is located within the 100-year floodplain for utilization as greenways or special use parks, nor are there distinctive natural features or areas that should be retained as open space; for additional detail regarding natural features please refer to the discussion and Findings provided at Policy 99.00 above and the associated Exhibits. The once natural drainageway that traverses this site has, for many years, been the recipient of collected stormwater from adjacent residential development that empties into this drainage ditch by way of an open 30-inch diameter pipe at the site's western edge. It is proposed to fill this ditch and convey this stormwater underground (and largely to be located within the proposed public right-of-way) to the existing stormwater conveyance system located within the NE Newby Street right-of-way adjacent to the eastern edge of this site. Additionally, while the McMinnville Parks, Recreation, and Open Space Master Plan does not call for the development of a community or neighborhood park in this location, this site is well served by utilization of the recreational space provided by Grandhaven Elementary School located one block to the north and the public Chegwyn Farms Neighborhood Park located approximately 1,000 feet (about 0.19 miles) northwest of the subject site.

GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.

Energy Supply Distribution:

173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.

177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Findings: Goal VIII 1 and Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas will be provided opportunity to review and comment regarding this proposal prior to the issuance of the Planning Department's staff report.

Goal VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.



Energy Conservation:

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

Finding: Goal VIII 2 and Policy 178.00 are satisfied by this request as the development proposes a compact form of urban development commensurate with the requested R-3 zoning designation of the subject site and by allowing smaller attached single-family residential lots where practicable based on the size and shape of the site in addition to the dedication of public right-of-way necessary to provide sufficient and required connectivity through this site.

All of the lots designed for single-family detached use meet or exceed the 6,000 square foot minimum lot size as required by the R-3 zone. The combined square footage of the two lots designed and proposed for single-family attached use is 8,937 square feet which exceeds the 8,000 square foot minimum as prescribed by the R-3 zone (Exhibit 5) and 17.18.010 (C)(3) of the McMinnville Zoning Ordinance. Utilities presently abut the site and can be extended in a cost effective and energy efficient manner commensurate with this proposal and as shall be required as conditioned by approval of the associated subdivision request.

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

Finding: Goal IX 1 is satisfied in that the subject site is located within both the McMinnville urban growth boundary and the McMinnville city limits and so identified for urban development according to applicable standards and requirements. As stated in Policy 71.00, all residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map. Additionally, all urban services are currently available and adjacent to the site making the conversion of this site to urban uses orderly and timely.

Citizen Involvement:

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Goals X 1, X 2, and Policy 188.00 are satisfied in that the City of McMinnville has adopted a Neighborhood Meeting program that requires that the applicant of most types of land use applications to hold at least one public Neighborhood Meeting prior to submittal of a land use application; this is further addressed under findings relative to McMinnville Zoning Ordinance Section 17.72.095 addressed in the Findings for the companion subdivision application below. Additionally, the City of McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request at an advertised public hearing. All members of the public with standing are afforded the opportunity to provide testimony and ask questions as part of the public review and hearing process.

6. The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) provide criteria applicable to the request:

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

Finding: Section 17.03.020 is satisfied by this request for the reasons enumerated in Conclusionary Findings for Approval No. 1, 2, 3, 4 and 5.

17.72.095 Neighborhood Meetings

- A. A neighborhood meeting shall be required for:

1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:
  - a. Comprehensive plan text amendment; or
  - b. Zoning ordinance text amendment; or
  - c. Appeal of a Planning Director's decision; or
  - d. Application with Director's decision for which a public hearing is requested.
2. Tentative Subdivisions (up to 10 lots)
3. Short Term Rental

Finding: As the proposed applications are not those listed in this Section, a neighborhood meeting is required and has been held as evidenced by the materials provided in this application, Findings and Exhibits. This requirement is met.

- B. Schedule of Meeting.



1. The applicant is required to hold one neighborhood meeting prior to submitting a land use application for a specific site. Additional meetings may be held at the applicant's discretion.
2. Land use applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.

Finding: One neighborhood meeting was held prior to the submittal of this land use application for the subject site. The neighborhood meeting was held on Tuesday, January 29, 2019, and this land use application has been received by the City within 180 days of January 29, 2019. This requirement is met.

#### C. Meeting Location and Time.

1. Neighborhood meetings shall be held at a location within the city limits of the City of McMinnville.
2. The meeting shall be held at a location that is open to the public and must be ADA accessible.
3. An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend.
4. The starting time for the meeting shall be limited to weekday evenings between the hours of 6 p. and 8 p. or Saturdays between the hours of 10 a. and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes after the scheduled starting time for the neighborhood meeting, the applicant may leave.

Finding: The neighborhood meeting was held at 6:00 p.m. on Tuesday, January 29, 2019 which is not a day recognized by the United States Federal Government as a national holiday. The neighborhood meeting was held in the Fellowship Hall of the Adventure Christian Church which is located within the city limits of the City of McMinnville. Both the Adventure Christian Church and the Fellowship Hall of the church are ADA accessible. An 8 ½ x 11" sign was posted on the entry door of the building before the meeting announcing the meeting, stating that the meeting is open to the public and that interested persons are invited to attend (Exhibit 6). These criteria are met.

#### D. Mailed Notice.

1. The applicant shall mail written notice of the neighborhood meeting to surrounding property owners. The notices shall be mailed to property owners within certain distances of the exterior boundary of the subject property. The notification distances shall be the same as the distances used for the property owner notices for the specific land use application that will eventually be applied for, as described in Section 17.72.110.
2. Notice shall be mailed not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
3. An official list for the mailed notice may be obtained from the City of McMinnville for an applicable fee and within 5 business days. A mailing list may also be obtained from other sources such as a title company, provided

that the list shall be based on the most recent tax assessment rolls of the Yamhill County Department of Assessment and Taxation. A mailing list is valid for use up to 45 calendar days from the date the mailing list was generated.

4. The mailed notice shall:
  - a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.
  - b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed land use request)
  - c. Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development.
  - d. Include a conceptual site plan.
5. The City of McMinnville shall be included as a recipient of the mailed notice of the neighborhood meeting.
6. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.

Finding: The neighborhood meeting notice was mailed to the City of McMinnville Planning Department and to property owners located within 300 feet of the exterior boundary of the subject property (as required by McMinnville Zoning Ordinance 17.72.120(F)) on January 7, 2019 which was not fewer than 20 calendar days nor more than 30 calendar days prior to the January 29, 2019 date of the neighborhood meeting (Exhibit 7). The official list for the mailed notice (Exhibit 8) was obtained from First American Title in McMinnville on January 7, 2019 and was then utilized to mail the neighborhood meeting notice within the 45-day window of validity for the official mailing list. The mailed neighborhood meeting notice contained the date, time and location of the neighborhood meeting and an invitation for people to converse with the applicant regarding the proposal. Also included in the notice was a brief description of the proposal including the proposed housing type, proposed type and number of lots (single-family residential), proposed range of lot sizes and the average lot size and a statement that the residences may be either single or two-story in design. The mailed neighborhood meeting notice also included a copy of a Google Map vicinity map that clearly identified the location of the proposed development in addition to the inclusion of a tentative subdivision plan showing the lot layout. Therefore, these requirements are met.

#### E. Posted Notice.

1. The applicant shall also provide notice of the meeting by posting one 18 x 24" waterproof sign on each frontage of the subject property not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
2. The sign(s) shall be posted within 20 feet of the adjacent right-of-way and must be easily viewable and readable from the right-of-way.
3. It is the applicant's responsibility to post the sign, to ensure that the sign remains posted until the meeting, and to remove it following the meeting.
4. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.



Finding: Two 18 x 24" waterproof signs notifying individuals of the January 29, 2019 neighborhood meeting were posted in easily viewable and readable locations. Specifically, those signs were posted on the site near the southern temporary terminus of NE Buel Drive, and on the northern portion of the site's eastern edge along NE Newby Street (Exhibit 9) not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting. Leonard Johnson has made every effort to ensure that the signs remained posted until the neighborhood meeting. These requirements are satisfied.

F. Meeting Agenda.

1. The overall format of the neighborhood meeting shall be at the discretion of the applicant.
2. At a minimum, the applicant shall include the following components in the neighborhood meeting agenda:
  - a. An opportunity for attendees to view the conceptual site plan;
  - b. A description of the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities, proposed building size and height, proposed access and parking, and proposed landscaping, buffering, and/or protection of natural resources;
  - c. An opportunity for attendees to speak at the meeting and ask questions of the applicant. The applicant shall allow attendees to identify any issues that they believe should be addressed.

Finding: An agenda for the neighborhood meeting was prepared (Exhibit 10) and provided to attendees of the neighborhood meeting that included an opportunity for attendees to view the tentative subdivision plan. The agenda also indicated that a description of the proposal including the major elements of the plan as well as an opportunity for attendees to speak at the meeting and ask questions of Leonard Johnson or his representative(s) and communicate any issues that they believe should be addressed. These requirements have been met.

G. Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:

1. A copy of the meeting notice mailed to surrounding property owners;
2. A copy of the mailing list used to send the meeting notices;
3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;
4. One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and
5. Notes of the meeting, which shall include:
  - a. Meeting date;
  - b. Meeting time and location;
  - c. The names and addresses of those attending;
  - d. A summary of oral and written comments received; and

- e. A summary of any revisions made to the proposal based on comments received at the meeting. (Ord. 5047, §2, 2018, Ord. 5045 §2, 2017).

**Finding:** Evidence of compliance with 17.72.095 (G(1-5(a-e))) above is provided by the Exhibits listed above and those presented at the January 29, 2019 Neighborhood Meeting attached to this proposal (Exhibit 11 – Zone Change Graphic, Exhibit 12 - Tentative Subdivision Plan Handout, Exhibit 13 – Overall Utility Plan Handout, and Exhibit 14 – House Examples). In addition, large versions of Exhibits 10 and 11 mounted to foam core boards were also on display at this meeting. Also provided as evidence of compliance with these requirements are the names and contact information as shared by those attendance at the Neighborhood Meeting (Exhibit 15), and a summary of oral and written comments received at the Neighborhood Meeting; there were no revisions made to the proposed plan based on comments received at the meeting (Exhibit 16). These requirements are satisfied.

#### 17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria.

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**Finding:** The proposed zone change request to amend the zoning designation of the subject site from R-1 (Single-Family Residential) to R-3 (Two-Family Residential) is consistent with the goals and policies of the McMinnville Comprehensive Plan presented above in these conclusionary Findings for approval.

The development pattern in the area surrounding the subject site includes all base zoning designations available within the Residential Comprehensive Plan designation (R-1, R-2, R-3 and R-4) within approximately 325-feet of the subject site and with land with base



zoning designations of R-1, R-2 and R-3 being located directly adjacent to or across the street from the subject site. This pattern of adjacent and surrounding zoning designations can be graphically seen in Section II (Site Description) of this application. Given the adjacent and surrounding land uses and zoning pattern, the proposed zone change request is orderly. Also, given the City's current deficit of Residentially Planned land available to meet projected housing needs, and the ability of the site to be served by all requisite utilities and City services, the proposed zone change request to a residential zoning designation of a slightly higher density is timely. The proposed single-family residential use of the site described by this zone change requests' companion subdivision request will complement the variety of other residential development in the immediate area and within very close proximity to Grandhaven Elementary School. This proposal is also consistent with the existing Comprehensive Plan designation for this site.

Criterion "B" of this review standard does not apply when the proposed request concerns needed housing ("needed housing" defined at ORS 197.303). Table B-11 of Appendix B of the adopted McMinnville Buildable Land Needs Analysis and Growth Management Plan demonstrates that McMinnville has a deficit of 432 R-3 zoned acres needed to meet future projected housing needs; the year 2020 was the identified planning horizon for this projection. While numerous zone changes have been approved by the City since adoption of that 2001 Plan, there still remains a deficit of R-3 zoned land within the city limits of McMinnville; with that Plan identifying a total net acre residential land deficit of 1,082 acres, all residential zoning designations currently remain in deficit except, perhaps, for the R-1 zoning designation. Approval of this zone change request would reduce the remaining R-3 zoned land deficit by approximately 2.93 acres. Even though this zone change request is exempt from this criterion as identified in 17.74.020 above, this information is yet informative.

Utility and Service Provision: This area is well served by existing municipal sanitary and storm sewer systems as well as other public utilities as detailed in Findings provided above. At the time of development of this site, should these companion requests be approved, all necessary utilities and improvements will be required to be completed in compliance with existing requirements and as articulated in the forthcoming associated conditions of approval for these requests.

Street System: The subject site is located immediately adjacent to NE Newby Street at the site's eastern edge and the temporary southerly terminus of NE Buel Drive at the site's northern edge. Both of these streets are designated as local residential public streets and are compatible with the proposed dedication of public right-of-way and construction of the continuation of the residential public street network to extend through this site. These criteria have been met.

## **V. Conclusionary Findings for Approval of the requested Subdivision**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Tentative Subdivision are specified in Section 17.53.070 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

1. Leonard Johnson is requesting approval of:

- A tentative residential subdivision plan on approximately 2.93 acres of land that, if approved, would provide opportunity for the construction of 17 single-family homes.
2. The subject site is approximately 2.93 acres in size and is generally located north of NE 27<sup>th</sup> Street, south of NE Grandhaven Street and west of NE Hoffman Street and is more specifically described as R4409DC 01100. The site is currently zoned R-1 (Single-Family Residential) and designated as Residential on the McMinnville Comprehensive Plan Map.
3. Sanitary sewer and municipal water and power can sufficiently serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected flows resulting from development of the property as proposed. Northwest Natural Gas, Comcast, McMinnville School District 40 and the McMinnville Police and Fire Departments can also sufficiently serve this site.
4. The subject request complies with the applicable Goals, Policies, and Proposals of Volume II of the McMinnville Comprehensive Plan.

Those applicable Goals, Policies, and Proposals that are found to be applicable to this subdivision request are as listed below:

- Goals
  - o II 1
  - o V 1
  - o V 2
  - o VI 1
  - o VII 1
  - o VII 3
  - o VIII 1
  - o VIII 2
  - o IX 1
  - o X 1
  - o X 2
- Policies
  - o 2.00
  - o 5.00
  - o 9.00
  - o 12.00
  - o 58.00
  - o 68.00

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- o 71.00
- o 71.05
- o 71.09 (1-6)
- o 71.10 (1-6)
- o 79.00
- o 80.00
- o 81.00
- o 82.00
- o 83.00
- o 99.00 (1-5)
- o 99.10
- o 117.00
- o 118.00 (1-5)
- o 119.00
- o 122.00 (3)
- o 126.00
- o 127.00
- o 130.00
- o 131.00
- o 132.00
- o 132.15
- o 132.26.05
- o 132.27.00
- o 132.32.00
- o 132.35.00
- o 132.41.00 (1-5)
- o 132.41.05
- o 132.41.20
- o 132.41.25
- o 132.41.30
- o 132.43.05 (1-6)
- o 132.43.10
- o 132.46.00
- o 132.46.05
- o 132.54.00
- o 136.00
- o 139.00 (1-4)
- o 142.00
- o 143.00
- o 144.00
- o 145.00 (1-4)
- o 147.00
- o 151.00 (1-5)
- o 153.00
- o 155.00
- o 163.00
- o 163.05
- o 168.00
- o 169.00





- o 170.05
- o 173.00
- o 177.00
- o 178.00
- o 188.00

The full text of these elements of Volume II of the McMinnville Comprehensive Plan and their associated Conclusionary Findings for Approval as provided in Section IV (Conclusionary Findings for Approval of the requested Zone Change) above and are hereby by this reference incorporated in this Section (Section V – Conclusionary Findings for Approval of the Requested Subdivision) as applicable to this subdivision request.

5. The subject request complies with the applicable requirements of the McMinnville Zoning Ordinance (Ord. No. 3380) as follows:

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

Finding: Section 17.03.020 is satisfied by this request for the reasons enumerated in Conclusionary Findings for Approval No. 1, 2, 3 and 4.

#### 17.18 R-3 Two-Family Residential Zone

17.18.010 Permitted uses. In an R-3 zone, the following uses and their accessory uses are permitted:

A. Single-family dwelling

C. A single-family dwelling having a common wall with one other single-family dwelling, provided:

1. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot.
2. The two dwellings shall have a common wall at the “zero” lot line.
3. Both lots combined comprise not less than eight thousand square feet in area. There is no minimum lot area for the individual lots created.
4. Lot area and setback requirements will apply to the combined dwelling units as one structure and the combined lots as one lot.
5. Each dwelling unit must have independent services which include, but are not limited to sewer, water and electricity.
6. The common wall shall be a fire wall, and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.

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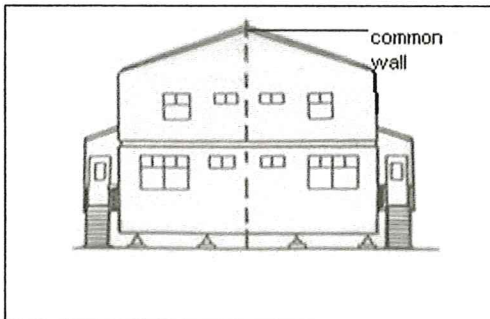


7. Common wall, single-family structures shall be required to provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.
8. Existing duplexes will be allowed to be converted to common wall, single-family units if they meet the provisions of this title and were constructed after January, 1974.

Findings: These criteria are satisfied by this proposal in that it is the stated intent of this proposal to construct only site built single-family residences within this subdivision. Fifteen of the residences will be single-family detached residences and will be constructed on lots designed for single-family detached use. Two of the residences will be single-family attached residences and will be constructed on lots designed for single-family attached use (Lots 4 and 5).

With regard to the two single-family attached residences, the dwellings shall be situated on legally subdivided lots and shall have a common wall at the "zero" lot line. The common wall between these two residences shall be a wall that is considered part of both dwellings such as the common wall between rooms in each dwelling that are designed for occupancy; this does not include common walls in locations such as attached storage sheds for example because storage sheds are not designed for occupancy. While the McMinnville Zoning Ordinance does not provide any minimum distance, percentage of wall distance or percentage of elevation length that must be attached, Figure 7 (below) of Chapter 17.06 (Definitions) of the Zoning Ordinance provides a general visual reference of residential "common wall construction." [This graphic does not visually represent the single-family attached residences to be constructed on Lots 4 and 5, but rather simply graphically indicates the concept of single-family attached residences.]

**Figure 7**



The combined proposed square footage of Lots 4 and Lot 5 totals 8,937 square feet (Exhibit 5) which exceeds the minimum lot area requirement of two common wall (single-family attached) residences of 8,000 square feet prescribed by the R-3 zoning requirement (17.18.010(C)(3)). The setback requirements to be applied to each of these two lots shall

be the same as are applicable to all other single-family lots in this subdivision with the exception of having a zero lot line at the shared common wall lot line of the two residences; all setbacks will be reviewed by the City as part of the forthcoming building permit application review process prior to construction permits being issued for each lot in the proposed neighborhood. It shall also be required that each of the two dwelling units shall have independent services which include, but are not limited to sewer, water and electricity. These two residences shall provide a sound barrier at the common wall which has a sound transmission class rating of not less than fifty as per the Uniform Building Code as adopted by the State of Oregon and shall be reviewed as part of the forthcoming review process prior to construction permits being issued for these two residences. The building technique used to achieve the sound barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified. In addition, the common wall shall be required to be a fire wall constructed to insure fire protection as per the Uniform Building Code as adopted by the State of Oregon.

17.18.030 Lot size. In an R-3 zone, the lot size shall not be less than six thousand square feet except as provided in Section 17.18.010 (C) of this ordinance. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: This criterion is satisfied as all lots, with the exception of Lots 4 and 5 as discussed above in Findings provided at 17.18.10, either meet or exceed the minimum lot size of 6,000 square feet (Exhibit 5). Since Lot 14 is crossed by an access easement for the benefit of Lot 13 it is important to address lot size for this lot individually.

Lot 14 is designed with a gross proposed lot size of 6,813 square feet. However, the definition of "lot area" found in Chapter 17.06 (Definitions) of the McMinnville Zoning Ordinance states:

"The total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads and easements for access to other property except as otherwise provided in this title. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968). For purposes of zoning and density calculations on lots that have more than one zone or plan designation, the lot area is calculated separately for each zoned or planned areas."

When this definition of lot area is applied to Lot 14, the access easement area of 813 square feet cannot be counted toward the minimum size of Lot 14. When this access easement area is removed from Lot 14's gross lot area of 6,813 square feet, the "usable" area of Lot 14 for this lot size calculation purpose is 6,000 square feet which complies with the minimum lot size requirement for a single-family detached residential lot in the R-3 zone.

Additionally, Section 17.18.010(C) referenced by this standard (17.18.030) speaks to single-family common-wall (attached) dwellings and is addressed in the Findings provided for 17.18.010(C) above.

17.18.040 Yard requirements. In an R-3 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:



- A. A front yard shall not be less than fifteen feet;
- B. A rear yard shall not be less than twenty feet;
- C. A side yard shall not be less than seven and one-half feet, except an exterior side yard on the street side of a corner lot shall be not less than fifteen feet. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: This criterion is satisfied in that all of the proposed lots meet or surpass the lot size requirements of the R-3 zone. The setbacks articulated by this criterion were specifically created and were adopted by the City Council as part of the character of the R-3 zone. This application does not request that any setbacks be adjusted for any lot within this subdivision. Rather, this application proposes to construct residences specifically designed to exist within the building envelopes resulting from the full application of the R-3 zone's setback requirements as applicable to each lot. Further, setback compliance will be verified by the McMinnville Planning Department as part of the forthcoming building permit review process for each dwelling unit proposed to be constructed within this subdivision.

17.18.050 Building height. In an R-3 zone, a building shall not exceed a height of thirty-five feet. (Ord 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: These land use requests do not propose to construct any building within the subject site at a height that would exceed this height limitation of thirty-five feet. This standard has been satisfied.

17.18.060 Density requirements: In an R-3 zone, the lot area per family shall not be less than four thousand square feet, except that the lot area for common wall, single-family corner lots shall not be less than eight thousand square feet for two families. This requirement does not apply to accessory dwelling units. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

Finding: The tentative subdivision plan submitted with this subdivision application proposes that each lot designed for single-family detached use meet or exceed the minimum lot size of 6,000 square feet; this takes into account the subtraction of the access easement area previously noted affecting Lot 14 for lot area calculation purposes. Additionally, each of the two lots designed and proposed for single-family attached use exceed the combined minimum lot size of 8,000 square feet each as prescribed by the R-3 zone. Relative to density, while the lot area per family is required by this standard to not be less than four thousand square feet, the proposed average lot area per family is 6,049 square feet; this figure accounts for the reduction of Lot 14's access easement square footage. Therefore, this criterion is met.

## Chapter 17.53 Land Division Standards

### 17.53.100 Creation of Streets

- C. An easement providing access to property and which is created to allow the partitioning of land for the purpose of lease, transfer of ownership, or building development, whether immediate or future, shall be in the form of a street in a

subdivision, except that a private easement to be established by deed without full compliance with these regulations may be approved by the Planning Director under the following conditions:

1. If it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration that is large enough to warrant partitioning into two more new parcels, i.e., a total of not more than three (3) parcels including the original may then exist, that may be provided with access and said access shall be not less than 15 (fifteen) feet in width and shall have a hard surfaced drive of 10 (ten) feet width minimum;
2. The Planning Director shall require the applicant to provide for the improvement and maintenance of said access way, and to file an easement for said access way which includes the right to passage and the installation of utilities. Such requirements shall be submitted to and approved by the City Attorney.
3. Access easements shall be the preferred form of providing access to the rear lots created by partition if the alternative is the creation of a flag lot.

Findings: This criteria is satisfied in that, a fifteen-foot wide private access easement is proposed to cross the northern portion of Lot 14, beginning at its right-of-way edge and extending to its western edge, for the benefit of Lot 13. This proposed access easement is a result of the subject site's shape and dimensions in combination with the need to align a proposed local street in a manner that both provides connectivity through the site from the intersection of NE Newby Street and NE Hoffman Street and the temporary southerly barricade on NE Buel Drive. This alignment also provides for the opportunity for homes to be constructed along both sides of this proposed street as well as to satisfy the other street connectivity policies and requirements addressed elsewhere in these Findings.

Lot 14 is large enough to warrant being divided into two lots and the provision of this private access easement is the only reasonable method by which that can occur. The 15-foot wide private access easement is proposed to be improved with a minimum hard surfaced drive of at least 10 (ten) feet in width for the full length of the easement; a paved drive will also be required to be provided on Lot 13 as part of the building permit review and permitting process.

#### 17.53.101 Streets

A. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a comprehensive plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; ..

Finding: The planned street layout provides for connectivity through the site from the intersection of NE Newby Street and NE Hoffman Street and the temporary barricade at the temporary southerly terminus of NE Buel Drive. The reasons for the connectivity to be



achieved by the proposed local street are as addressed elsewhere in these Findings inclusive of Policies 118.00(5), 132.41.30 and McMinnville's Future Local Street Connections plan (Exhibit 2-1 of McMinnville's TSP). There are no undeveloped adjacent lands for this site to provide street stubs to or to otherwise connect to. The proposed street is identified as a local residential streets and, upon permitting, will be constructed to full City standards for this type of street. Therefore, this criterion is met.

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; or

Finding: The proposed local public street is designed to current applicable City standards. While NE Buel Drive was constructed to a prior City standard requiring a curb-to-curb dimension of 26-feet, this proposal does not continue that design standard as the paved curb-to-curb dimensional requirement has since changed by City ordinance and is now required to be 28-feet in width. This proposed subdivision will comply with the current design standard which will result, not only in design compliance with current standards, but also in increased vehicle mobility and public safety which were main purposes in the revising of that street standard to a greater paved dimensional width.

3. Maximize potential for unobstructed solar access to all lots or parcels. Streets providing direct access to abutting lots shall be laid out to run in a generally east-west direction to the maximum extent feasible, within the limitations of existing topography, the configuration of the site, predesigned future street locations, existing street patterns of adjacent development, and the preservation of significant natural features. The east-west orientation of streets shall be integrated into the design.

Finding: This criteria is addressed and met in the Findings provided above in Section IV relative to Volume I (Background Element) of the McMinnville Comprehensive Plan, Chapter V - Housing and Residential Development – Additional Design Considerations, Subsection 4 and are herein incorporated .

- B. Rights-of-way and street widths. The width of rights-of-way and streets shall be adequate to fulfill city specifications as provided in Section 17.53.151 of this chapter. Unless otherwise approved, the width of rights-of-way and streets shall be as shown in the following table: ["McMinnville Transportation System Plan, Exhibit 2-4 – Complete Street Design Standards"] Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way, ordinarily not less than 50 (fifty) feet. If necessary, special slope easements may be required.

Finding: As shown on the tentative subdivision plan (Exhibit 1), the proposed local street is designed to meet and shall meet all applicable right-of-way, street width and streetscape requirements as required by Section 17.53.151 (below) and as provided in Exhibit 2-4 of the McMinnville Transportation System Plan. There are no existing conditions making it otherwise impractical to provide buildable lots and no consideration to address such is requested. Therefore, this criterion is met.

- C. Reserve strips. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the Planning Commission under conditions approved by them.

Finding: As shown on the tentative subdivision plan, no reserve strips or street plugs are proposed as a means to control access to adjacent streets or other lands for the protection of the public welfare or of substantial property rights. Therefore, this criterion is met.

- D. Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.

Finding: This requirement is met in that the right-of-way dedication that will result through approval and development efforts of this proposal is part of a local street network and exhibits dimensional and design features commensurate with local street requirements and connectivity requirements addressed elsewhere in these Findings. There are no "T" intersections in the proposed street design.

- E. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision; and the resulting dead-end streets may be approved without a turnaround. Local streets shall provide connectivity as identified in Exhibit 2-1 of the McMinnville Transportation System Plan or connectivity that is functionally equivalent. Reserve strips and street plugs may be required to preserve the objectives of street.

Finding: As shown on the tentative subdivision plans, this proposal does not provide any street extensions for the future subdivision of adjoining land as all adjoining land is already developed. However, this proposal does provide for a connection to the temporary southerly terminus of NE Buel Drive that was previously established at the subject site's northern edge. The proposed local public through street is designed to also extend eastward through the site to align with the current intersection of NE Newby Street and NE Hoffman Street. This proposal provides street connectivity identified in Exhibit 2-1 of the McMinnville TSP as has already been demonstrated in these Findings. Therefore, this criterion is met.

- F. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 (sixty) degrees unless there is a special intersection design. The intersection of an arterial or collector street with another street shall have at least 100 feet of tangent, measured from right-of-way adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 (fifty) feet of tangent measured from property line adjacent to the intersection unless topography requires a lesser distance.



Intersections which contain an acute angle of less than 80 (eighty) degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 (twenty) feet and maintain a uniform width between the roadway and the right-of-way line.

Finding: As shown on the tentative subdivision plan submitted with this request, the one proposed intersection is designed to align at a 90 (ninety) degree angle to align with the current intersection of NE Newby Street and NE Hoffman Street. The northernmost extension of the proposed street is designed to connect with NE Buel Drive at its current southerly paving line. Therefore, this criteria is met.

- G. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision. The City may consider a reduction in arterial or collector street lane widths (lanes no less than 10 feet wide) by restriping existing travel lanes.

Finding: The proposed local public street to be constructed within a 50-foot public right-of-way abuts two existing public rights-of-way as previously described. The proposed street is designed to intersect NE Newby Street consistent with current right-of-way improvement standards. However, the existing portion of NE Buel Drive was constructed using an earlier public local street standard requiring a 26-foot wide paved section centered within a 50-foot right-of-way. The proposed public street would be constructed to the current standard which requires a 28-foot wide paved section and would necessarily narrow slightly at its northern extent in order to match NE Buel Drive's paved width at its current southerly paving line. This criterion has been satisfied.

- H. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

Finding: As shown on the submitted tentative subdivision plans, there are no half streets proposed as part of this development plan. Therefore, this criterion is met.

- I. Cul-de-sacs. A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve not more than 18 (eighteen) dwelling units. A cul-de-sac shall terminate with a turnaround.

Finding: As shown on the tentative subdivision plans, no cul-de-sac streets are planned or proposed. Therefore, this criterion is satisfied.

- J. Eyebrows. Where conditions do not warrant the use of cul-de-sacs and the land available in the proposed plan does not allow for a discontinuous minor street extension and where there are no more than three (3) dwelling units proposed to take access, the City Engineer or Planning Director may allow eyebrows. Eyebrows shall be limited to a maximum length of 125 feet, when measured from the main street right-

of-way from which the eyebrow takes access. The City Engineer or Planning Director may allow less than that required in (d) above, after taking into consideration the effects upon traffic flows. The right-of-way width shall be 36 (thirty-six) feet, with a paved 10 (ten) foot curb-to-curb radius at the terminus. Sidewalks shall not be installed within eyebrows without additional right-of-way dedication. (Amended 11/18/94 by Ordinance 4573.)

Finding: As shown on the tentative subdivision plans, no eyebrows are planned or proposed. Therefore, this criterion is satisfied.

- K. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City. Street names shall be subject to the approval of the Planning Director. The naming of new streets with names of local historic significance and/or where appropriate in alphabetical order is encouraged. (Amended 10/9/90 by Ordinance No. 4477.)

Finding: The local street alignment of NE Hoffman Street will be extended into the site from its eastern edge and then turn northward to join with the temporary southerly terminus of NE Buel Drive. While the proposed local street is not identified with a temporary name on the plans submitted with this proposal, future street naming of this street shall conform to the established pattern in the City and be subject to the approval of the Planning Director. It is anticipated that the north-south oriented street section will continue the street name of NE Buel Drive and that the east-west oriented street section will be assigned the name of NE Hoffman Street as it will be a westerly continuation of the NE Hoffman Street right-of-way alignment from the east. Therefore, this criterion is satisfied.

- L. Grades and curves. Grades shall not exceed six (6) percent on arterials, 10 (ten) percent on collector streets, or 12 (twelve) percent on any other street except as described below. Any local street grad exceeding 12 (twelve) percent shall be reviewed for approval by the Fire Code Official during the land use application process. When a local residential street is approved to exceed 12 (twelve) percent the following shall be required.

1. A maximum of 200 feet of roadway length may be allowed with a grade between 12 (twelve) percent and 15 (fifteen) percent for any one section. The roadway grade must reduce to no more than 12 (twelve) percent for a minimum of 75 linear feet of roadway length between each such section for firefighting operations.
2. Fire sprinklers shall be installed in all residential and commercial structures whose access road is constructed at a grade higher than 12 (twelve) percent. The approval of such fire sprinklers shall be accomplished in accordance with the provisions of ORS 455.610(6).

Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials, or 100 feet on other streets, and shall be to an even 10 (ten) feet. Where existing conditions, particularly topography,



make it otherwise impractical to provide buildable lots, the Planning Commission may accept sharper curves.

**Finding:** The proposed street is designed as a local residential street and will not exceed a grade of 12 (twelve) percent. The slope and grade of the site mirrors that of NE Newby Street along the site's eastern edge. NE Newby Street, and the subject site, exhibit only mild grades as are characteristic of all adjacent and nearby streets and neighborhoods within this area. Additionally, the centerline radii of curves is not less than 100 feet as required by this standard. Final compliance with these standards shall be reviewed by the McMinnville Engineering Department and the McMinnville Planning Department for compliance with City street grade and centerline radii requirements prior to permit issuance for street construction. Therefore, this criteria is met.

**Criteria not Applicable:** The following subsections of Section 17.53.101 are not applicable to this request as these circumstances do not exist within or adjacent to this proposal:

- M. Streets adjacent to a railroad right-of-way
  - N. Frontage roads/streets
  - O. Alleys
  - P. Private way/drive
  - Q. Bikeways [along arterial or collector streets]
  - R. Residential Collector Spacing
  - U. Gates
- S. **Sidewalks.** Along arterials and along major collectors with bikeways in commercial areas, sidewalks shall be eight (8) feet in width or, where less than eight (8) feet of right-of-way is available, shall extend to the property line and be located adjacent to the curb. Sidewalks in all other locations shall be five (5) feet in width and be placed one (1) foot from the right-of-way line. Sidewalks adjacent to a cul-de-sac bulb shall be located adjacent to the curb. (Amended 11/8/94 by Ordinance 4573.)
- Finding:** The proposed local through street will meet all applicable right-of-way, street width and streetscape requirements inclusive of five-foot wide sidewalks placed one-foot from the right-of-way line. Therefore, this criterion is met.
- T. **Park Strips.** Park strips shall be provided between the curb and sidewalk along both sides of all streets except (a) commercial arterial and collector streets, in which case street trees may be placed in tree wells as specified by the McMinnville Street Ordinance; or (b) cul-de-sac bulbs. Street trees shall be planted and maintained within the park strip as specified in Chapter 17.58 (Trees) of the McMinnville Zoning Ordinance.

**Finding:** As shown on the submitted plans, the proposed through street will meet all applicable right-of-way, street width and streetscape requirements inclusive of a five-foot wide curbside planter strip provided between the curb and sidewalk along both sides of the proposed right-of-way. Street trees shall be planted and maintained within the park strips as specified by Chapter 17.58 of the McMinnville Zoning Ordinance and as shall be required by appropriate condition(s) of approval of this request. This criterion is satisfied.

### 17.53.103 Blocks

- A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
- B. Size. No block shall be more than 400 feet in length between street corner lines or have a block perimeter greater than 1,600 feet unless it is adjacent to an arterial street, or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.

Finding: As shown on the submitted plans, the planned street alignment proposes one block that exceeds 400 hundred feet in length due to the existing street pattern of adjacent platted neighborhoods. The block that would exceed this 400-foot length standards is the completed block of NE Buel Drive between its intersection with NE Grandhaven Street and the proposed intersection of NE Buel Drive and NE Hoffman Street within the subject site. This block length would be approximately 500 feet in length.

For context, within the adjacent and immediate area are found the following approximate existing block lengths:

- 500 feet - Grandhaven Street from Buel Drive to McDonald Lane
- 625 feet - Redwood Drive from 28<sup>th</sup> Street to 30<sup>th</sup> Street
- 500 feet - McDonald Lane from Maloney Drive to 28<sup>th</sup> Street
- 750 feet - Leathers Lane from Hoffman Drive to 27<sup>th</sup> Street
- 750 feet - 27<sup>th</sup> Street from McDonald Lane to Newby Street

The subject site is the last remaining vacant piece of land in the otherwise fully developed immediate area. As there are no alternative street alignment or configuration opportunities available that would meet this block length standard, and at the same time satisfy the City's policies, standards, and the intent of relevant portions of the Transportation System Plan regarding street connectivity, an exception to this block length standard is justified. The block perimeter length resulting from the construction of the proposed through street would be approximately 1,514 feet in length measured utilizing Buel Drive, Grandhaven Street, Newby Street and the proposed extension of Hoffman Drive and is less than the allowable 1,600 foot maximum perimeter block length. This criteria has been satisfied.

### C. Easements.

1. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 (ten) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six (6) feet in width. Easements of 10 (ten) feet in width shall be required along all rights-of-way. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. The governing body of a city or county may not place additional restrictions or conditions on a utility easement granted under this chapter.



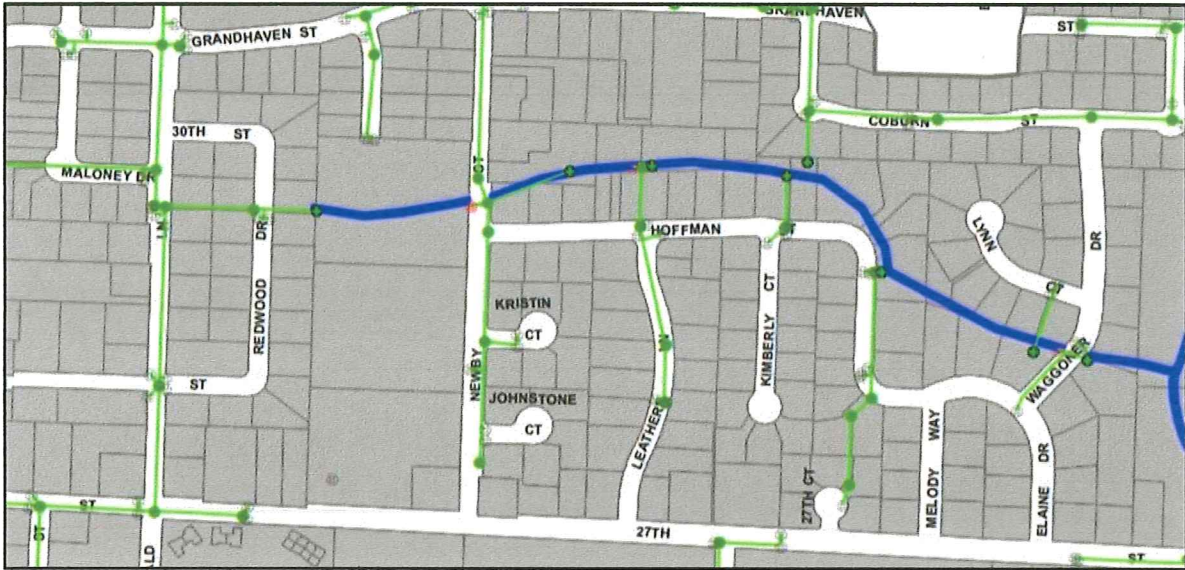
Finding: This criterion is met in that ten-foot wide public utility easements will be provided adjacent to both sides of the proposed public right of way to accommodate the installation of utilities as necessary. These ten-foot wide public utility easements are shown on the Overall Utility Plan (Exhibit 2). In addition, other easements necessary to meet utility and service provision needs are described as follows:

- 10-foot wide private sanitary sewer lateral easement on the west edge of Lot 10 for the benefit of Lot 9
  - 15-foot wide public sanitary sewer mainline easement on the common boundary of Lots 10 and 11
    - Nine feet of the width of this easement is proposed to be located on Lot 10 with six feet of the easement width to be located on Lot 11
  - 20-foot wide public storm sewer mainline easement located on the west edge of Lot 12
  - 20-foot wide combined public storm & sanitary sewer mainline easement located on the common property lines of Lots 12 and 13, and Lots 12 and 14
    - Three feet of the width of this easement is proposed to be located on Lot 12
  - 15-foot wide public sanitary sewer mainline easement located along the south edge of Lots 7 and 2
  - Two 10-foot wide private sanitary sewer lateral easements with one each being located on Lots 7 and 2 for the benefit of Lots 8 and 1, respectively.
2. Water courses. If a subdivision is traversed by water courses such as a drainage way, channel, or stream, there shall be provided a storm unit easement or drainage right-of-way conforming substantially with the lines of the water course and of such width as will be adequate for the purpose, unless the water course is diverted, channeled, or piped in accordance with plans approved by the City Engineer's office. Streets or parkways parallel to major water courses may be required.

Finding: As shown on Exhibit 2 there is an open drainageway that traverses this site in a generally east-west orientation that has, for many years, been the recipient of collected stormwater from adjacent residential development which empties into this drainage ditch by way of an open 30-inch wide pipe located at site's west edge and aligned with the western edge of proposed Lot 12. The stormwater emptying onto this site from neighborhood(s) to the west and the natural site drainage currently enters the City's underground storm sewer system at a point adjacent to the site's eastern edge and located in the NE Newby Street right-of-way. It is proposed to convey this seasonal flow to the City's underground stormwater drainage system in NE Newby Street through a continuation of the 30-inch wide storm sewer pipe to be placed in easements, as necessary, and within the public right-of-way proposed to be dedicated as part of this residential development. Proposed underground conveyance of this storm flow into the City's existing system is similar to that approved for other development surrounding this site. This stormwater system daylight east of the site, north of the intersection of NE Leathers Lane and NE Hoffman Drive, and continues to collect neighborhood storm water through piped outfalls as shown on the graphic below excerpted from the City of McMinnville Storm Sewer Network map available on the City's website. This system then



enters the City's underground storm conveyance again at the Parkside residential subdivision located adjacent to Wortman Park and remains in the enclosed system through much of McMinnville's industrial area east of NE Lafayette Avenue.



This open drainage ditch located on the subject site is identified as a tributary to the North Yamhill River. Accordingly, a Jurisdictional Wetland Delineation for this site was prepared by Schott & Associates and provided to the Oregon Department of State Lands (DSL) for review (Exhibit 3). On February 15, 2019, DSL issued a concurrence letter (Exhibit 4) supporting the waterway boundaries (Drainage 1) as mapped in Figure 6 of the report and noting that this Drainage is subject to the permit requirements of the state Removal-Fill law. For additional associated Findings relative to this criterion, please refer to Findings provided at Section IV - Conclusionary Findings for Approval of the requested Zone Change, Policy 99.00 (1-5) and already incorporated by reference into this Section (Section V – Conclusionary Findings for Approval of the requested Subdivision). This criterion has been satisfied.

3. Pedestrian ways. When desirable for public convenience, safety, or travel, pedestrian ways not less than 10 (ten) feet in width may be required to connect to cul-de-sacs, to pass through unusually long or oddly shaped blocks, to connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways. (Ord. 4922, §4B, 2010)

**Finding:** As shown on the proposed tentative subdivision plan, pedestrian ways other than those provided by the construction of public sidewalks to City standards are not proposed as part of this development as there are not cul-de-sacs either proposed on this site or located on adjacent sites. There is also no opportunity to provide a pedestrian way connection to a recreation or public area such as a school or to connect to either existing or proposed pedestrian ways. While NE Buel Drive will be approximately 500 feet in length with approval of this proposal, this block length is not unusually long given the length of adjacent and nearby blocks in the surrounding neighborhoods as noted in Findings



provided at 17.53.103 above. Continuous public sidewalks constructed within the public right-of-way to City specifications shall be provided along both sides of the proposed right-of-way and shall connect to the existing public sidewalks adjacent to this site at approved locations to provide additional opportunities for continuous pedestrian circulation both with the proposed neighborhood and within the surrounding street system. Therefore, this criterion is met.

17.53.105 Lots

A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. All lots in a subdivision shall be buildable.

1. Lot size shall conform to the zoning requirement of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lot shall not ordinarily exceed two times the average width.

Finding: As shown on the submitted tentative plans the proposed lots are generally rectangular in shape and are all buildable as per the requirements of the requested zoning designation. All lots comply with Subsection 1 above in that the depth of each lot does not exceed two times its average width. It is instructive to note when reviewing the tentative subdivision plan that the unrounded dimensions for Lot 12 provide a lot width of 55.40 feet and an average lot depth of 110.78 feet which results in Lot 12 being fully compliant with this standard. This criterion has been satisfied.

B. Access. Each lot shall abut upon a street other than an alley for a width of at least 25 (twenty-five) feet or shall abut an access easement which in turn abuts a street for at least 15 (fifteen) feet if approved and created under the provisions of 17.53.100(C). Direct access onto a major collector or arterial street designated on the McMinnville Comprehensive Plan Map shall be avoided for all lots subdivided for single-family, common wall, or duplex residential use, unless no other access point is practical.

Finding: As shown on the submitted subdivision plans each lot will abut a public street for a width of at least 25 (twenty-five) feet with the exception of Lot 13 which will be provided access to the public right-of-way by a 15-foot wide private access easement to be provided across the northern edge of Lot 14 for the benefit of Lot 13. There will be no direct access onto a major collector or arterial street as no such designated street is within or adjacent to the subject site. Therefore, this criterion is met.

C. Through lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 (ten) feet wide, and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other incompatible use.

Finding: As demonstrated on the submitted tentative subdivision plan, there are no through streets proposed as part of this request. This criterion has been satisfied.

- D. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Finding: As shown on the submitted tentative subdivision plans, all side lines of lots run at right angles to the street upon which the lots face as far as practicable with the exception of Lot 13. Lot 13 does not front on a public street and its access to the public right-of-way is proposed to be provided by a 15-foot wide private access easement across the northernmost portion of the adjacent Lot 14. Therefore, as Lot 13 does not face a street, this requirement is not applicable to this lot. While the entirety of Lot 14's frontage, and a portion of Lot 12's frontage, is located on the outside curve edge of the proposed public right-of-way, their shared property line runs at a right angle to the street as far as practicable. This criterion is met.

- E. Flag lots. The creation of flag lots shall be discouraged and allowed only when it is the only reasonable method of providing access to the rear of a lot which is large enough to warrant partitioning or subdividing.

Finding: A flag lot is defined in Chapter 17.06 of the McMinnville Zoning Ordinance as "A lot by which access to the nearest public or private street is gained by means of a narrow strip of land not less than 25-feet in width." Lot 13 is shown to be provided access to the public right-of-way by way of a 15-foot wide private access easement across the northern portion of Lot 14 and is not defined as a flag. Therefore, there are no flag lots proposed as part of this subdivision development plan. Therefore, this criterion is satisfied.

Improvements:

17.53.151 Specifications for Improvements. The City Engineer has submitted and the City Council has adopted the standard specifications for public works construction, Oregon Chapter A.P.W.A., and has included those special provisions that are, by their very nature, applicable to the City of McMinnville. The specifications cover the following:

- A. Streets, including related improvements such as curbs and gutters, shoulders, and median strips, and including suitable provisions for necessary slope easements;
- B. Drainage facilities;
- C. Sidewalks in pedestrian ways;
- D. Sewers and sewage disposal facilities.

17.53.153 Improvement Requirements. The following improvements shall be installed at the expense of the subdivider:

- A. Water supply system. All lots within a subdivision shall be served by the City water supply system.
- B. Electrical system. All lots within a subdivision shall be served by the City electrical system.
- C. Sewer system. All lots within a subdivision shall be served by the City sewer system.



- D. Drainage. Such grading shall be performed and drainage facilities installed conforming to City specifications as are necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed, if necessary, to protect the subdivision against flooding or other inundations.
- E. Streets. The subdivider shall grade and improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect, in conformance with City specifications. Street improvements shall include related improvements such as curbs, intersection sidewalk aprons, street signs, gutters, shoulders, and median strips to the extent these are required.
- F. Pedestrian ways. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.
- G. Private way/drive. The subdivider shall grade and improve to conform to City specifications in terms of structural standards.
- H. Street trees consistent with the requirements of Chapter 17.58 of the McMinnville Zoning Ordinance and an approved street tree plan for the subdivision.

Findings: 17.53.151 (A)-(D) and 17.53.153 (A)-(H) are satisfied in that the City Council has adopted the specifications referenced in these Sections as being applicable to and to be administered by the City of McMinnville. As shown on the submitted Overall Utility Plan (Exhibit 2) all lots shall be served by municipal water, electrical, sanitary and storm sewer systems which will also connect to such existing systems located adjacent to subdivision. No private ways or drives are proposed within the subject site except for the 15-foot wide private access easement to be recorded across the northern portion of Lot 14 for the benefit of Lot 13. Dedication and improvement of public streets shall occur as required by City standards inclusive of curbs and gutters, five-foot wide sidewalks and curbside planter strips; should this subdivision request be approved, a street tree planting plan shall be required as a condition of its approval which will require submittal of a plan to be reviewed for approval by the Landscape Review Committee. Due to existing development adjacent to this site, the proposed local public right-of-way will extend northward to the paving line of the existing temporary NE Buel Drive southerly terminus in conformance with City specifications. It is of interest to observe that the existing portion of NE Buel Drive was constructed using an earlier public local street standard requiring a 26-foot wide paved section centered within a 50-foot right-of-way. The proposed public street would be constructed to the current standard which requires a 28-foot wide paved section and would necessarily narrow slightly at its northern extent in order to match NE Buel Drive's paved width at its current southerly paving line. Additional Findings relative to drainage are found at 17.53.103(C)(2) above and its incorporated references. Therefore, these criteria are met.

#### 17.72.095 Neighborhood Meetings

- A. A neighborhood meeting shall be required for:
  - 1. All applications that require a public hearing as described in Section 17.72.120, except that neighborhood meetings are not required for the following applications:
    - a. Comprehensive plan text amendment; or

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- b. Zoning ordinance text amendment; or
  - c. Appeal of a Planning Director's decision; or
  - d. Application with Director's decision for which a public hearing is requested.
- 2. Tentative Subdivisions (up to 10 lots)
  - 3. Short Term Rental

Finding: As the proposed applications are not those listed in this Section, a neighborhood meeting is required and has been held as evidenced by the materials provided in this application, Findings and Exhibits. This requirement is met.

#### B. Schedule of Meeting.

- 1. The applicant is required to hold one neighborhood meeting prior to submitting a land use application for a specific site. Additional meetings may be held at the applicant's discretion.
- 2. Land use applications shall be submitted to the City within 180 calendar days of the neighborhood meeting. If an application is not submitted in this time frame, the applicant shall be required to hold a new neighborhood meeting.

Finding: One neighborhood meeting was held prior to the submittal of this land use application for the subject site. The neighborhood meeting was held on Tuesday, January 29, 2019, and this land use application has been received by the City within 180 days of January 29, 2019. This requirement is met.

#### C. Meeting Location and Time.

- 1. Neighborhood meetings shall be held at a location within the city limits of the City of McMinnville.
- 2. The meeting shall be held at a location that is open to the public and must be ADA accessible.
- 3. An 8 ½ x 11" sign shall be posted at the entry of the building before the meeting. The sign will announce the meeting, state that the meeting is open to the public and that interested persons are invited to attend.
- 4. The starting time for the meeting shall be limited to weekday evenings between the hours of 6 p. and 8 p. or Saturdays between the hours of 10 a. and 4 pm. Neighborhood meetings shall not be held on national holidays. If no one arrives within 30 minutes after the scheduled starting time for the neighborhood meeting, the applicant may leave.

Finding: The neighborhood meeting was held at 6:00 p.m. on Tuesday, January 29, 2019 which is not a day recognized by the United States Federal Government as a national holiday. The neighborhood meeting was held in the Fellowship Hall of the Adventure Christian Church which is located within the city limits of the City of McMinnville. Both the Adventure Christian Church and the Fellowship Hall of the church are ADA accessible. An 8 ½ x 11" sign was posted on the entry door of the building before the meeting announcing the meeting, stating that the meeting is open to the public and that interested persons are invited to attend (Exhibit 6). These criteria are met.

D. Mailed Notice.

1. The applicant shall mail written notice of the neighborhood meeting to surrounding property owners. The notices shall be mailed to property owners within certain distances of the exterior boundary of the subject property. The notification distances shall be the same as the distances used for the property owner notices for the specific land use application that will eventually be applied for, as described in Section 17.72.110.
2. Notice shall be mailed not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
3. An official list for the mailed notice may be obtained from the City of McMinnville for an applicable fee and within 5 business days. A mailing list may also be obtained from other sources such as a title company, provided that the list shall be based on the most recent tax assessment rolls of the Yamhill County Department of Assessment and Taxation. A mailing list is valid for use up to 45 calendar days from the date the mailing list was generated.
4. The mailed notice shall:
  - a. State the date, time and location of the neighborhood meeting and invite people for a conversation on the proposal.
  - b. Briefly describe the nature of the proposal (i.e., approximate number of lots or units, housing types, approximate building dimensions and heights, and proposed land use request)
  - c. Include a copy of the tax map or a GIS map that clearly identifies the location of the proposed development.
  - d. Include a conceptual site plan.
5. The City of McMinnville shall be included as a recipient of the mailed notice of the neighborhood meeting.
6. Failure of a property owner to receive mailed notice shall not invalidate the neighborhood meeting proceedings.

Finding: The neighborhood meeting notice was mailed to the City of McMinnville Planning Department and to property owners located within 300 feet of the exterior boundary of the subject property (as required by McMinnville Zoning Ordinance 17.72.120(F)) on January 7, 2019 which was not fewer than 20 calendar days nor more than 30 calendar days prior to the January 29, 2019 date of the neighborhood meeting (Exhibit 7). The official list for the mailed notice (Exhibit 8) was obtained from First American Title in McMinnville on January 7, 2019 and was then utilized to mail the neighborhood meeting notice within the 45-day window of validity for the official mailing list. The mailed neighborhood meeting notice contained the date, time and location of the neighborhood meeting and an invitation for people to converse with the applicant regarding the proposal. Also included in the notice was a brief description of the proposal including the proposed housing type, proposed type and number of lots (single-family residential), proposed range of lot sizes and the average lot size and a statement that the residences may be either single or two-story in design. The mailed neighborhood meeting notice also included a copy of a Google Map vicinity map that clearly identified the location of the proposed development in addition to the inclusion of a tentative subdivision plan showing the lot layout. Therefore, these requirements are met.



E. Posted Notice.

1. The applicant shall also provide notice of the meeting by posting one 18 x 24" waterproof sign on each frontage of the subject property not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting.
2. The sign(s) shall be posted within 20 feet of the adjacent right-of-way and must be easily viewable and readable from the right-of-way.
3. It is the applicant's responsibility to post the sign, to ensure that the sign remains posted until the meeting, and to remove it following the meeting.
4. If the posted sign is inadvertently removed (i.e., by weather, vandals, etc.), that shall not invalidate the neighborhood meeting proceedings.

Finding: Two 18 x 24" waterproof signs notifying individuals of the January 29, 2019 neighborhood meeting were posted in easily viewable and readable locations. Specifically, those signs were posted on the site near the southern temporary terminus of NE Buel Drive, and on the northern portion of the site's eastern edge along NE Newby Street (Exhibit 9) not fewer than 20 calendar days nor more than 30 calendar days prior to the date of the neighborhood meeting. Leonard Johnson has made every effort to ensure that the signs remained posted until the neighborhood meeting. These requirements are satisfied.

F. Meeting Agenda.

1. The overall format of the neighborhood meeting shall be at the discretion of the applicant.
2. At a minimum, the applicant shall include the following components in the neighborhood meeting agenda:
  - a. An opportunity for attendees to view the conceptual site plan;
  - b. A description of the major elements of the proposal. Depending on the type and scale of the particular application, the applicant should be prepared to discuss proposed land uses and densities, proposed building size and height, proposed access and parking, and proposed landscaping, buffering, and/or protection of natural resources;
  - c. An opportunity for attendees to speak at the meeting and ask questions of the applicant. The applicant shall allow attendees to identify any issues that they believe should be addressed.

Finding: An agenda for the neighborhood meeting was prepared (Exhibit 10) and provided to attendees of the neighborhood meeting that included an opportunity for attendees to view the tentative subdivision plan. The agenda also indicated that a description of the proposal including the major elements of the plan as well as an opportunity for attendees to speak at the meeting and ask questions of Leonard Johnson or his representative(s) and communicate any issues that they believe should be addressed. These requirements have been met.



G. Evidence of Compliance. In order for a land use application that requires a neighborhood meeting to be deemed complete, the following evidence shall be submitted with the land use application:

1. A copy of the meeting notice mailed to surrounding property owners;
2. A copy of the mailing list used to send the meeting notices;
3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;
4. One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and
5. Notes of the meeting, which shall include:
  - a. Meeting date;
  - b. Meeting time and location;
  - c. The names and addresses of those attending;
  - d. A summary of oral and written comments received; and
  - e. A summary of any revisions made to the proposal based on comments received at the meeting. (Ord. 5047, §2, 2018, Ord. 5045 §2, 2017).

Finding: Evidence of compliance with 17.72.095 (G(1-5(a-e))) above is provided by the Exhibits listed above and those presented at the January 29, 2019 Neighborhood Meeting attached to this proposal (Exhibit 11 – Zone Change Graphic, Exhibit 12 - Tentative Subdivision Plan Handout, Exhibit 13 – Overall Utility Plan Handout, and Exhibit 14 – House Examples). In addition, large versions of Exhibits 10 and 11 mounted to foam core boards were also on display at this meeting. Also provided as evidence of compliance with these requirements are the names and contact information as shared by those attendance at the Neighborhood Meeting (Exhibit 15), and a summary of oral and written comments received at the Neighborhood Meeting; there were no revisions made to the proposed plan based on comments received at the meeting (Exhibit 16). These requirements are satisfied.

#### 17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay. (Ord. 4242 §3, 1983; Ord. 4221 §4, 1982; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**Findings:** The proposed zone change request to amend the zoning designation of the subject site from R-1 (Single-Family Residential) to R-3 (Two-Family Residential) is consistent with the relevant Goals and Policies of Volume II of the McMinnville Comprehensive as described in detail in the Findings provided above.

The development pattern in the area surrounding the subject site includes all base zoning designations available within the Residential Comprehensive Plan designation (R-1, R-2, R-3 and R-4) within approximately 325-feet of the subject site; some of these zoning designations are also amended by existing Planned Development zoning designations. This pattern of adjacent and surrounding zoning designations can be graphically seen in Section II (Site Description) of this application. Given the adjacent and surrounding land uses and zoning pattern, the proposed zone change request is orderly. Also, given the City's current deficit of Residentially Planned land available to meet projected housing needs, and the ability of the site to be served by all requisite utilities and City services, the proposed zone change request is timely. The proposed single-family residential use of the site described by this subdivision request and its companion zone change request will complement the variety of other residential development in the immediate area and within very close proximity to Grandhaven Elementary School. This proposal is also consistent with the existing Comprehensive Plan designation for this site.

Criterion "B" of this review standard does not apply when the proposed request concerns needed housing. Table B-11 of Appendix B of the adopted 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan demonstrates that McMinnville has a deficit of 432 R-3 zoned acres needed to meet future projected housing needs; the year 2020 was the identified planning horizon for this projection. While numerous zone changes have been approved by the City since adoption of that 2001 Plan, there still remains a deficit of R-3 zoned land within the city limits of McMinnville; with that Plan identifying a total net acre residential land deficit of 1,082 acres, all residential zoning designations currently remain in deficit except, perhaps, for the R-1 zoning designation. Approval of this zone change request would reduce the remaining R-3 zoned land deficit by approximately 2.93 acres. Even though this zone change request is exempt from this criterion as identified in 17.74.020 above, this information is yet informative.

**Utility and Service Provision:** This area is well served by existing sanitary and storm sewer systems as well as other public utilities as detailed in the Findings provided above. At the time of development of this site, should these requests be approved, all necessary utilities and improvements will be required to be completed in compliance with existing requirements and as articulated in the forthcoming associated conditions of approval for these requests.

**Street System:** The subject site is located immediately adjacent to NE Newby Street at the site's eastern edge and the temporary southerly terminus of NE Buel Drive at the site's



northern edge. Both of these streets are designated as local residential public streets and are compatible with the proposed dedication of public right-of-way and construction of the continuation of the residential public street network to extend through this site.

These criteria have been satisfied.

## **VI. Conclusion and Approval Request**

The evidence in the record is substantial and supports approval of these requests.

Leonard Johnson respectfully requests that the submitted zone change request and the submitted subdivision request and tentative residential subdivision plan be approved.



# Exhibit 5

Monika Subdivision		
Lot #	Square Feet	Accounting for Lot 14 access easement
1	6,862	6,862
2	6,860	6,860
3	6,014	6,014
4	4,470	4,470
5	4,467	4,467
6	6,000	6,000
7	6,860	6,860
8	6,860	6,860
9	6,004	6,004
10	6,007	6,007
11	6,007	6,007
12	6,016	6,016
13	6,226	6,226
14	6,813	6,000
15	6,005	6,005
16	6,068	6,068
17	6,114	6,114
<b>Average</b>	<b>6,097</b>	<b>6,049</b>

# Exhibit 3

## WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF of the completed cover form and report may be e-mailed to: **Wetland\_Delineation@dsl.state.or.us**. For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

Contact and Authorization Information	
<input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: Leonard Johnson 3375 West Side Road McMinnville, OR 97128	Business phone # Mobile phone # (optional) E-mail: storm.n@comcast.net (Nick Storm for Leonard Johnson)
<input checked="" type="checkbox"/> Authorized Legal Agent, Name and Address (if different): Nick Storm (signing for Leonard Johnson)	Business phone # 971-409-4583 Mobile phone # (optional) E-mail:
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.	
Typed/Printed Name: <u>Case of LJ</u> Date: _____	Signature: <u>[Signature]</u> Special instructions regarding site access: _____
Project and Site Information	
Project Name: <u>North Newby Street</u> <u>North Newby Street</u>	Latitude: 45.230359 Longitude: -123.185188 decimal degree - centroid of site or start & end points of linear project
Proposed Use: <u>Residential Housing</u> <u>Residential Housing</u>	Tax Map # <u>44000C 4 409DC</u> Tax Lot(s) 1100 Tax Map # Tax Lot(s)
Project Street Address (or other descriptive location): West of N Newby Street, south of Buel Drive, north of Adventure Christian Church	Township 4S Range 4W Section 9DC QQSW1/4, S5
City: McMinnville County: Yamhill	Use separate sheet for additional tax and location information Waterway: _____ River Mile: _____
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: Schott & Associates, Inc. Attn: Jodi Reed PO Box 589 Aurora, Oregon 97002	Phone #503-678-6007 Mobile phone # (if applicable) E-mail: Jodi@schottandassociates.com
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.	
Consultant Signature: <u>Jodi Reed</u>	Date: _____
Primary Contact for report review and site access is <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Study Area size: 2.93 ac Total Wetland Acreage: 0.07
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> Industrial Land Certification Program Site <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # _____	<input type="checkbox"/> Fee payment submitted \$ _____ <input type="checkbox"/> Fee (\$100) for resubmittal of rejected report <input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) DSL # _____ Expiration date _____ <input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code _____
For Office Use Only	
DSL Reviewer: _____ Fee Paid Date: ____/____/____	DSL WD # _____
Date Delineation Received: ____/____/____ Scanned: <input type="checkbox"/> Electronic: <input type="checkbox"/>	DSL App.# _____



**SCHOTT & ASSOCIATES**  
**Ecologists & Wetlands Specialists**

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21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

**JURISDICTIONAL WETLAND  
DELINEATION  
FOR**

**North Newby Street**

T4S, R4W, SW ¼, SE ¼ Section 9  
Tax Lot 1100  
McMinnville, Yamhill County, Oregon

**Prepared for**

Leonard Johnson  
3375 West Side Road  
McMinnville, OR 97128

**Prepared by**

Jodi Reed  
of  
Schott & Associates, Inc.

**Date:**

August 2018

S&A Project #: 2631



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#### (A) Landscape Setting and Land Use

Schott & Associates was contracted to conduct a wetland delineation on a 2.93-acre parcel located west of North Newby Street and south of the terminus of Buel Drive in McMinnville, Yamhill County, Oregon (T4SN, R4W, Section 9, tax lot 1100) to document existing wetlands and other waters that may be regulated under the Clean Water Act (CWA) by the U.S. Army Corps of Engineers (Corps) and under the Removal-Fill Law by the Oregon Department of State Lands (DSL). This report complies with all standards and requirements set forth in Oregon Administrative Rules (OAR) 141-090-0035 (1-17) for wetland delineation reports and jurisdictional determinations for the purpose of regulating fill and removal within waters of the state. This report will be used to fulfill federal and state regulatory requirements for project permitting.

The study site is bound to the west, north and south by residential housing and to the east by North Newby Street. The southern boundary is adjacent to Adventure Christian Church. The site is zoned R-1 Single Family Residential. Site topography is gently sloped north and south converging toward the middle of the site where a drainage feature extends west to east through the middle of the site. The site has been recently cleared (within the last year) of a forested habitat. Large wood chip piles were present on the site. The ground has been disturbed throughout the entire site outside of the drainage.

The drainage entered the site through a culvert at the west property boundary, flowed to the east and left the site through a culvert under North Newby Street.

#### (B) Site Alterations

Aerial photographs from the time period between 1994 and 2017, available from Google Earth, and any existing permits or reports available from DSL were reviewed to assess site history. The earliest available aerial photograph (June 1994; Figure 5c) shows the site as undeveloped and forested. To east, west and south the residential housing developments and church were present. North of the site was orchards. By 2000, the development to the north was being constructed (July 2000, Figure 5b). The 2017 aerial (June, Figure 5a) depicts the site as forested. The site has been cleared of vegetation between 2017 and the 2018 site visit.

#### (C) Precipitation Data and Analysis

Precipitation data for the date of fieldwork and the time period preceding it were reviewed to evaluate observed wetland hydrology conditions relative to actual and statistically normal precipitation. Precipitation that deviates from normal ranges can affect site conditions and impact observed wetland hydrology indicators. Precipitation data were acquired from the Natural Resources Conservation Service (NRCS) Agricultural Applied Climate Information System (AgACIS) for the McMinnville Municipal Airport in McMinnville, Oregon to provide context for observed hydrological conditions of the study area at the time of the site visit (AgACIS 2017-2018). Table 1 provides the precipitation data, comparison to the normal water year average, as well as

normal monthly ranges of precipitation representing 70% probability as reported in the NRCS WETS table for the area (NRCS 2002).

Table 1. Precipitation Summary for October 1, 2017 to August 22<sup>nd</sup>, 2018

Field Date	Precipitation (inches)*	WETS Average**	WETS Range**	Percent of Average
August 22, 2018	0.0	N/A	N/A	N/A
Two-Weeks Prior	0.08	N/A	N/A	N/A
Month				
June	0.94	1.20	0.76-1.45	78%
July	0.03	0.20	0.09-0.22	15%
August	0.08	0.39	0.12-0.42	21%
Water Year***	32.72	30.12	N/A	109%

\* Data provided by NRCS AgACIS data from McMinnville Municipal Airport, Oregon 2017-2018

\*\*Data provided by NRCS WETS Station: McMinnville Municipal Airport, Oregon, 1971-2018

\*\*\*Water Year is calculated from October 1, 2017 to the date of fieldwork

Fieldwork took place on August 22<sup>nd</sup>, 2018. Precipitation observed in the month of June was within the WETS normal range, precipitation observed in July was below the WETS normal range, and precipitation observed in August was below the WETS normal range. Precipitation for the water year (October 1, 2017-August 22<sup>nd</sup>, 2018) was observed at 109% of normal (32.72 inches).

#### (D) Site Specific Methods

Prior to visiting the site, the following existing data and information were reviewed:

- ORMAP online tax maps (<http://www.ormap.net/>; Figure 2)
- U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI; Figure 3)
- U.S. Department of Agriculture (USDA) NRCS gridded Soil Survey Geographic (gSSURGO) database for Yamhill County (Figure 4)
- Recent and historical aerial photographs provided by Google Earth (Figures 5a-5c)
- Department of State Lands (DSL) for previous information; none was found

Two soil series were mapped within the study site boundary according to the USDA NRCS: Amity silt loam of 0 to 3 percent slopes extending east/west through the middle 'swale' of the property and Woodburn silt loam of 0 to 3 percent slopes to the north and south. Neither soil is considered a hydric soil, however both may have hydric Dayton soil inclusions.



Schott and Associates visited the site on August 22<sup>nd</sup>, 2018 and walked the study site to assess for the presence or absence of onsite wetlands and waters. Formal delineation data were collected according to methods described in the *1987 Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)* to determine boundaries of wetlands subject to state and federal jurisdiction. Onsite streams or ditches were delineated via the ordinary high-water mark (OHWM) as indicated by top of bank, wrack or scour lines, change in vegetation communities, or gage elevation where applicable.

Two sample plots were established within the study site to assess for wetland conditions associated with the onsite drainage. For each sample plot, data on vegetation, hydrology, and soils was collected, recorded in the field, and later transferred to data forms (Appendix B). Plant indicator status was determined using the 2016 National Wetland Plant List (Lichvar et al. 2016). All identified wetlands are classified according to the USFWS *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin et al. 1979) and the *Guidebook for Hydrogeomorphic (HGM)-based Assessment of Oregon Wetland and Riparian Sites* (DSL 2001).

Representative ground level photographs were taken to document site conditions (Appendix C).

#### (E) Description of All Wetlands and Other Non-Wetland Waters

Based on vegetation, soils and hydrology no wetlands were identified within the study site. One 0.07 ac (3,099.38 sf) perennial drainage was present with hydrology flowing from the west to the east. Drainage, data plot and photo point locations are shown on Figure 6.

The 0.07 ac onsite drainage entered the site at the western study area boundary through a culvert. Hydrology within the drainage flowed from the west to the east. The hydrology was approximately 1 to 2 inches deep. At the eastern site boundary a culvert extended under North Newby Street. The drainage was well defined with vertical embankments. The bottom of the drainage was approximately 5 to 6 feet lower in elevation than the surrounding topography. The drainage width varied between 5 to 10 feet wide. The bottom of the ditch was generally not vegetated. Himalayan blackberry (*Rubus armeniacus*, FAC) was present on the slopes and adjacent to the drainage with small areas of reed canary grass (*Phalaris arundinacea*, FACW).

Two sample plots were placed within the study site. Topography was generally a wide broad swale, with lower topography associated with the drainage. Slopes extended uphill to the north and south. Sample Plot 1 was placed to the south of the drainage in a low lying area. The site had been cleared of vegetation within the last year. Vegetation was sparse due to site activity. The emerging vegetation documented included Himalayan blackberry, English hawthorn (*Crataegus monogyna*, FAC) saplings, curly dock (*Rumex crispus*, FAC) and California dewberry (*Rubus ursinus*, FACU).

Soil surface layers were very dark grayish brown (10 YR 3/2) loam with faint redoximorphic concentrations occurring as soft masses within the matrix starting at 5 inches. The soil texture was a clay loam beginning at 10 inches in the pit. Soils did not meet hydric soil indicators and no hydrology indicators were identified.

Sample Plot 2 was placed north of the drainage. No vegetation was present as the area had recently been disturbed by heavy equipment. Soils did not meet hydric soil criteria; no redoximorphic features were present within the matrix. No wetland hydrology indicators were met. The adjacent drainage bottom was approximately 5 to 6 feet lower in elevation.

#### (F) Deviation from LWI or NWI

The National Wetland Inventory (NWI) identifies the onsite drainage as a riverine, intermittent, streambed, seasonally flooded (R4SBC) feature. The NWI boundary appears to be placed a little further south than the onsite conditions shown in Figure 6. The NWI indicates that the drainage extends both to the east and northeast toward the North Yamhill River. Onsite observations found that it was culverted at North Newby Street.

The City of McMinnville Zoning Map identifies the drainage as a tributary to the North Yamhill River. The City of McMinnville Storm Sewer Network Map identifies the tributary extending to the North Yamhill River. This map also indicates that the drainage extends from the west as a stormwater outfall and exits the site to the east through a storm water inlet. No LWI for the City of McMinnville was available.

#### (G) Mapping Method

The mapped areas were based on soils, vegetation, and hydrology data gathered in the field by Schott & Associates. The drainage was mapped based on top of bank, as the embankments were nearly vertical. The drainage boundary and sample plots were recorded with a handheld Trimble GPS unit capable of sub-meter accuracy following differential correction with Pathfinder Office desktop software. These data were converted to ESRI shapefile and mapped using ArcMap 10.6 desktop software.

#### (H) Additional Information

None.

#### (I) Results and Conclusions

Based on vegetation, soils and hydrology data, one drainage totaling 0.07 ac was identified within the site boundaries. The drainage day lighted on site from the western boundary and extended to the east where it entered a culvert under North Newby Street. The site was historically forested and had recently been cleared of vegetation. Neither hydric soils nor hydrology indicators were found at the plots documenting the area.

The NWI does indicate a riverine feature extending through the middle of the site. Schott & Associates agreed with this and mapped the feature based on site conditions.

(J) Disclaimer

This report documents the investigation, best professional judgment, and conclusions of the investigators. It is correct and complete to the best of our knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State lands in accordance with OAR 141-090-0005 through 141-090-0055.

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Schott & Associates

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## APPENDIX A: FIGURES

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Schott & Associates

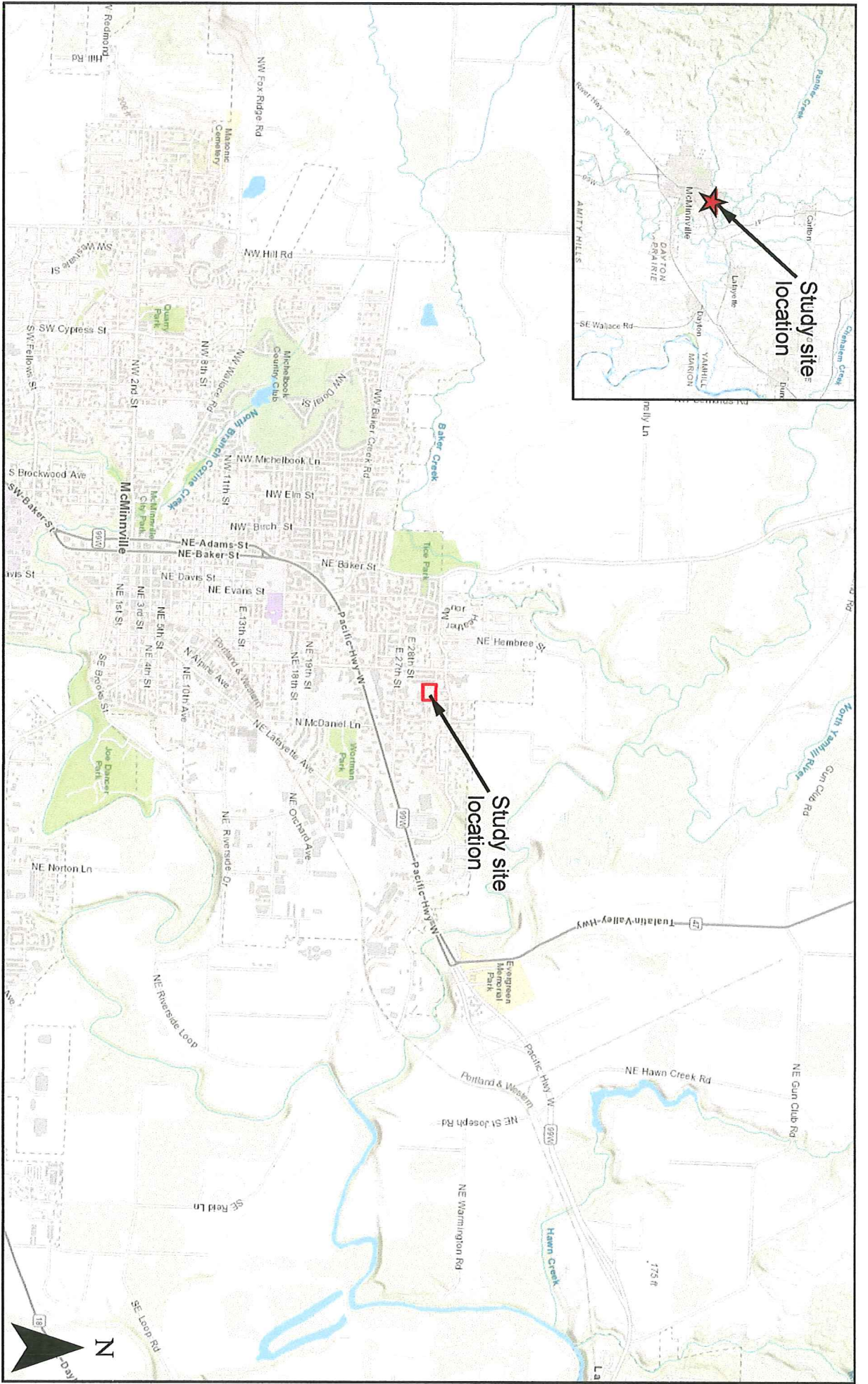
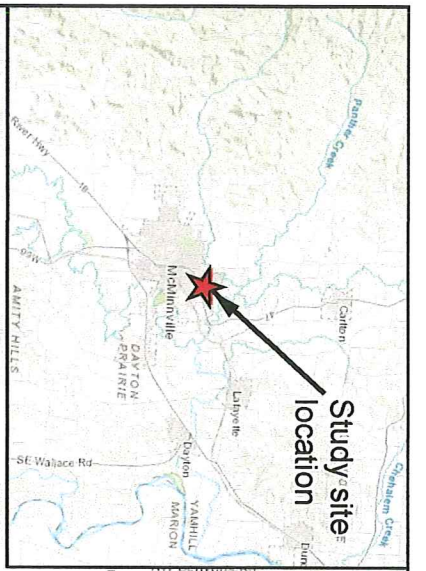
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**FIGURE 1: LOCATION MAP**



Date: 8/27/2018

Data Source: ESRI, 2018;  
Yamhill County GIS Dept., 2018

Figure 1. Location Map

North Newby Street Avenue Project Site: S&A #2631





**FIGURE 2: TAX MAP**



**FIGURE 3: NATIONAL WETLAND INVENTORY MAP**



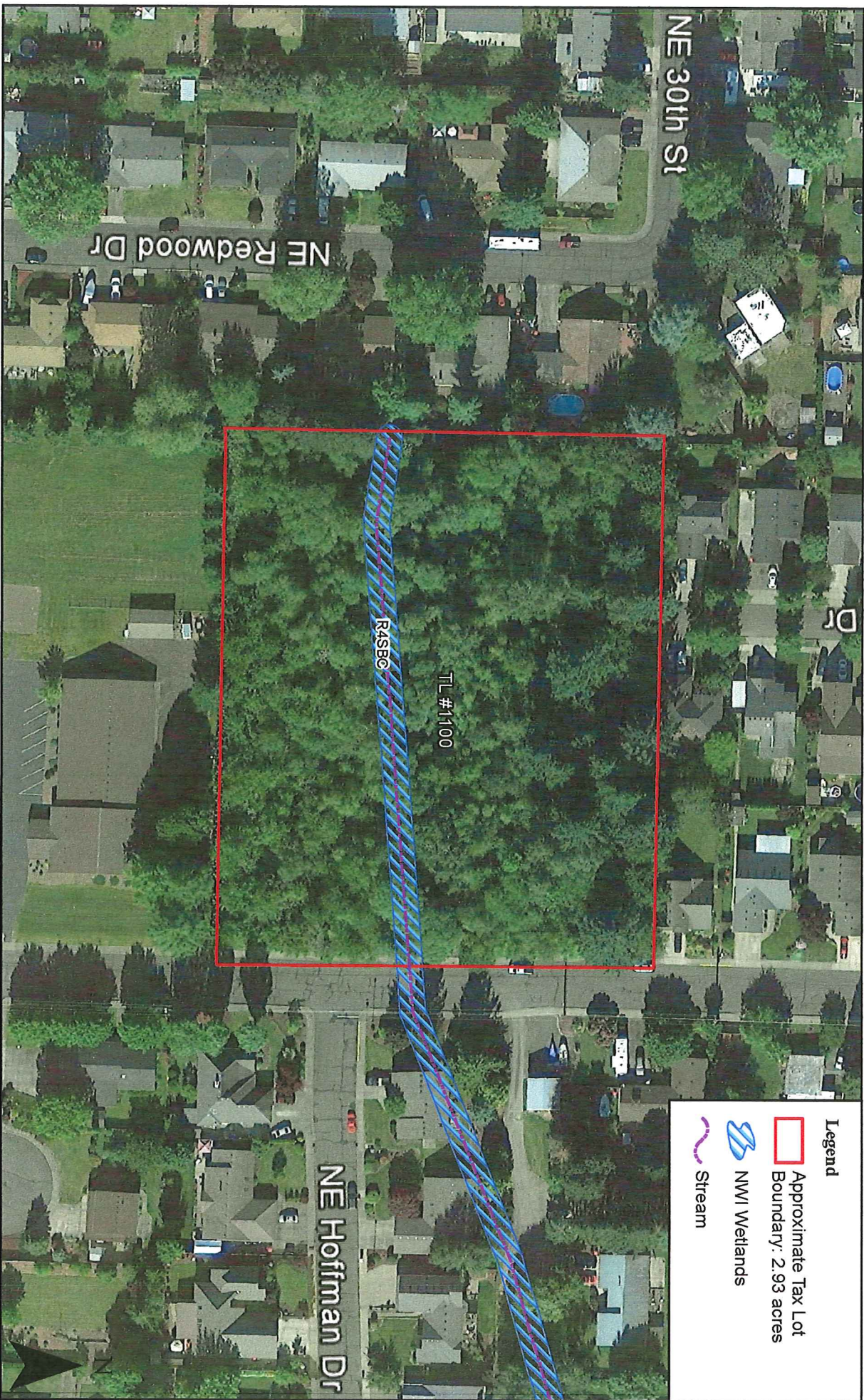


Figure 3. National Wetlands Inventory Map

North Newby Street Project Site: S&A #2631

Date: 8/27/2018

1 inch = 100 feet

Data Source: Yamhill County GIS Dept., 2018;

Google Earth, 2018; USFWS, NWI, 2018



FIGURE 4: USDA/NRCS SOIL SURVEY MAP

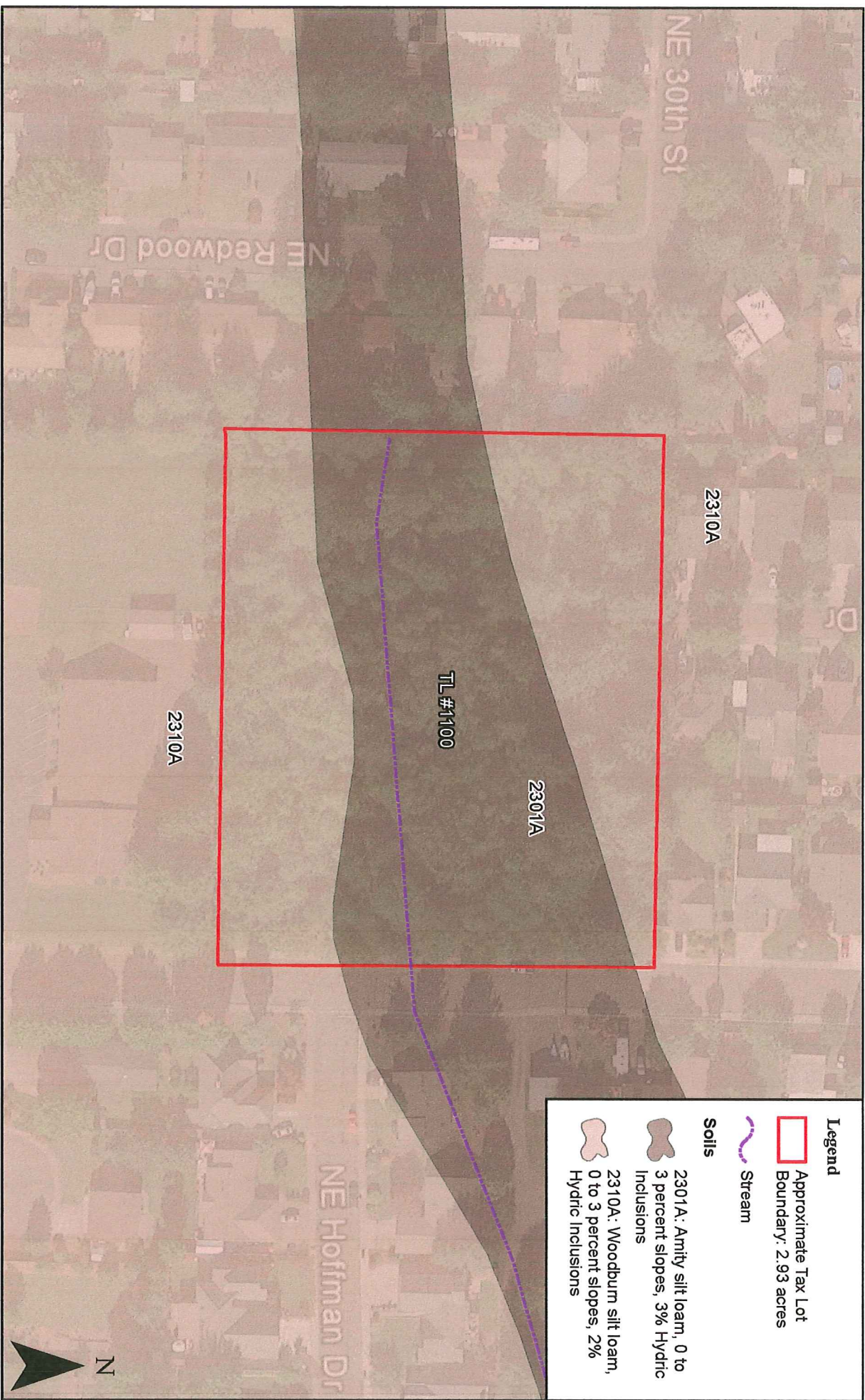


Figure 4. USDA/NRCS Soil Survey Map

Date: 8/27/2018

1 inch = 100 feet

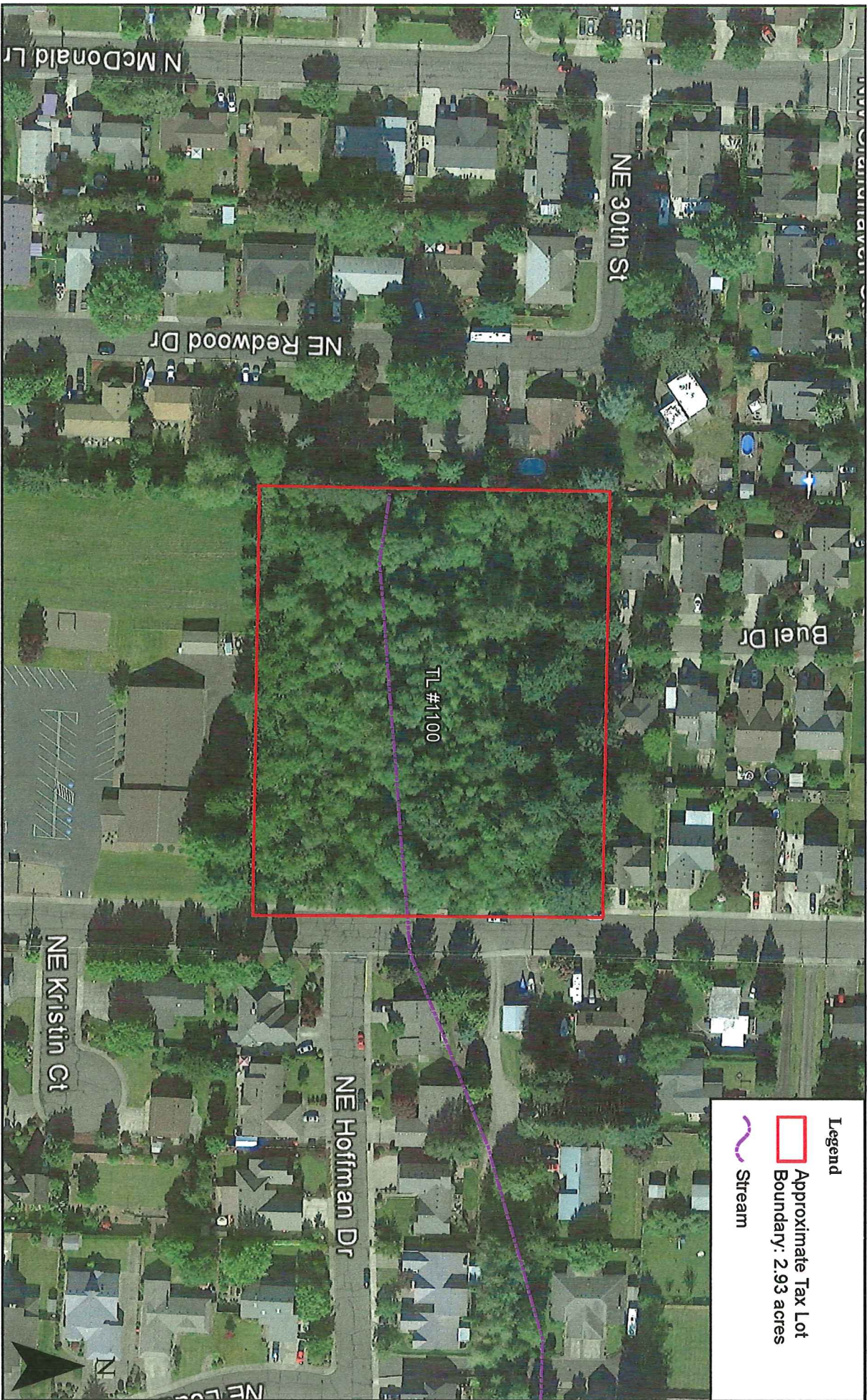
Data Source: Yamhill County GIS Dept., 2018; Google Earth, 2018; Soil Survey Staff, USDA, NRCS, 8/27/2018

North Newby Street Project Site: S&A #2631



FIGURE 5A: RECENT AERIAL IMAGE – JUNE 22, 2017





Date: 8/27/2018

1 inch = 125 feet

Data Source: Yamhill County GIS Dept., 2018;

Google Earth, 2018

Figure 5a. Recent Aerial Image: June 22, 2017

North Newby Street Project Site: S&A #2631



FIGURE 5B: HISTORICAL AERIAL IMAGE – JULY 29, 2000





Date: 8/27/2018

1 inch = 125 feet

Data Source: Yamhill County GIS Dept., 2018;  
Google Earth, 2018

Figure 5b. Historical Aerial Image: July 29, 2000



North Newby Street Project Site: S&A #2631

FIGURE 5C: HISTORICAL AERIAL IMAGE – JUNE 27, 1994





**Legend**

-  Approximate Tax Lot Boundary: 2.93 acres
-  Stream

Date: 8/27/2018  
1 inch = 125 feet  
Data Source: Yamhill County GIS Dept., 2018;  
Google Earth, 2018

Figure 5c. Historical Aerial Image: June 27, 1994

North Newby Street Project Site: S&A #2631



FIGURE 6: WETLAND DELINEATION MAP



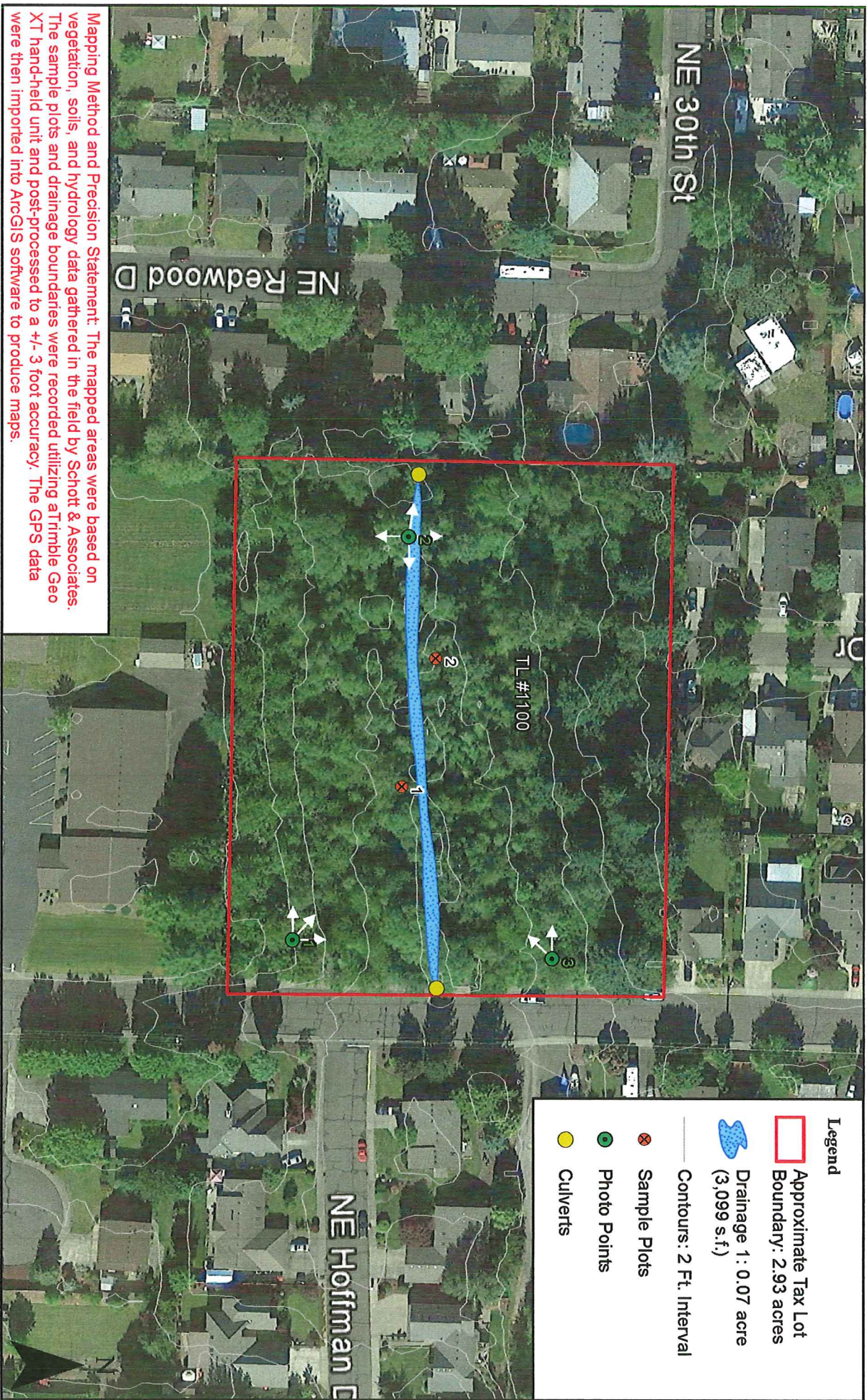


Figure 6. Wetland Delineation Map

North Newby Street Project Site: S&A #2631



## APPENDIX B: DATA FORMS

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# WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: N Newby Street City/County: McMinnville/Yamhill Sampling Date: 8/22/2018  
 Applicant/Owner: Leonard Johnson State: OR Sampling Point: 1  
 Investigator(s): JRR Section, Township, Range: Section 9, T4S, R4W  
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): Concave Slope (%): 0-5  
 Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 45.23030816 Long: -123.184883 Datum: WGS 84  
 Soil Map Unit Name: Amity Silt Loam (0-3 percent slopes) NWI Classification: None  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No        (If no, explain in Remarks)  
 Are Vegetation X, Soil       , or Hydrology        significantly disturbed? Are "Normal Circumstances" Present? Yes        No X  
 Are Vegetation       , Soil       , or Hydrology        naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u> No <u>      </u>	Is the Sampled Area within a Wetland?	Yes <u>      </u> No <u>X</u>
Hydric Soil Present?	Yes <u>      </u> No <u>X</u>		
Wetland Hydrology Present?	Yes <u>      </u> No <u>X</u>		
Remarks: Area was forested and has been recently cleared (within the last ~year). Vegetation was sparse due to clearing activity. Documented re-emerging cover. Plot is near drainage in a low area. Bottom of adjacent drainage is approximately 5 to 6 feet lower in elevation.			

## VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>4</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>75%</u> (A/B)
1. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
2. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
3. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
4. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
Total Cover: <u>0</u>				
<b>Shrub Stratum</b>				<b>Prevalence Index Worksheet:</b> Total % Cover of: <u>      </u> Multiply by: <u>      </u> OBL species <u>      </u> x1 = <u>      </u> FACW species <u>      </u> x2 = <u>      </u> FAC species <u>      </u> x3 = <u>      </u> FACU species <u>      </u> x4 = <u>      </u> UPL species <u>      </u> x5 = <u>      </u> Column Totals: <u>      </u> (A) <u>      </u> (B) Prevalence Index = B/A = <u>      </u>
1. <u>Rubus armeniacus</u>	<u>20</u>	<u>Y</u>	<u>FAC</u>	
2. <u>Crataegus monogyna</u>	<u>2</u>	<u>      </u>	<u>FAC</u>	
3. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
4. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
5. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
Total Cover: <u>22</u>				
<b>Herb Stratum</b>				<b>Hydrophytic Vegetation Indicators:</b> <u>      </u> 1 - Rapid Test for Hydrophytic Vegetation <u>X</u> 2 - Dominance Test is >50% <u>      </u> 3 - Prevalence Index is ≤3.0 <sup>1</sup> <u>      </u> 4 - Morphological Adaptation <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <u>      </u> 5 - Wetland Non-Vascular Plants <sup>1</sup> <u>      </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
1. <u>Rumex crispus</u>	<u>10</u>	<u>Y</u>	<u>FAC</u>	
2. <u>Phalaris arundinacea</u>	<u>5</u>	<u>Y</u>	<u>FACW</u>	
3. <u>Cirsium vulgare</u>	<u>3</u>	<u>      </u>	<u>FACU</u>	
4. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
5. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
6. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
7. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
8. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
9. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
10. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
11. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
Total Cover: <u>18</u>				
<b>Woody Vine Stratum</b>				<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Rubus ursinus</u>	<u>10</u>	<u>Y</u>	<u>FACU</u>	
2. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
Total Cover: <u>10</u>				
% Bare Ground in Herb Stratum <u>50</u> % Cover of Biotic Crust <u>0</u>				<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No <u>      </u>

Remarks: Predominantly bare ground. Reed canary grass was adjacent to the drainage.

## SOIL

Sampling Point: \_\_\_\_\_ 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-5	10YR 3/2	100					L	
5-10	10YR 3/2	98	10YR 3/3	2	C	M	L	
10-16	10YR 3/2	98	10YR 3/3	2	C	M	CL	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)	Indicators for Problematic Hydric Soils <sup>3</sup> :
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)
<input type="checkbox"/> Sandy Muck Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)
<input type="checkbox"/> Sandy gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

<b>Restrictive Layer (if present):</b> Type: _____ Depth (inches): _____	<b>Hydric Soil Present?</b> Yes _____ No <u>X</u>
--	---

Remarks: \_\_\_\_\_

## HYDROLOGY

Wetland Hydrology Indicators:			
Primary Indicators (any one indicator is sufficient)		Secondary Indicators (2 or more required)	
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A and 4B)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)	
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)	
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> FAC-Neutral Test (D5)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)	
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)			
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)			

<b>Field Observations:</b> Surface Water Present?    Yes _____ No <u>X</u> Depth (inches): _____ Water table Present?      Yes _____ No <u>X</u> Depth (inches): _____ Saturation Present?        Yes _____ No <u>X</u> Depth (inches): _____ (includes capillary fringe)	<b>Wetland Hydrology Present?</b> Yes _____ No <u>X</u>
---	---

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: No hydrology indicators present. Bottom of adjacent drainage ditch is approximately 5 to 6 feet lower in elevation.

# WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: N Newby Street City/County: McMinnville/Yamhill Sampling Date: 8/22/2018  
 Applicant/Owner: Leonard Johnson State: OR Sampling Point: 2  
 Investigator(s): JRR Section, Township, Range: Section 9, T4S, R4W  
 Landform (hillslope, terrace, etc.): Terrace Local relief (concave, convex, none): Concave Slope (%): 0-5  
 Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 45.23036999 Long: -123.1852619 Datum: WGS 84  
 Soil Map Unit Name: Amity Silt Loam (0-3 percent slopes) NWI Classification: None  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No        (If no, explain in Remarks)  
 Are Vegetation X, Soil       , or Hydrology        significantly disturbed? Are "Normal Circumstances" Present? Yes        No X  
 Are Vegetation       , Soil       , or Hydrology        naturally problematic? (If needed, explain any answers in Remarks.)

## SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>      </u> No <u>X</u>	Is the Sampled Area within a Wetland?	Yes <u>      </u> No <u>X</u>
Hydric Soil Present?	Yes <u>      </u> No <u>X</u>		
Wetland Hydrology Present?	Yes <u>      </u> No <u>X</u>		
Remarks: Area was forested and has been recently cleared (within the last ~year). No vegetation present, area was recently scraped. Plot is near drainage in a low area. Bottom of adjacent drainage is approximately 5 to 6 feet lower in elevation.			

## VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?	Dominance Test worksheet:
1. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Number of Dominant Species That Are OBL, FACW, or FAC: <u>0</u> (A)
2. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Total Number of Dominant Species Across All Strata: <u>0</u> (B)
3. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Percent of Dominant Species That Are OBL, FACW, or FAC: <u>0%</u> (A/B)
4. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
Total Cover: <u>0</u>				
<u>Shrub Stratum</u>				<u>Prevalence Index Worksheet:</u>
1. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Total % Cover of: <u>      </u> Multiply by: <u>      </u>
2. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	OBL species <u>      </u> x1 = <u>      </u>
3. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	FACW species <u>      </u> x2 = <u>      </u>
4. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	FAC species <u>      </u> x3 = <u>      </u>
5. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	FACU species <u>      </u> x4 = <u>      </u>
Total Cover: <u>0</u>				UPL species <u>      </u> x5 = <u>      </u>
<u>Herb Stratum</u>				Column Totals: <u>      </u> (A) <u>      </u> (B)
1. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	Prevalence Index = B/A = <u>      </u>
2. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
3. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
4. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
5. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
6. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
7. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
8. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
9. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
10. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
11. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	
Total Cover: <u>0</u>				
<u>Woody Vine Stratum</u>				<u>Hydrophytic Vegetation Indicators:</u>
1. <u>Rubus ursinus</u>	<u>      </u>	<u>Y</u>	<u>FACU</u>	<u>      </u> 1 - Rapid Test for Hydrophytic Vegetation
2. <u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u> 2 - Dominance Test is >50%
Total Cover: <u>0</u>				<u>      </u> 3 - Prevalence Index is ≤3.0 <sup>1</sup>
% Bare Ground in Herb Stratum <u>100</u>	% Cover of Biotic Crust <u>0</u>			<u>      </u> 4 - Morphological Adaptation <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)
				<u>      </u> 5 - Wetland Non-Vascular Plants <sup>1</sup>
				<u>      </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
				<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
				<u>Hydrophytic Vegetation Present?</u> Yes <u>      </u> No <u>X</u>

Remarks:



## SOIL

Sampling Point: \_\_\_\_\_ 2

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-6	10YR 3/2	100					Si	
6-16	10YR 2/2	100					SiL	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. <sup>2</sup>Location: PL=Pore Lining, M=Matrix.**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)****Indicators for Problematic Hydric Soils<sup>3</sup>:**

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Muck Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.**Restrictive Layer (if present):**Type: \_\_\_\_\_  
Depth (inches): \_\_\_\_\_**Hydric Soil Present?** Yes \_\_\_\_\_ No X

Remarks:

## HYDROLOGY

**Wetland Hydrology Indicators:****Primary Indicators (any one indicator is sufficient)**

<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	

**Secondary Indicators (2 or more required)**

<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A and 4B)
<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Frost-Heave Hummocks (D7)

**Field Observations:**

Surface Water Present?	Yes _____	No <u>X</u>	Depth (inches): _____
Water table Present?	Yes _____	No <u>X</u>	Depth (inches): _____
Saturation Present?	Yes _____	No <u>X</u>	Depth (inches): _____

 (includes capillary fringe)
**Wetland Hydrology Present?** Yes \_\_\_\_\_ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: No hydrology indicators present. Bottom of adjacent drainage ditch is approximately 5 to 6 feet lower in elevation.

## APPENDIX C: GROUND LEVEL PHOTOGRAPHS



Photo Point 1. Facing north.



Photo Point 1. Facing northwest.

APPENDIX C. GROUND LEVEL PHOTOGRAPHS  
North Newby Street  
S&A#2631

Schott & Associates  
P.O. Box 589  
Aurora, OR. 97002  
503.678.6007





Photo Point 1. Facing west.



Photo Point 2. At western extent of drainage. Facing east.

APPENDIX C. GROUND LEVEL PHOTOGRAPHS  
North Newby Street  
S&A#2631

Schott & Associates  
P.O. Box 589  
Aurora, OR. 97002  
503.678.6007





Photo Point 2. Facing north.



Photo Point 2. At western extent of drainage, Facing west.

APPENDIX C. GROUND LEVEL PHOTOGRAPHS  
North Newby Street  
S&A#2631

Schott & Associates  
P.O. Box 589  
Aurora, OR. 97002  
503.678.6007





Photo Point 2. Facing south.



Photo Point 3. Facing west.

APPENDIX C. GROUND LEVEL PHOTOGRAPHS  
North Newby Street  
S&A#2631

Schott & Associates  
P.O. Box 589  
Aurora, OR. 97002  
503.678.6007





Photo Point 3. Facing southwest.

## APPENDIX D: LITERATURE CITATIONS

- Environmental Laboratory, 1987. *Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1, U.S. Army Engineers Waterways Experiment Station, Vicksburg, MS.
- Environmental Laboratory, 2008 *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)*, Wetlands Regulatory Assistance Program ERDC/EL TR-10-3 U.S. Army Engineer Research and Development Center. Vicksburg, MS.
- Federal Interagency Committee for Wetland Delineation, 1989. *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S.D.A. Soil Conservation Service, Washington, D.C. Cooperative technical publication. 138 pp.
- Federal Register, 1980. 40 CFR Part 230: Section 404(b)(1), *Guidelines for Specification of Disposal Sites of Dredged or Fill Material*, Vol. 45, No. 249, pp. 85352-85353, U.S. Govt. Printing Office, Washington, D.C.
- Federal Register, 1982. Title 33, *Navigation and Navigable Waters; Chapter II, Regulatory Programs of the Corps of Engineers*. Vol. 47, No. 138, p. 31810, U.S. Govt. Printing Office, Washington, D.C.
- Federal Register, 1986. 33 CFR Parts 320 through 330, *Regulatory Programs of the Corps of Engineers; Final Rule*, Vol. 51, No. 219 pp. 41206-41259, U.S. Govt. Printing Office, Washington, D.C.
- Kollmorgen Corporation, 1975. *Munsell Soil Color Charts*. Macbeth Division of Kollmorgen Corporation, Baltimore, MD.
- Lichvar, R.W., D.L Banks, W.N. Kirchner, and N.C. Melvin. 2016. *The National Wetland Plant List: 2016 Wetland Ratings*. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN2153 733X.
- Natural Resource Conservation Service Water Agricultural Applied Climate Information Center: Portland International Airport. 1981-2010. U.S. Department of Agriculture. Available: <http://agacis.rcc-acis.org>
- Oregon Department of State Lands. 2012. A Guide to the Removal-Fill Permit Process. Salem, OR. April 2012.
- Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.nrcs.usda.gov/>. Accessed [8/22/2018]



# Oregon

Kate Brown, Governor

February 15, 2019

Leonard Johnson  
c/o Nick Storm  
3375 West Side Road  
McMinnville, OR 97128

Re: WD #2018-0644 Wetland Delineation Report for North Newby  
Street, Yamhill County; T 4N R 4W S 9DC TL 1100;

Dear Mr. Johnson:

The Department of State Lands has reviewed the wetland delineation report prepared by Schott & Associates, Inc. for the site referenced above. Based upon the information presented in the report, we concur with the waterway boundaries as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area one water (Drainage 1) was identified. Drainage 1 is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will determine jurisdiction for purposes of the Clean Water Act. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

State Land Board

Kate Brown

Governor

Dennis Richardson

Secretary of State

Tobias Read

State Treasurer



Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. Please phone me at 503-986-5271 if you have any questions.

Sincerely,



Daniel Evans, PWS  
Jurisdiction Coordinator

Approved by



Peter Ryan, PWS  
Aquatic Resource Specialist

Enclosures

ec: Jodi Reed, Schott & Associates, Inc.  
City of McMinnville Planning Department  
Kinsey Friesen, Corps of Engineers  
Mike DeBlasi, DSL

# WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

Fully completed and signed report cover forms and applicable fees are required before report review timelines are initiated by the Department of State Lands. Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go online at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF of the completed cover form and report may be e-mailed to: **Wetland\_Delineation@dsl.state.or.us**. For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

Contact and Authorization Information	
<input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: Leonard Johnson 3375 West Side Road McMinnville, OR 97128	Business phone # Mobile phone # (optional) E-mail: storm.n@comcast.net (Nick Storm for Leonard Johnson)
<input checked="" type="checkbox"/> Authorized Legal Agent, Name and Address (if different): Nick Storm (signing for Leonard Johnson)	Business phone # 971-409-4583 Mobile phone # (optional) E-mail:
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact. Typed/Printed Name: <u>Samuel L. Johnson</u> Signature: <u>[Signature]</u> Date: _____ Special instructions regarding site access: _____	
Project and Site Information	
Project Name: <u>North Newby Street</u> <u>North Newby Street</u>	Latitude: 45.230359 Longitude: -123.185188 decimal degree - centroid of site or start & end points of linear project
Proposed Use: <u>Residential Housing</u>	Tax Map # <u>44-0000C 4 4 0915C</u> Tax Lot(s) 1100 Tax Map # Tax Lot(s)
Project Street Address (or other descriptive location): West of N Newby Street, south of Buel Drive, north of Adventure Christian Church	Township 4S Range 4W Section 9DC QGSW1/4, SE
City: McMinnville County: Yamhill	Use separate sheet for additional tax and location information Waterway: _____ River Mile: _____
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: Schott & Associates, Inc. Attn: Jodi Reed PO Box 589 Aurora, Oregon 97002	Phone #503-678-6007 Mobile phone # (if applicable) E-mail: Jodi@schottandassociates.com
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge. Consultant Signature: <u>Jodi Reed</u> Date: _____	
Primary Contact for report review and site access is <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Study Area size: 2.93 ac Total Wetland Acreage: <u>0.0</u> Waters: <u>0.07</u>
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> Industrial Land Certification Program Site <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # _____	<input type="checkbox"/> Fee payment submitted \$ _____ <input type="checkbox"/> Fee (\$100) for resubmittal of rejected report <input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) DSL # _____ Expiration date _____ <input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code _____
For Office Use Only	
DSL Reviewer: <u>DE</u> Fee Paid Date: <u>11 / 28 / 18</u>	DSL WD # <u>2018-0644</u>
Date Delineation Received: <u>11 / 21 / 18</u> Scanned: <input type="checkbox"/> Electronic: <input checked="" type="checkbox"/>	DSL App.# _____

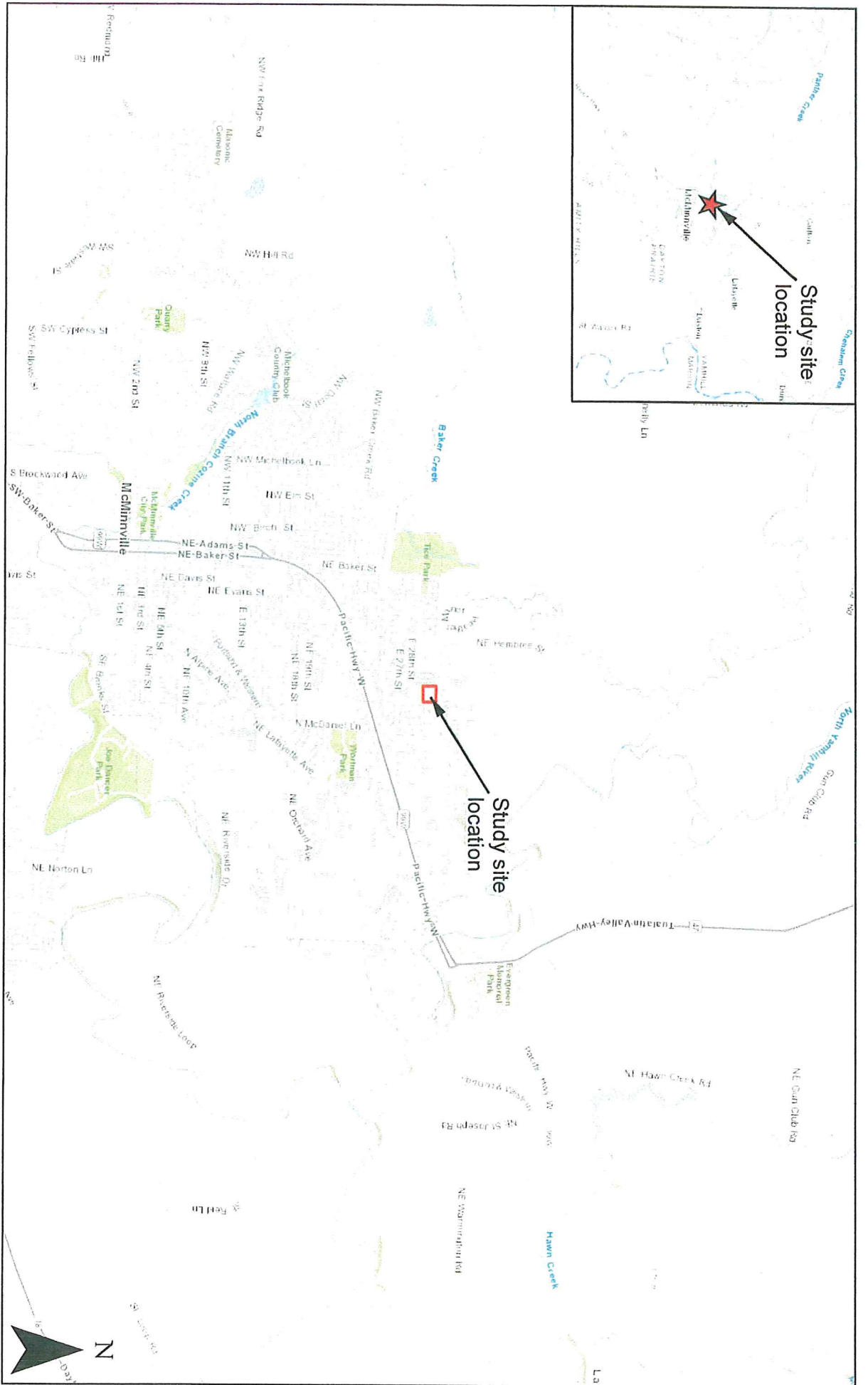
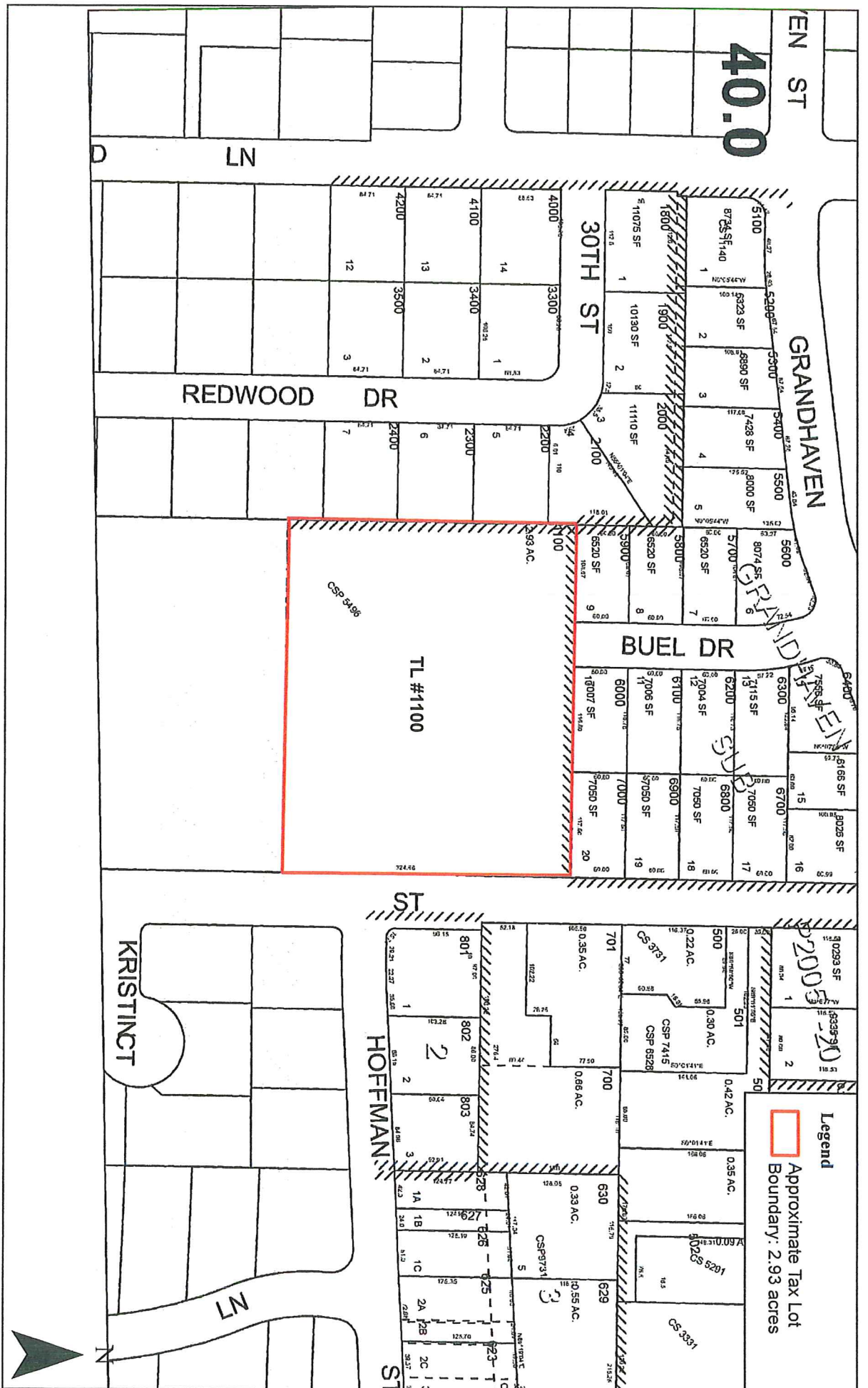


Figure 1. Location Map

Date: 8/27/2018

Data Source: ESRI, 2018;  
Yamhill County GIS Dept., 2018





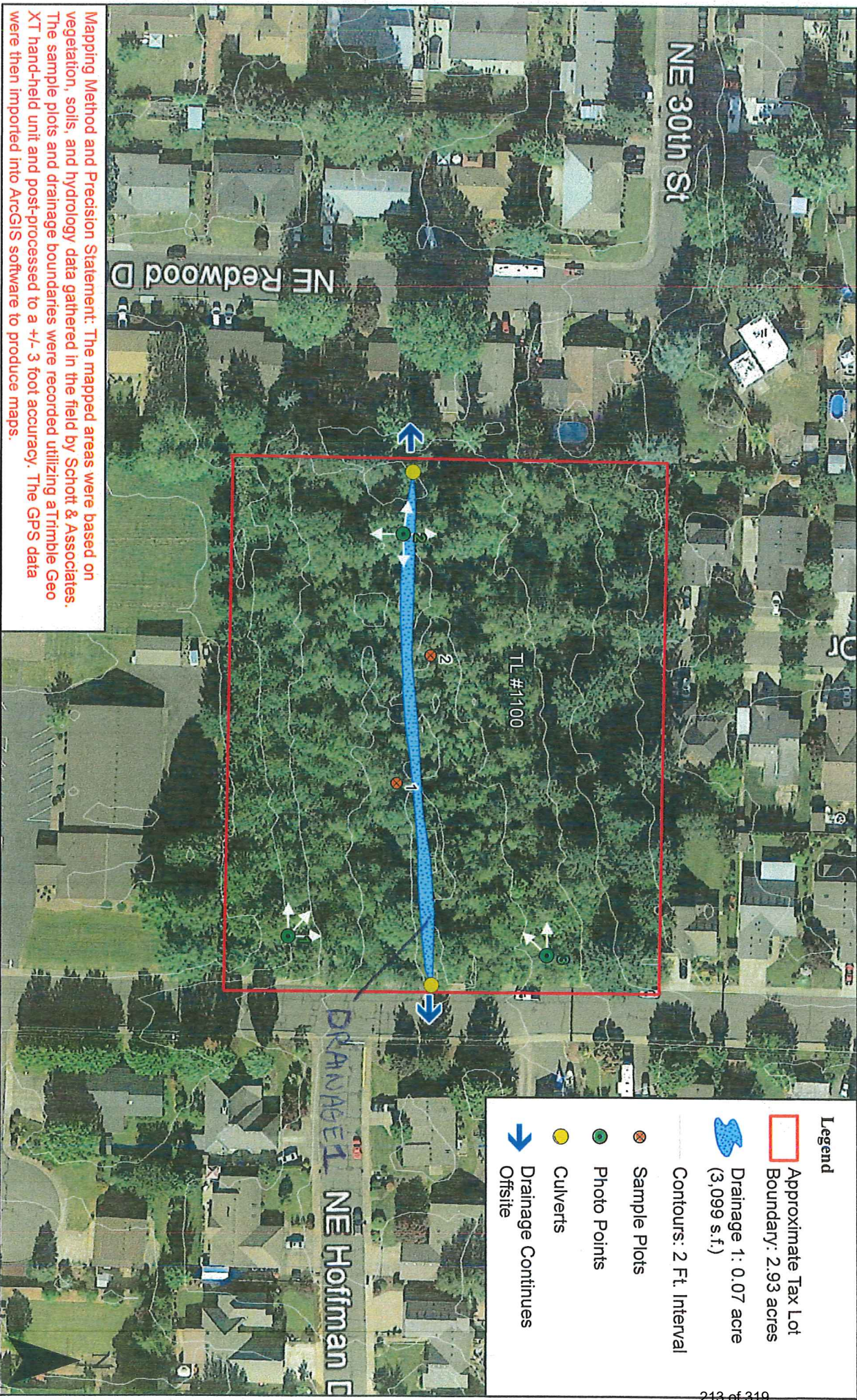
Date: 8/27/2018  
 1 inch = 150 feet  
 Data Source: Yamhill County GIS Dept., 2018;  
 ORMAP, 2018 (www.ormap.net)

Figure 2. Yamhill County Tax Map: 040409DC

North Newby Street Project Site: S&A #2631







Date: 2/18/2019

1 inch = 100 feet

Data Source: Yamhill County GIS Dept., 2018;  
USGS, National Elevation Data, 2010

DSL WD # 2018-0644

Approval Issued 2-15-19

Approval Expires 2-15-21

Figure 6. Wetland Delineation Map

North Newby Street Project Site: S&A #2631





**First American**

**First American Title Insurance Company**

825 NE Evans Street  
McMinnville, OR 97128  
Phn - (503)376-7363  
Fax - (866)800-7294

**PUBLIC RECORD REPORT  
Supplemental  
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Leonard Johnson

Phone:

Fax:

Date Prepared : May 06, 2019  
Effective Date : 8:00 A.M on May 02, 2019  
Order No. : 1039-3193941  
Reference :

The information contained in this report is furnished by First American Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

**REPORT**

- A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.



**EXHIBIT "A"**  
**(Land Description Map Tax and Account)**

Being a part of the James T. Hembree and wife Donation Land Claim, Notification No. 1215, Claim No. 46, in Sections 9 and 16, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, which said part is more particularly described as follows, to-wit:

BEGINNING at a point 467.82 feet South 00°44' West and 1,653.56 feet East of the Northeast corner of the John G. Baker Donation Land Claim No. 49 in said Township and Range, said point being also the Northeast corner of the ten acre tract of land conveyed by Delia M. Stout and M. Alice Burdett and husband to G. W. Mead, by Deed recorded in Book 110, Page 230, Deed Records of Yamhill County, Oregon; thence North from this point, 108.23 feet to the true point of beginning; thence West, 402.50 feet; thence North, 324.66 feet; thence East 402.50 feet to the West line of the County Road, now there; thence South 324.66 feet to the place of beginning.

SAVE AND EXCEPT that portion conveyed to the City of McMinnville, a municipal corporation of the State of Oregon in Street Deed recorded September 14, 1990 in Film Volume 247, Page 1332, Deed and Mortgage Records.

Map No.: R4409DC-1100  
Tax Account No.: 4409DC-1100

**EXHIBIT "B"**  
**(Vesting)**

Leonard Johnson

**EXHIBIT "C"**  
**(Liens and Encumbrances)**

1. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
2. Easement, including terms and provisions contained therein:  
Recording Information: October 04, 1965 in Film Volume 48, Page 368, Deed  
and Mortgage Records  
In Favor of: The City of McMinnville, its successors and assigns  
For: Right of Way



## DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
  - (a) "Customer": The person or persons named or shown as the addressee of this report.
  - (b) "Effective Date": The effective date stated in this report.
  - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
  - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
2. **Liability of the Company.**
  - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
  - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
  - (c) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
  - (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
    - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
    - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
    - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
    - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
    - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
    - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
    - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
    - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

**Exhibit 6**

**NEIGHBORHOOD  
FOR THE  
MONIKA**

**MEETING  
PROPOSED  
RESIDENTIAL  
SUBDIVISION**

**DATE:** January 29, 2019

**TIME:** 6:00 PM

**LOCATION:** Adventure Christian Church  
2831 NE Newby Street, McMinnville OR

**THIS MEETING IS OPEN TO THE PUBLIC AND  
INTERESTED PERSONS ARE INVITED TO ATTEND**

NEIGHBORHOOD  
for the Monika

PROPERTY  
INFORMATION

Exhibit 7

MEETING  
residential subdivision  
DEVELOPMENT

DATE: January 29, 2019  
TIME: 6:00 P.M.  
LOCATION: Adventure Christian Church  
Fellowship Hall  
2831 NE Newby Street  
McMinnville, OR

This Neighborhood Meeting is an opportunity for neighbors in the surrounding area to see and hear what residential development is going to be proposed to the Planning Commission in the near future.

We invite anyone interested to come and have a conversation about the future development proposal.

*Proposal:* The descriptions of the two applications we will be proposing are:

- A Zone Change on approximately 2.93 acres from the current zone of R-1 (Single-Family Residential) to R-3 (Two-Family Residential).
- A tentative residential subdivision plan on approximately 2.93 acres of land that, if approved, would provide for the construction of 17 single-family homes on lots ranging in size from approximately 4,467 to 6,862 square feet and averaging approximately 6,097 square feet in size.

Homes to be built are anticipated to range from approximately 1,300 to 2,000 square feet in size and will be single and two-story design. This development is expected to be completed in one phase with full build out achieved in approximately two (2) years.

Please come to this neighborhood meeting to receive information on the proposed development and to ask questions, provide input and voice any concerns you may have.

Attached:  
Vicinity map, Preliminary Subdivision Plan

Thank you in advance for your participation.



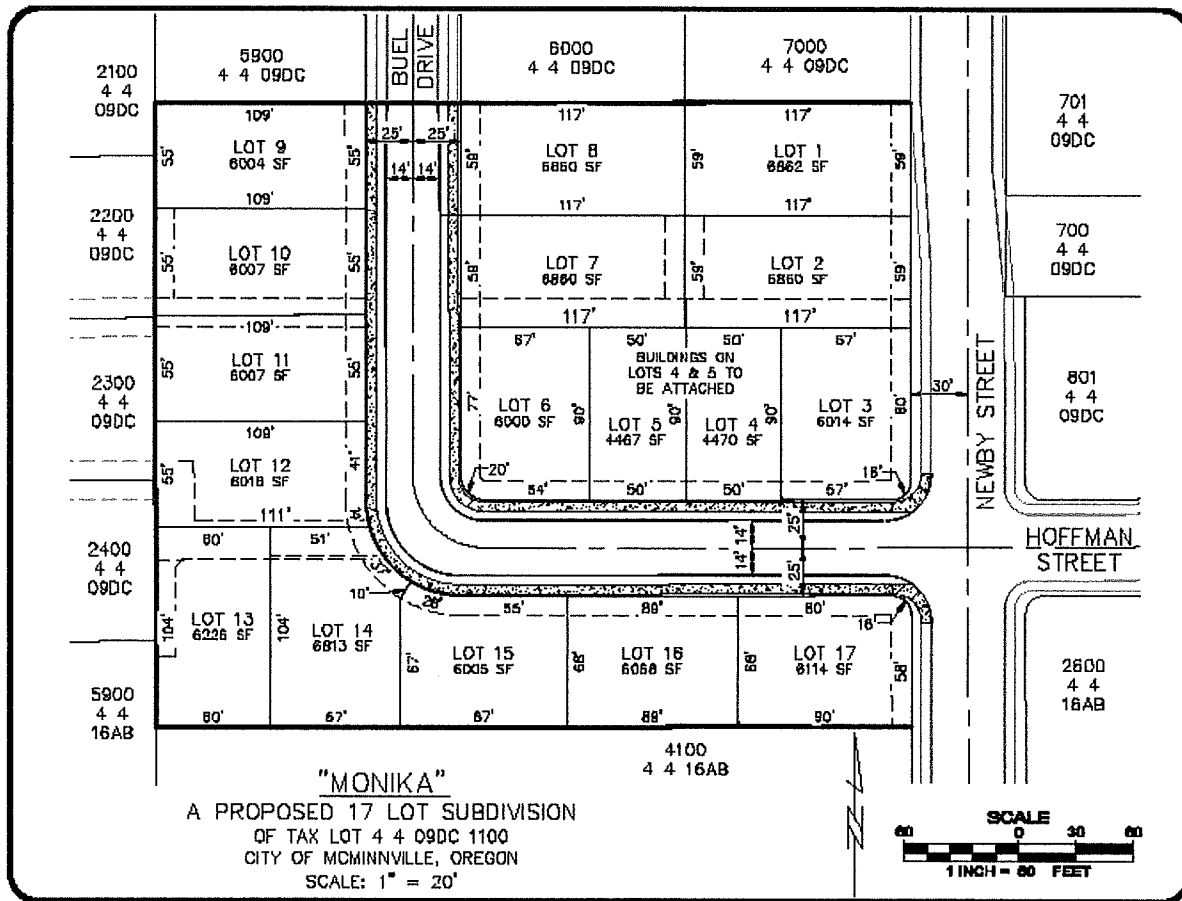
Respectfully,

Leonard Johnson

## Vicinity Map



## Preliminary Subdivision Plan





## Exhibit 8

Christopher & Jennifer Compton

3030 NE Newby St  
McMinnville, OR 97128

Raul Ponce

3010 NE Newby St  
McMinnville, OR 97128

Jayson & Rosemarie Gettman

2950 NE Newby St  
McMinnville, OR 97128

Gregory & Michelle Harris

1483 NE Hoffman Dr  
McMinnville, OR 97128

William Christensen

1135 NE 30th St  
McMinnville, OR 97128

Jim & Kristine Gullo

2926 NE Redwood Dr  
McMinnville, OR 97128

Douglas & Nancy Hill

2925 NE Redwood Dr  
McMinnville, OR 97128

Kelly Stillwell

2930 NE McDonald Ln  
McMinnville, OR 97128

Jorge Rivas

1152 NE Grandhaven St  
McMinnville, OR 97128

Ronald Miller

1258 NE Grandhaven St  
McMinnville, OR 97128

Brett & Kari Sweeden

1424 NE Grandhaven St  
McMinnville, OR 97128

Sara Hayes

3024 NE Newby St  
McMinnville, OR 97128

Cheryl Groves

1421 NW Hoffman Dr  
McMinnville, OR 97128

Martina & Jose Guerrero

1111 NE 30th St  
McMinnville, OR 97128

Gerald & Rena Geelan

2930 Redwood Dr  
McMinnville, OR 97128

Kelly Bird

2920 NE Redwood Dr  
McMinnville, OR 97128

James & Janet Stark

2915 Redwood Dr  
McMinnville, OR 97128

Dennis Marks

PO Box 1740  
McMinnville, OR 97128

Elizabeth Darst

Box 2638  
Borrego Springs, CA 92004

Yohn Ranch LLC

PO Box 570  
McMinnville, OR 97128

Jared Heesacker

3020 NE Newby St  
McMinnville, OR 97128

Mark Mathews

3370 Westside Rd  
McMinnville, OR 97128

Ruth W McKibben & James E For Black

1445 NE Hoffman Dr  
McMinnville, OR 97128

Tyrone & Brenda Marshall

PO Box 1700  
McMinnville, OR 97128

Gerald & Rena Geelan

2930 Redwood Dr  
McMinnville, OR 97128

Gordon & Sandra McCann

1126 NE 30th St  
McMinnville, OR 97128

Eugene & Joan Tribbett

1110 NE 30th St  
McMinnville, OR 97128

Jennifer Kauffman

18841 Hein Ct  
Oregon City, OR 97045

John & Amanda Lawson

1224 NE Grandhaven St  
McMinnville, OR 97128

Joel & Sarri Gibson

354 SW Mt Mazama St  
McMinnville, OR 97128

Uchelen Arthur Van  
2817 NE Redwood Dr  
McMinnville, OR 97128

John Reinhardt  
1130 NE 28th St  
McMinnville, OR 97128

Brenda Keevy  
2820 NE McDonald Ln  
McMinnville, OR 97128

Donna Johnston  
2830 NE McDonald Ln  
McMinnville, OR 97128

Linda & Roald Berg  
12913 SE 129 Ct  
Happy Valley, OR 97086

Labels List Created 1/7/2019  
By Lindsay Arellanes

## Exhibit 9

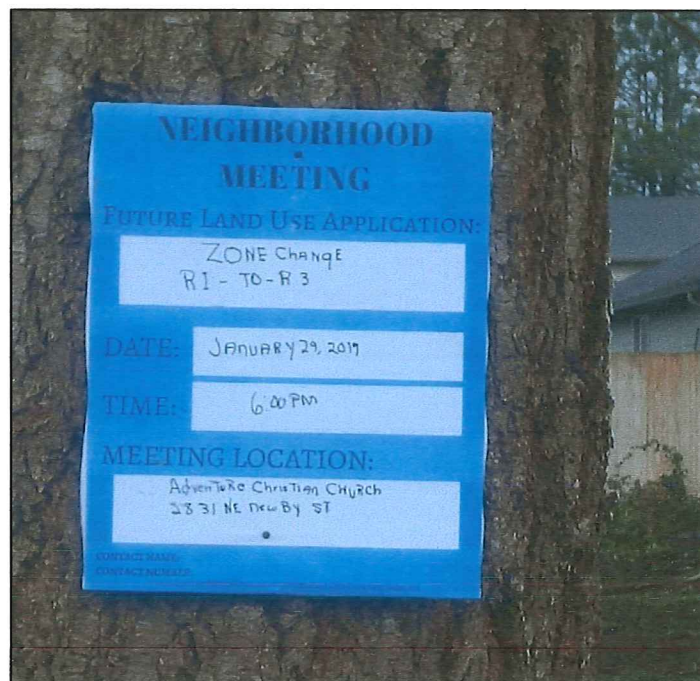
At NE Newby Street  
Buel Drive frontage

frontage

At NE



Sign detail:





**Exhibit 10**

**NEIGHBORHOOD**  
**For the Monika**

**MEETING**  
**residential subdivision**

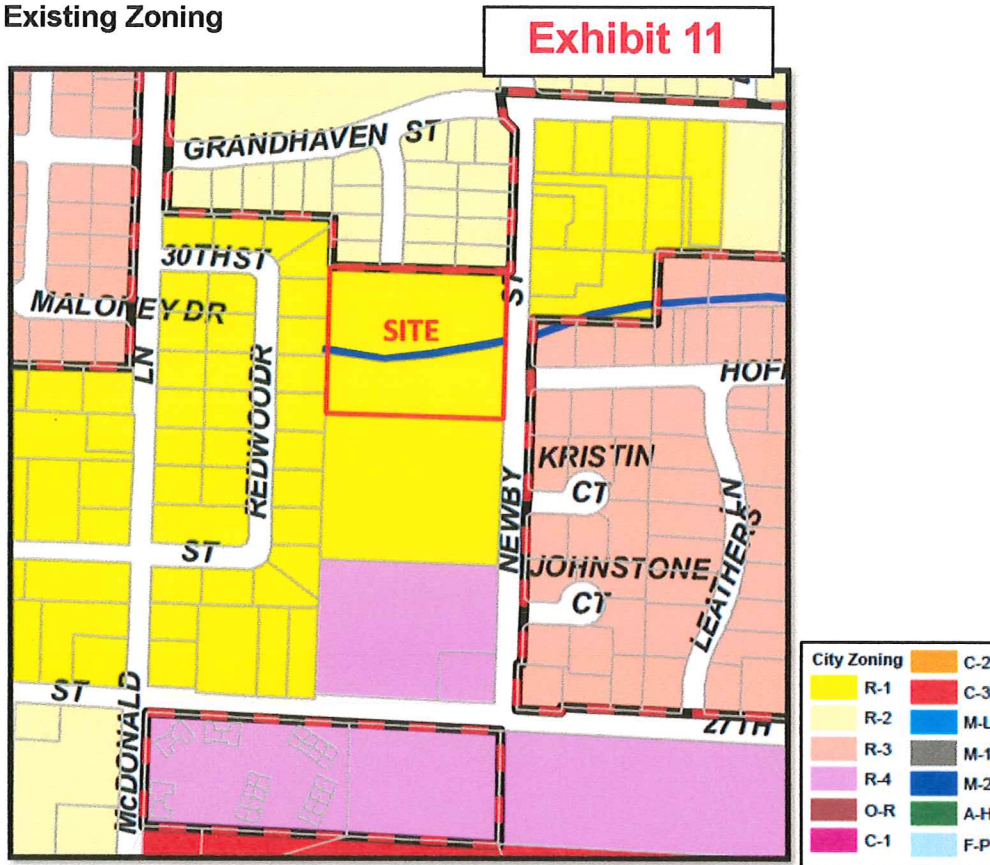
**- AGENDA -**

**DATE:** January 29, 2019  
**TIME:** 6:00 PM  
**LOCATION:** Adventure Christian Church  
2831 NE Newby Street, McMinnville, OR

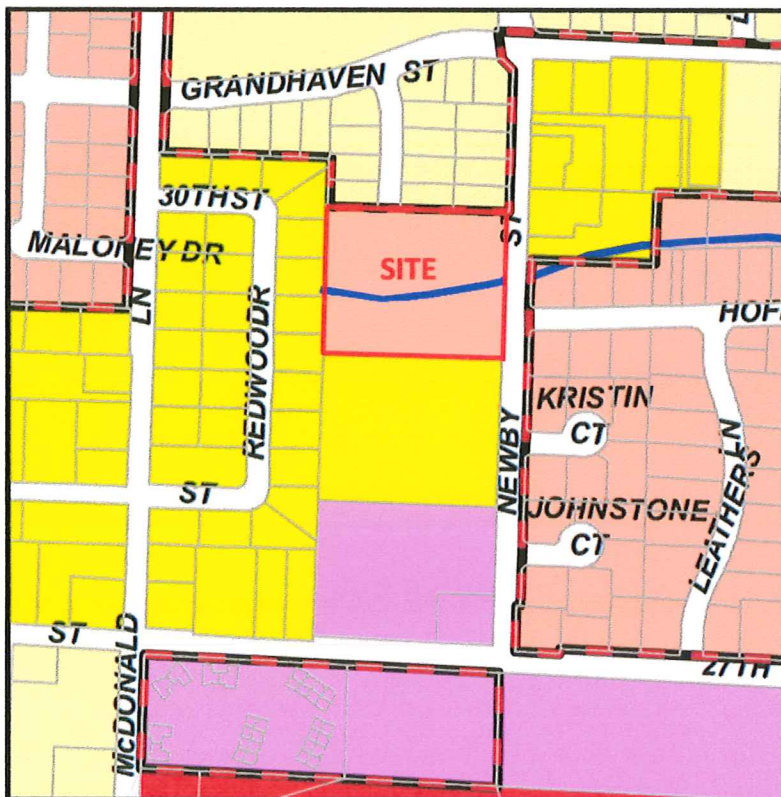
**Agenda Items**

1. Introduction and Announcement of Attendee Sign-In Sheet
2. Invitation and Opportunity to view the tentative subdivision plan
3. Presentation of the Major Elements of the Proposal
  - a. The Applications
  - b. The Proposed Subdivision Design
  - c. Vehicular Access
  - d. Drainage Swale
4. Q & A: Invitation for Neighbor Comments, Questions and Concerns
5. Adjournment

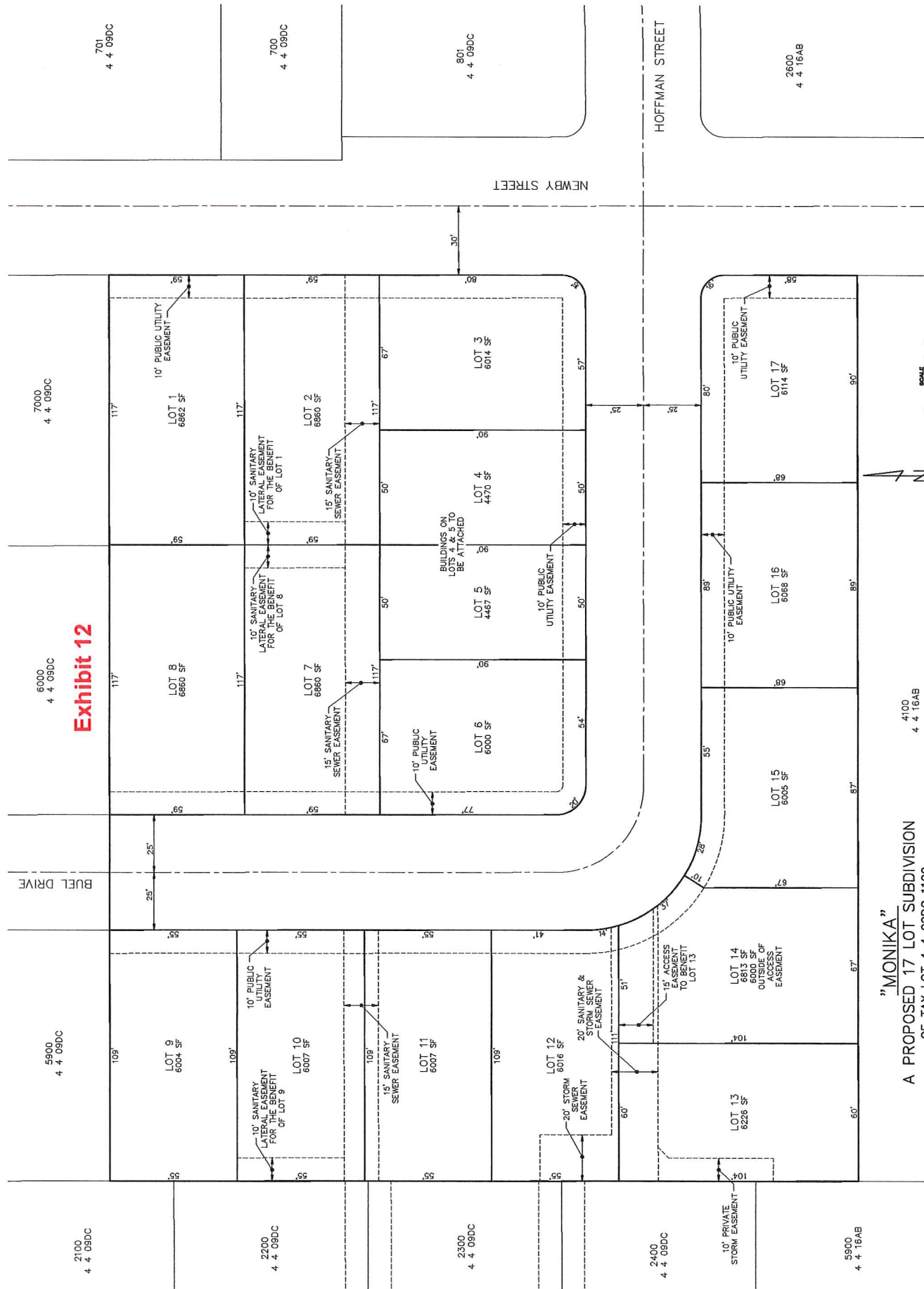
## Existing Zoning



## Proposed Zoning



# Exhibit 12



"MONIKA"  
 A PROPOSED 17 LOT SUBDIVISION  
 OF TAX LOT 4 4 09DC 1100  
 CITY OF MCMINNVILLE, OREGON  
 SCALE: 1" = 20'







## Exhibit 14

Examples of homes built by the  
1/29/2019 Neighborhood Meeting.

Developer displayed at the











## **Exhibit 15**

**NEIGHBORHOOD MEETING**  
- MONIKA Residential Subdivision -

LEONARD JOHNSON  
3375 NW Westside Road  
MCMINNVILLE, OR 97128

503-472-4848

**SIGN-IN SHEET**

Date: January 29, 2019  
Time: 6:00 p.m.  
Location: Adventure Christian Church

NAME (Please Print)	Please provide your mailing address
JOHN NEUSCHWANGER	2910 NE REDWOOD DRIVE MCMINNVILLE OR. 97128
ALSON SEILER	1433 NE KRISTIN COURT.
Patricia McLeod	2971 N.E. Newby St.
Judy Dale Turner	1784 NE Coburn DR
Karen Barnards	8045 Donnelly
DAVID PILATE	2842 NE NEWBY
Joan Buzzard	3551 NE Joel ST
Vanessa Hadick	3017 NE BUEL
Barbara & Tanya Gethman	2950 NE Newby St
JIM & KRIS GULLO	2926 NE Redwood Dr.
ROBERTO GONZALEZ	2997 NE NEWBY ST.
Jolene & Kelly Bird	2920 NE Redwood Dr.
Pauline Edel	1442 NE Kristin Ct
Leslie Taylor	1533 NE Hoffman Dr
Gary & Jill Christensen	1480 NE Hoffman Dr.
Brian & Kara DeMaseo	3008 NE Buel Drive
Erik Neilson	2831 NE Newby St.,



**NEIGHBORHOOD MEETING**  
**- MONIKA Residential Subdivision -**

**LEONARD JOHNSON**  
3375 NW Westside Road  
MCMINNVILLE, OR 97128

503-472-4848

**SIGN-IN SHEET**

**Date:** January 29, 2019  
**Time:** 6:00 p.m.  
**Location:** Adventure Christian Church

NAME (Please Print)	Please provide your mailing address
Mark + Analia Goodman	1491 NE Carly Ct McMinnville

## Exhibit 16

A Neighborhood Meeting was held on Tuesday, January 29, 2019 from 6:00 p.m. to 7:30 p.m. in the Fellowship Hall of the Adventure Christian Church located at 2831 NE Newby Street in order to publicly present a Zone Change proposal to amend the zone of the subject site from R-1 (Single-Family Residential) to R-3 (Two-Family Residential) and a 17-lot residential Subdivision proposal and to provide an opportunity and invitation for the public to view the tentative subdivision plan and other exhibits and to ask questions, voice concerns and to engage in a conversation on the proposal. At this meeting, the applicant, Leonard Johnson, was present as well as the applicant's consultants, Ron Pomeroy (Navigation Land Use Consulting, LLC) and Mart Storm (R A Storm and Company).

The format for the Neighborhood Meeting included presenter introductions and a description of the forthcoming applications and the main components of the proposal leaving the majority of the time spent in an open dialogue with those in attendance.

The main topics verbally shared by attendees of this Neighborhood Meeting are generally summarized as follows as required by McMinnville Zoning Ordinance 17.72.095(G)(5)(e). No written public testimony were provided at that meeting. Although not required by McMinnville Zoning Ordinance 17.72.095(G)(5), brief responses are provided below which characterize those provided at the Neighborhood Meeting.

- Duplexes – The construction of duplexes within the proposed neighborhood is not generally desirable.

Response: The applicant is not proposing the creation of duplex lots or proposing to construct duplex dwellings. The difference between duplex housing and single-family attached housing was discussed. The minimum lot size for a duplex lot compliant with R-3 standards is 8,000 square feet. None of the proposed lots meet this minimum lot size requirement so duplex development would not be permitted anywhere within this subdivision. To enable the construction of duplex residences on this site would require the submitted tentative subdivision plan to be amended which would require additional land use review.

- Cul-de-sacs – The proposed street should not be a through street. Rather, the generally preferred street design for this site would include a cul-de-sac street.

Response: The McMinnville Transportation System Plan (TSP) and numerous policies and requirements of Volumes II and III of the McMinnville Comprehensive Plan demonstrate the City's required connectivity of local residential streets where possible. The original concept plan for this site proposed NE Buel Drive extending southward to then terminate in a cul-de-sac. Initial discussions with City staff indicated that NE Buel Drive should extend southward from its temporary terminus into the site and then extend eastward to connect with NE Newby Street at its intersection with NE Hoffman Street. The

current tentative subdivision plan incorporates that design and complies with the City's policies and requirements regarding local street connectivity.

- Traffic – Development of this site with a through street would exacerbate existing unsafe vehicle movement conditions on nearby streets. Noted unsafe traffic situations were identified as being located along NE Grandhaven Street and at the intersection of NE Grandhaven Street and NE Buel Drive and included concerns regarding excessive travel speeds, improperly designed and unsafe curvature of NE Grandhaven Street adjacent to Grandhaven Elementary School, inadequate vehicle sight distances, and the possible need for installation of speed bumps to address one or more of these concerns.

Response: These observations shared at the Neighborhood Meeting all relate to existing public streets and lie beyond the subject site and the applicant's responsibility or ability to modify and, with regard to the described excessive travel speed along NE Grandhaven Street, is not within the applicant's ability to prevent. While residential development of this site with either a local through street or a cul-de-sac street will add additional trips to both NE Newby Street and NE Buel Drive, both of these streets will still remain under their design vehicle carrying capacities. The City's adopted policies, standards and plans indicate that this site should be served by a through street connecting NE Newby Street at its intersection with NE Hoffman Street with the temporary southerly terminus of NE Buel Drive and that is what has been designed by the applicant for this current proposal.

- Surface stormwater should not run toward existing homes adjacent to NE Buel Drive.

Response: From the southern edge of the portion of the Grandhaven subdivision that abuts this site, the grade generally slopes southward toward the east-west drainage ditch that currently traverses the site. Surface stormwater will correspondingly continue to flow in that direction upon final buildout.

- The effect of the intended stormwater conveyance through the site on the existing drainageway and the open creek located further to the east (across NE Newby Street and north of Hoffman Street) in the Hoffman Addition subdivision and beyond.

Response: An open-ended 30-inch pipe currently dumps stormwater from other residential development west of the site into an open ditch at the western edge of the subject site. It is proposed to capture this stormwater within an underground extension of the 30-inch wide storm pipe and convey the flow to an existing underground storm culvert located within the NE Newby Street right-of-way. This water from the open ditch currently enters the City's existing underground storm drainage system at NE Newby Street. It is proposed that the open ditch would be filled and the proposed culvert would be largely constructed within the proposed public street right-of-way in a similar manner to that which has occurred in other nearby neighborhoods. A sufficient storm sewer design meeting all applicable requirements will be provided to the City Engineering Department along with verification of compliance with the requirements of other agencies, inclusive of a jurisdictional wetland delineation and concurrence from the Department of State Lands (DSL), prior to Engineering Department permit issuance for construction of this portion of the proposed storm drainage system. Additionally, a joint fill permit would also likely be required by DSL and the Army Corps of Engineers. Should mitigation be required, the developer would comply with such applicable requirements. Additionally, a second, 12-inch, storm sewer is also proposed to be constructed to accommodate and convey all other storm flow resulting from the proposed development to the existing system located within the NE Newby Street right-of-way as shown on the Overall Utility Plan provided for



viewing at the neighborhood meeting.



PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

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**PUBLIC HEARING NOTICE**  
**PLANNING COMMISSION REVIEW OF A**  
**ZONE CHANGE REQUEST & TENTATIVE SUBDIVISION PLAN**  
**NE NEWBY STREET (TAX LOT R4409DC01100)**

NOTICE IS HEREBY GIVEN that applications for a zone change and tentative subdivision plan have been submitted to the McMinnville Planning Department. The purpose of this notice is to provide an opportunity for surrounding property owners to submit comments regarding these applications or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Tom Schauer with any questions at 503-474-5108, or [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov).

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**DOCKET NUMBER:** ZC 3-19 (Zone Change), S 2-19 (Tentative Subdivision Plan)

**REQUEST:** Approval to rezone the property from R-1 (Single-Family Residential) to R-3 (Two-Family Residential), and approval of a tentative subdivision plan, to allow for development of a 17-lot single-family residential subdivision.

**APPLICANT:** Leonard Johnson

**SITE LOCATION(S):** NE Newby Street, between NE Grandhaven Dr and NE 27<sup>th</sup> St  
(see attached map)

**MAP & TAX LOT(S):** R4409DC01100

**ZONE(S):** R-1 (Single-Family Residential)

**MMC REQUIREMENTS:** Zone Change: McMinnville Municipal Code (MMC) Section 17.74.020; Tentative Subdivision Plan: MMC Chapter 17.53 (Land Division Standards), MMC Chapter 17.18 (R-3 Two-Family Residential Zone), Comprehensive Plan Goals and Policies (see reverse side for specific review criteria)

**NOTICE DATE:** June 28, 2019

**PUBLIC HEARING DATE:** July 18, 2019 at 6:30 P.M.

**HEARING LOCATION:** McMinnville Civic Hall Building  
200 NE 2<sup>nd</sup> Street, McMinnville, OR, 97128

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**Proceedings:** A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a decision to either recommend approval of the application to the McMinnville City Council or deny the application.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission and City Council in making a decision. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the

Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128, or by email to [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov).

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5<sup>th</sup> Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov).

**Appeal:** Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

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

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

## **REVIEW CRITERIA:**

### **For Zone Change:**

#### **MMC, Section 17.74.020: Comprehensive Plan Map Amendment and Zone Change - Review Criteria:**

An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

### **For Tentative Subdivision Plan:**

#### **MMC Chapter 17.53 (Land Division Standards):**

All applicable criteria Chapter 17.53 apply to this request.

#### **MMC Chapter 17.18 (R-3 Two-Family Residential Zone):**

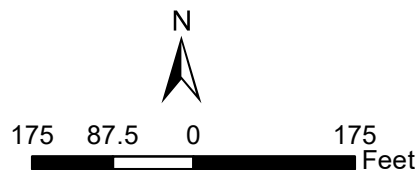
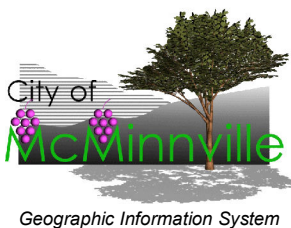
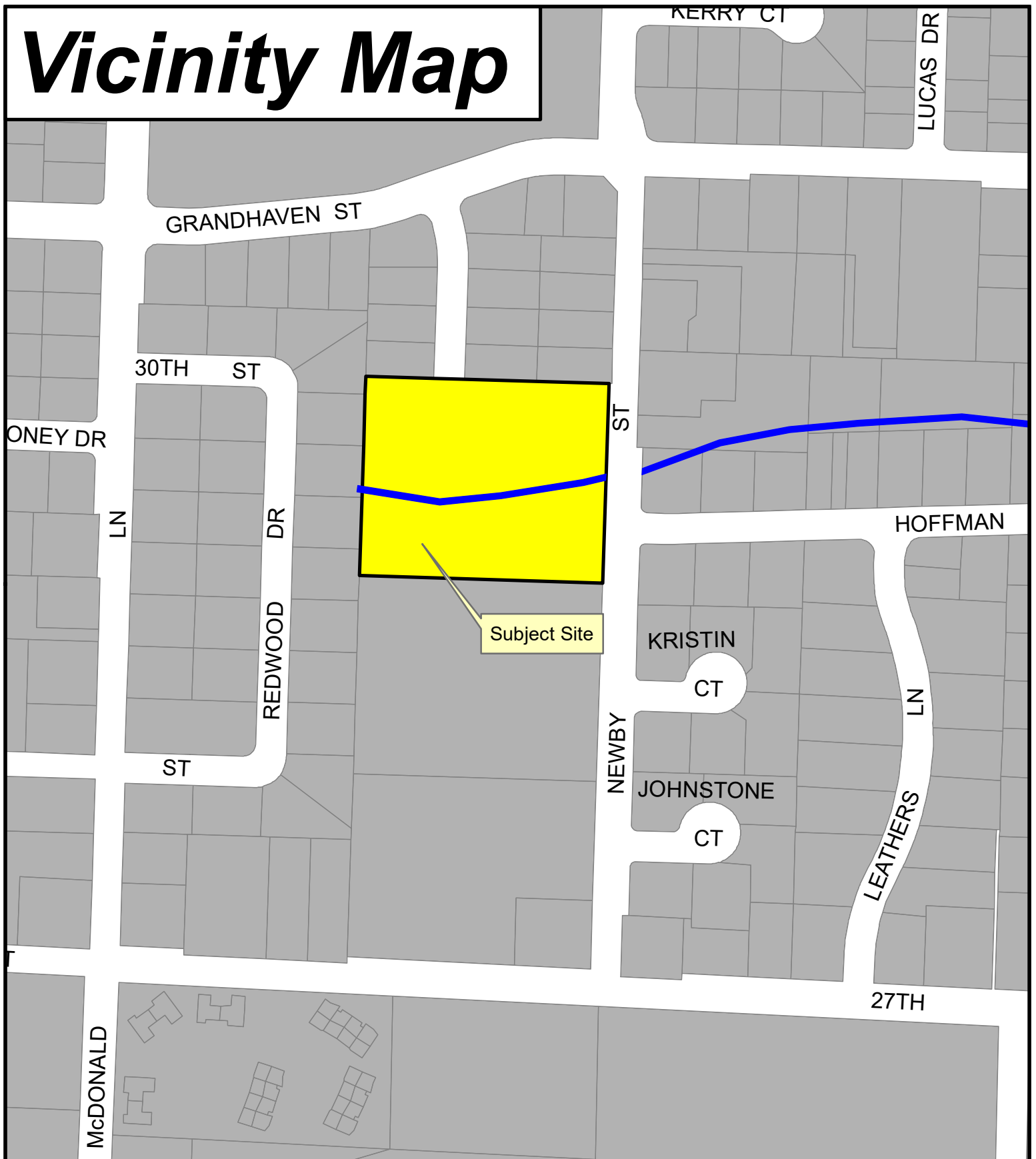
All applicable criteria in Chapter 17.18 apply to this request.

#### **Comprehensive Plan Goals and Policies:**

All applicable goals and policies apply to this request.



# Vicinity Map



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

**ZC 3-19/S 2-19**

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4409DC00803	1483 NE HOFFMAN DR	HARRIS GREGORY J	HARRIS GREGORY J	1483 NE HOFFMAN DR	MCMINNVILLE OR	97128
2	R4416AB02600	1420 NE HOFFMAN DR	SWETZ JOSEPH TRUSTEE	SWETZ JOSEPH TRUSTEE	1420 NE HOFFMAN DR	MCMINNVILLE OR	97128
3	R4409DC06800	3011 NE NEWBY ST	JOHNSON GENE O	JOHNSON GENE O	3011 NE NEWBY ST	MCMINNVILLE OR	97128
4	R4409DC05800	3035 NE BUEL DR	CLEARKEY BUEL LLC	CLEARKEY BUEL LLC	2597 NW ALICE KELLEY ST	MCMINNVILLE OR	97128
5	R4409DC06700	3027 NE NEWBY ST	HYDER TRAVIS M	HYDER TRAVIS M	3027 NE NEWBY ST	MCMINNVILLE OR	97128
6	R4409DC06500	1346 NE GRANDHAVEN ST	WIF INC	WIF INC	944 NE 18TH ST	MCMINNVILLE OR	97128
7	R4416AB03200	1420 NE KRISTIN CT	CONNELL ERIK C	CONNELL ERIK C	1036 NW DEL MONTE DR	MCMINNVILLE OR	97128
8	R4409DC05500	1258 NE GRANDHAVEN ST	MILLER RONALD J	MILLER RONALD J	1258 NE GRANDHAVEN ST	MCMINNVILLE OR	97128
9	R4416AB03000	1470 NE KRISTIN CT	SHELDON LORENE E TRUST	SHELDON LORENE E TRUST	1470 NE KRISTIN CT	MCMINNVILLE OR	97128
10	R4416AB05700	2821 NE REDWOOD DR	AMODEO ANTHONY M	AMODEO ANTHONY M	2821 NE REDWOOD DR	MCMINNVILLE OR	97128
11	R4409DC00500	3020 NE NEWBY ST	HEESACKER JARED L	HEESACKER JARED L	3020 NE NEWBY ST	MCMINNVILLE OR	97128
12	R4409DC06300	3078 NE BUEL DR	HUCHENDORF MELISSA J	HUCHENDORF MELISSA J	3078 NE BUEL DR	MCMINNVILLE OR	97128
13	R4409DC02300	2926 NE REDWOOD DR	GULLO JIM R	GULLO JIM R	2926 NE REDWOOD DR	MCMINNVILLE OR	97128
14	R4416AB03100	1442 NE KRISTIN CT	EDER PAULINE	EDER PAULINE	1442 NE KRISTIN CT	MCMINNVILLE OR	97128
15	R4409DC04000	1110 NE 30TH ST	TRIBBETT EUGENE A	TRIBBETT EUGENE A	1110 NE 30TH ST	MCMINNVILLE OR	97128
16	R4409DC04200	2920 NE MCDONALD LN	MARKS DENNIS A	MARKS DENNIS A	PO BOX 1740	MCMINNVILLE OR	97128
17	R4416AB05600	2905 NE REDWOOD DR	KING-JARRED MARCIE M	KING-JARRED MARCIE M	2905 NE REDWOOD DR	MCMINNVILLE OR	97128
18	R4409DC03500	2915 NE REDWOOD DR	STARK JAMES R	STARK JAMES R	2915 REDWOOD DR	MCMINNVILLE OR	97128
19	R4409DC00504	3024 NE NEWBY ST	HAYES SARA	HAYES SARA	3024 NE NEWBY ST	MCMINNVILLE OR	97128
20	R4416AB02400	1480 NE HOFFMAN DR	CHRISTENSEN FAMILY TRUST	CHRISTENSEN FAMILY TRUST	1480 NE HOFFMAN DR	MCMINNVILLE OR	97128
21	R4416AB02800	1433 NE KRISTIN CT	SEILER ALISON O	SEILER ALISON O	1433 NE KRISTIN CT	MCMINNVILLE OR	97128
22	R4409DC00802	1445 NE HOFFMAN DR	BLACK RUTH W MCKIBBEN TRUSTEE &	BLACK RUTH W MCKIBBEN TRUSTEE &	1445 NE HOFFMAN DR	MCMINNVILLE OR	97128
23	R4409DC02200	2930 NE REDWOOD DR	GEELAN GERALD T & RENA L	GEELAN GERALD T & RENA L	2930 REDWOOD DR	MCMINNVILLE OR	97128
24	R4409DC00701	2950 NE NEWBY ST	GETTMAN JAYSON M	GETTMAN JAYSON M	2950 NE NEWBY ST	MCMINNVILLE OR	97128
25	R4409DC04100	2930 NE MCDONALD LN	STILLWELL KELLY	STILLWELL KELLY	2930 NE MCDONALD LN	MCMINNVILLE OR	97128
26	R4416AB02900		KENT JOHN	KENT JOHN	2835 NE LEATHERS LN	MCMINNVILLE OR	97128
27	R4409DC05700	3059 NE BUEL DR	GIBSON JOEL A	GIBSON JOEL A	354 SW MT MAZAMA ST	MCMINNVILLE OR	97128
28	R4409DC00404	1424 NE GRANDHAVEN ST	SWEEDEN BRETT	SWEEDEN BRETT	1424 NE GRANDHAVEN ST	MCMINNVILLE OR	97128
29	R4416AB05800	2817 NE REDWOOD DR	VAN UCHELEN ARTHUR P	VAN UCHELEN ARTHUR P	2817 NE REDWOOD DR	MCMINNVILLE OR	97128
30	R4416AB04600	2816 NE REDWOOD DR	DORSHIMER GLADDEN R	DORSHIMER GLADDEN R	2816 NE REDWOOD DR	MCMINNVILLE OR	97128
32	R4409DC07000	2971 NE NEWBY ST	MCLEOD PATRICIA M	MCLEOD PATRICIA M	2971 NE NEWBY ST	MCMINNVILLE OR	97128
33	R4409DC01900	1125 NE 30TH ST	MARSHALL TYRONE W G	MARSHALL TYRONE W G	PO BOX 1700	MCMINNVILLE OR	97128
34	R4416AB06100	2830 NE MCDONALD LN	JOHNSTON DONNA	JOHNSTON DONNA	2830 NE MCDONALD LN	MCMINNVILLE OR	97128
35	R4409DC02100		GEELAN GERALD T & RENA L	GEELAN GERALD T & RENA L	2930 NE REDWOOD DR	MCMINNVILLE OR	97128

Date Sent 6/28/19Sent By SP

**ZC 3-19/S 2-19**

36	R4416AB04800	2804 NE REDWOOD DR	LINDSKOG BRUCE TRUSTEE	LINDSKOG BRUCE TRUSTEE	2804 NE REDWOOD DR	MCMINNVILLE OR	97128
37	R4409DC05600	1288 NE GRANDHAVEN ST	YOHN RANCH LLC	YOHN RANCH LLC	PO BOX 570	MCMINNVILLE OR	97128
38	R4409DC00400	3030 NE NEWBY ST	COMPTON CHRISTOPHER L	COMPTON CHRISTOPHER L	3030 NE NEWBY ST	MCMINNVILLE OR	97128
39	R4409DC05100	1110 NE GRANDHAVEN ST	KAUFFMAN JENNIFER	KAUFFMAN JENNIFER	18841 HEIN CT	OREGON CITY OR	97045
40	R4409DC02000	1135 NE 30TH ST	CHRISTENSEN WILLIAM	CHRISTENSEN WILLIAM	1135 NE 30TH ST	MCMINNVILLE OR	97128
41	R4416AB06200	2910 NE MCDONALD LN	BERG LINDA R 1/2	BERG ROALD K 1/2	12913 SE 129 CT	HAPPY VALLEY OR	97086
42	R4409DC05900	3017 NE BUEL DR	HADICK VANESSA M	HADICK VANESSA M	3017 NE BUEL DR	MCMINNVILLE OR	97128
43	R4416AB04500	2830 NE REDWOOD DR	BORDERS SILVIA	BORDERS SILVIA	2830 NE REDWOOD DR	MCMINNVILLE OR	97128
44	R4409DC00501	3010 NE NEWBY ST	PONCE RAUL M	PONCE RAUL M	3010 NE NEWBY ST	MCMINNVILLE OR	97128
45	R4409DC02400	2920 NE REDWOOD DR	BIRD KELLY J	BIRD KELLY J	2920 NE REDWOOD DR	MCMINNVILLE OR	97128
46	R4409DC06000	3008 NE BUEL DR	DEMARCO KARA L	DEMARCO KARA L	3008 NE BUEL DR	MCMINNVILLE OR	97128
47	R4409DC03400	2925 NE REDWOOD DR	HILL DOUGLAS T & NANCY H	HILL DOUGLAS T & NANCY H	2925 NE REDWOOD DR	MCMINNVILLE OR	97128
48	R4409DC06600	3041 NE NEWBY ST	CHAN KARL K	CHAN KARL K	4062 NE FAIRVIEW LAKE WY	FAIRVIEW OR	97024
49	R4409DC05300	1190 NE GRANDHAVEN ST	DARST ELIZABETH G	DARST ELIZABETH G	BOX 2638	BORREGO SPRINGS CA	92004
50	R4416AB05900	1130 NE 28TH ST	REINHARDT JOHN E &	REINHARDT JOHN E &	1130 NE 28TH ST	MCMINNVILLE OR	97128
51	R4409DC06100	3036 NE BUEL DR	DOYLE SCOTT E	DOYLE SCOTT E	3036 NE BUEL DR	MCMINNVILLE OR	97128
52	R4409DC00801	1421 NE HOFFMAN DR	GROVES CHERYL L	GROVES CHERYL L	1421 NW HOFFMAN DR	MCMINNVILLE OR	97128
53	R4409DC05400	1224 NE GRANDHAVEN ST	LAWSON JOHN E	LAWSON JOHN E	1224 NE GRANDHAVEN ST	MCMINNVILLE OR	97128
54	R4416AB04700	2812 NE REDWOOD DR	VANAKEN GARY L	VANAKEN GARY L	2812 NE REDWOOD DR	MCMINNVILLE OR	97128
55	R4409DC01800	1111 NE 30TH ST	GUERRERO MARTINA P	GUERRERO MARTINA P	1111 NE 30TH ST	MCMINNVILLE OR	97128
56	R4409DC03300	1126 NE 30TH ST	MCCANN GORDON E	MCCANN GORDON E	1126 NE 30TH ST	MCMINNVILLE OR	97128
57	R4409DC06900	2997 NE NEWBY ST	GONZALEZ ROBERTO	GONZALEZ ROBERTO	2997 NE NEWBY ST	MCMINNVILLE OR	97128
58	R4416AB02500	1446 NE HOFFMAN DR	CAMERON JOHN T	CAMERON JOHN T	1446 NE HOFFMAN DR	MCMINNVILLE OR	97128
59	R4416AB04400	2910 NE REDWOOD DR	NEUSCHWANGER JOHN A & DONNA	NEUSCHWANGER JOHN A & DONNA	2910 REDWOOD DR	MCMINNVILLE OR	97128
60	R4409 02501	3200 NE MCDONALD LN	MCMINNVILLE SCHOOL DISTRICT NO 40	MCMINNVILLE SCHOOL DISTRICT NO 40	1500 N BAKER ST	MCMINNVILLE OR	97128
61	R4416AB02700	2842 NE NEWBY ST	PILATE DAVID L	PILATE DAVID L LIVING TRUST	2842 NE NEWBY ST	MCMINNVILLE OR	97128
62	R4409DC00700	2930 NE NEWBY ST	MATHEWS MARK	MATHEWS MARK	3370 WESTSIDE RD	MCMINNVILLE OR	97128
63	R4409DC06400	1318 NE GRANDHAVEN ST	AARON ROGER W	AARON ROGER W	1318 NE GRANDHAVEN ST	MCMINNVILLE OR	97128
64	R4409DC06200	3064 NE BUEL DR	RHOADS DANIEL J	RHOADS DANIEL J	3064 NE BUEL DR	MCMINNVILLE OR	97128
65	R4409DC05200	1152 NE GRANDHAVEN ST	RIVAS JORGE A	RIVAS JORGE A	1152 NE GRANDHAVEN ST	MCMINNVILLE OR	97128
66	R4416AB06000	2820 NE MCDONALD LN	KEEVY BRENDA	KEEVY BRENDA	2820 NE MCDONALD LN	MCMINNVILLE OR	97128
67	R4416AB04100	2831 NE NEWBY ST	NEWBERG CHRISTIAN CHURCH	NEWBERG CHRISTIAN CHURCH	2315 VILLA RD	NEWBERG OR	97132
Owner	R4409DC01100		JOHNSON LEONARD	JOHNSON LEONARD	3375 NE WESTSIDE RD	MCMINNVILLE OR	97128
Consultant			RON POMEROY	NAVIGATION LAND USE CONSULTING	PO BOX 1514	MCMINNVILLE OR	97128



## EXHIBIT 3 - STAFF REPORT

**DATE:** July 18, 2019 Planning Commission Meeting  
**TO:** City of McMinnville Planning Commission  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** G 3-19. Zoning Ordinance Text Amendment:  
Innovative Housing Pilot Project Floating Zone



**HOUSING OPPORTUNITIES** (ACROSS THE INCOME SPECTRUM)

Create diverse housing opportunities that support great neighborhoods.

**OBJECTIVE/S:** Collaborate to improve the financial feasibility of diverse housing development opportunities

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### Report in Brief:

This is the continuation of a legislative public hearing from June 27, 2019, to consider proposed amendments to the Zoning Ordinance to establish provisions for an Innovative Housing Pilot Project Floating Zone. The intent is to provide regulatory flexibility together with oversight of design and operational compatibility, by creating a program that would authorize up to two pilot projects. The program is intended to help address transitional housing needs in the community with a path to self-sufficiency, and hopefully reduce health and safety issues presented by unmanaged living situations.

The City of McMinnville is proposing to add Chapter 17.49 to the McMinnville Zoning Ordinance, adding provisions for an Innovative Housing Pilot project Floating Zone.

A Floating Zone is a zoning district that “floats” over an eligible geographic area but isn’t applied to any property unless and until requested by a property owner within the eligibility area through an application process, if the request is found to meet the requirements. The proposal for the Innovative Housing Pilot Project Floating Zone would work as follows:

1. This Zoning Ordinance amendment would establish the provisions for the floating zone. This includes specifying the eligibility area, permitted uses, development standards, and the procedures and criteria which must be met to apply the floating zone designation and concurrently approve a pilot project.
2. Through an advertised RFP process, property owners within the eligibility area could submit proposals for site-specific pilot projects. A maximum of two pilot projects would be selected by a selection committee based on evaluation criteria in the advertised RFP.

3. The top two proposals would be eligible to apply for the floating zone designation and approval of the pilot project through the land use process. This would occur through a separately noticed land use process, and the applicant would need to demonstrate the criteria are satisfied.

Since this is a legislative process, there is not 120-day deadline for issuing a decision. The Planning Commission can continue to deliberate and consider the proposal and eventually decide if it is something that they want to recommend to the McMinnville City Council for approval.

Due to the complexity of the proposal and the amount of public testimony provided on June 27, 2019, the Planning Commission elected to continue the public hearing to at least one more meeting, and directed city staff to expand the notice area for the hearing.

#### **Background:**

As the City continues to take a multi-pronged approach in working to address issues of housing and homelessness, there is no single solution that will address all of these needs. The Innovative Housing Pilot Project Floating Zone is proposed as one approach to help address these needs. It is intended to provide regulatory flexibility through a managed process that provides oversight through the RFP selection process and land use standards, which together are designed to address operational and management oversight, as well as compatibility through design and development standards.

We are hopeful this approach will provide a path for those in the community who have solutions to address these pressing needs in a way that helps achieve self-sufficiency.

#### **Discussion:**

The proposal includes both an RFP component and a Zoning Ordinance component. Staff initially discussed the concept with the Affordable Housing Task Force. The concept was developed into a proposal, and the Task Force recommended that the land use component move forward to the Planning Commission. The Planning Commission held a work session on this topic on January 17, 2019 and was supportive of the concept. Staff has continued to refine the draft proposal with the Affordable Housing Task Force. The proposal includes revisions to the earlier drafts of both the RFP component and the land use component to provide internal consistency.

The proposal has been revised in several ways since the January 17 Planning Commission work session. Earlier drafts included opportunities for permanent housing to be co-located on a site together with transitional housing to provide on-site opportunities for a pathway to self-sufficiency. As a result, earlier drafts proposed development standards more similar to the R-4 zone, which would have partly accommodated more permanent housing use on a site with transitional housing. This has been revised so the Floating Zone would not include on-site provisions for permanent housing, and the standards have been revised accordingly. In addition, the current draft also reflects more explicit and objective minimum site development standards intended to assure more certainty regarding compatibility with adjacent uses than the earlier draft in which minimum standards were more discretionary and subjective.

#### **Notification**

In addition to the newspaper notice required for a legislative amendment to the Zoning Ordinance. Although no mailed noticing is required with a legislative process, mailed notices were sent to all properties within the Floating Zone eligibility area for the first public hearing on June 27, 2019. And subsequently, written notice has also been sent to the residential areas adjacent to the industrial area for the continued public hearing on July 18, 2019. Written testimony received in advance of this staff report is included in the attachments.

### ***Written Testimony***

As of June 17, one letter has been submitted. It includes an attachment with suggested revisions to the proposal, intended to address compatibility and reduce conflicts between pilot projects and industrial uses, and well as provide greater protections for industrial uses and activities.

### ***Public Testimony on June 27, 2019***

All of the public testimony on June 27, 2019 either expressed concerns about the proposal relative to a potential conflict of residential uses adjacent to industrial uses, or were opposed to the proposal altogether wanting to retain industrial land for industrial uses.

If the Planning Commission is interested in moving forward with the proposal and recommending consideration to the McMinnville City Council but wanted to incorporate the language that was provided as part of the letter of testimony received from Joseph J. Cassin on June 14, 2019, staff would concur with that recommendation provided that legal counsel reviewed the language in advance of final adoption.

### **Attachments:**

- A. Draft Decision Document, with the following attachments:
  - 1. Proposed Zoning Ordinance Amendment (new Chapter 17.49). The attachment also includes draft RFP language for reference, which wouldn't be incorporated into the Zoning Ordinance.
  - 2. June 7, 2019 Letter to property owners within the Floating Zone Eligibility Area
  - 3. June 14, 2019 Letter from Joseph J. Cassin
  - 4. July 8, 2019 Letter to property owners adjacent to the Floating Zone Eligibility Area

### **Fiscal Impact:**

There would be no direct cost or revenue to the City as a result of adopting the proposed Zoning Ordinance amendment.

### **Commission Options:**

- 1) **CLOSE** the public hearing and:
  - a. **RECOMMEND APPROVAL** of the proposed amendment **as presented**, per the decision document provided which includes the findings of fact, conclusionary findings and conditions of approval; or
  - b. **RECOMMEND APPROVAL** of the proposed amendment **with changes**; or
  - c. **RECOMMEND DISAPPROVAL** of the proposed amendment, which means the Zoning Ordinance would not be amended.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.

**Note:** *This is a legislative hearing, so there is no requirement to continue the hearing or keep the record open.*

### **Recommendation/Suggested Motion:**

Staff finds the applicable criteria are satisfied for this proposed legislative amendment. However, staff recommends keeping the public hearing open as long as the Planning Commission deems necessary to fully engage the community and impacted stakeholders. The intent is to provide a recommendation to City Council that reflects the best possible proposal for implementing the policy objectives, including meeting needs and addressing compatibility.



(The draft decision document is written as a recommendation of approval, based on the findings that the proposed Zoning Ordinance amendment meets the criteria as presented. However, the document can be updated to reflect the results of a continued hearing).



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT**  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE ZONING ORDINANCE PERTAINING TO CREATION OF NEW PROVISIONS FOR AN "INNOVATIVE HOUSING PILOT PROJECT FLOATING ZONE"**

**DOCKET:** G 3-19

**REQUEST:** The City of McMinnville is proposing an amendment to the McMinnville Zoning Ordinance to add a new Section, Chapter 17.49: Innovative Housing Pilot Project Floating Zone. This amendment would establish provisions for the Innovative Housing Pilot Project Floating zone, but it would not rezone any properties. It would establish a designated eligibility area. Only property owners within this area would be eligible to apply to have the floating zone designation applied to a property through a future land use application, which would require a separately noticed public hearing process.

**LOCATION:** N/A. (This amendment doesn't rezone property. The eligibility area is shown on the enclosed map)

**ZONING:** N/A. (This amendment doesn't rezone property. Most properties within the eligibility area are zoned M-2, and some area zoned C-3. Much of the eligibility area is within the Northeast Industrial Area Planned Development Overlay (Ordinance 4135)).

**APPLICANT:** City of McMinnville

**STAFF:** Tom Schauer, Senior Planner

**DATE DEEMED COMPLETE:** April 30, 2019

**HEARINGS BODY:** McMinnville Planning Commission (recommendation to City Council)

**DATE & TIME:** Thursday, June 27, 2019  
Thursday, July 18, 2019  
Meeting held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon

**HEARINGS BODY:** McMinnville City Council (final decision)

**DATE & TIME:** Tentatively scheduled for August 27, 2019  
Meeting to be held at the Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon

- PROCEDURE:** The application is subject to the legislative land use procedures specified in Sections 17.72.120-17.72.160 of the City of McMinnville Zoning Ordinance.
- CRITERIA:** Amendments to the text of the Zoning Ordinance must be consistent with the Goals and Policies in Volume II of the Comprehensive Plan, the Purpose of the Zoning Ordinance, and the Purposes of Chapters and Sections of the Zoning Ordinance which are applicable to the amendments.
- APPEAL:** The Planning Commission will make a recommendation to the City Council. The City Council's decision on a legislative amendment may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided in ORS 197.620 and ORS 197.830.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this decision document.

**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the Zoning Ordinance Text Amendment (G 3-19) to the McMinnville City Council **as presented in Attachment 1 to this document.**

RECOMMENDATION: APPROVAL

City Council: \_\_\_\_\_ Date: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Planning Commission: \_\_\_\_\_ Date: \_\_\_\_\_  
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: \_\_\_\_\_ Date: \_\_\_\_\_  
Heather Richards, Planning Director



## **APPLICATION SUMMARY:**

The City of McMinnville is proposing an amendment to the McMinnville Zoning Ordinance to add a new Section, Chapter 17.49: Innovative Housing Pilot Project Floating Zone. This amendment would establish provisions for the Innovative Housing Pilot Project Floating zone, but it would not rezone any properties. It would establish a designated eligibility area. Only property owners within this area would be eligible to apply to have the floating zone designation applied to a property through a future land use application, which would require a separately noticed public hearing process.

## **ATTACHMENTS:**

1. Proposed Zoning Ordinance Amendment (new Chapter 17.49). The attachment also includes draft RFP language for reference, which wouldn't be incorporated into the Zoning Ordinance.
2. June 7 Letter to Property Owners within Floating Zone Eligibility Area
3. June 14, 2019 Letter from Joseph J. Cassin
4. July 8, 2019 Letter to Property Owners adjacent to Floating Zone Eligibility Area

## **COMMENTS:**

### **Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

- No agency comments have been received as of July 11, 2019.

### **Public Comments** (as of July 11, 2019)

- A letter from Joseph C. Cassin was received on June 14, 2019.
  - Proposed Zoning Ordinance Amendment (new Chapter 17.49). The attachment also includes draft RFP language for reference, which wouldn't be incorporated into the Zoning Ordinance.

## **FINDINGS OF FACT**

1. McMinnville is facing especially critical needs for its lowest income residents and special needs populations.
2. The Affordable Housing Task Force discussed the concept of the Innovative Housing Pilot Project Floating Zone, and concurred the concept should be developed into a more detailed proposal. Staff prepared a proposal that included an RFP component and a land use component.
3. A work session was held with the Planning Commission on January 17, 2019 to review the proposed concept. The Planning Commission concurred work should continue on the proposed concept, and a Zoning Ordinance amendment should be initiated and scheduled for hearing.

4. The City of McMinnville is proposing an amendment to the McMinnville Zoning Ordinance to add a new Section, Chapter 17.49: Innovative Housing Pilot Project Floating Zone. This amendment would establish provisions for the Innovative Housing Pilot Project Floating zone, but it would not rezone any properties. It would establish a designated eligibility area. Only property owners within this area would be eligible to apply to have the floating zone designation applied to a property through a future land use application, which would require a separately noticed public hearing process.
5. A letter dated June 7, 2019 with notice of the proposal and the June 27, 2019 Planning Commission hearing was mailed to property owners within the Floating Zone eligibility area.
6. Public notification of the proposal and the June 27, 2019 Planning Commission public hearing was published in the June 18, 2019 edition of the News Register.
7. A letter dated July 8, 2019 with notice of the proposal and the July 18, 2019 Planning Commission hearing was mailed to property owners adjacent to the Floating Zone eligibility area.

#### **CONCLUSIONARY FINDINGS:**

As addressed below, ***the applicable criteria are satisfied.*** The proposed amendments are consistent with the applicable Goals and Policies of the Comprehensive Plan and the applicable provisions of the Zoning Ordinance which comprise the approval criteria for the proposed amendments to the Zoning Ordinance.

#### **McMinnville's Comprehensive Plan:**

The following Goals and Policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

#### **CHAPTER IV ECONOMY OF McMINNVILLE**

##### ***INDUSTRIAL DEVELOPMENT***

**GOAL IV 5: TO CONTINUE THE GROWTH AND DIVERSIFICATION OF McMINNVILLE'S INDUSTRIAL BASE THROUGH THE PROVISION OF AN ADEQUATE AMOUNT OF PROPERLY DESIGNATED LANDS.**

**GOAL IV 6: TO INSURE INDUSTRIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USES, THAT IS APPROPRIATELY LOCATED IN RELATION TO SURROUNDING LAND USES, AND THAT MEETS NECESSARY ENVIRONMENTAL STANDARDS.**

#### ***Locational Policies:***

**49.00** *The City of McMinnville shall use its zoning and other regulatory methods to prevent encroachment into industrial areas by incompatible land uses.*

**Finding: SATISFIED.** The proposed implementation of the Floating Zone limits the number of sites authorized for pilot projects within area that has the underlying industrial zoning. Further, the pilot project selection process, together with the floating zone designation criteria, site

compatibility requirements, and design and development standards, are intended to avoid conflicts between sites selected for pilot projects and surrounding uses.

- 49.01 *The City shall designate an adequate supply of suitable sites to meet identified needs for a variety of different parcel sizes at locations which have direct access to an arterial or collector street without having to pass through residential neighborhoods. (Ord. 4961, January 8, 2013)*

**Finding: SATISFIED.** The City's 2013 Economic Opportunities Analysis (EOA) identified a surplus of industrial lands to address the 20-year land need. The criteria for designation of the Floating Zone require that the site or sites not exceed the amount of surplus identified in the City's most recent buildable lands inventory or other more recent information about development that has occurred since the inventory was conducted. There are site selection criteria for the floating zone designation for pilot projects which address site compatibility. Only two pilot project sites would be authorized, and the pilot project program would not create entire neighborhoods served by exclusively or primarily neighborhood streets.

- 49.02 *The location, type, and amount of industrial activity within the Urban Growth Boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord. 4961, January 8, 2013)*

**Finding: SATISFIED.** The City's 2013 Economic Opportunities Analysis (EOA) identified a surplus of industrial lands to address the 20-year land need. The criteria for designation of the Floating Zone require that the site or sites not exceed the amount of surplus identified in the City's most recent buildable lands inventory or other more recent information about development that has occurred since the inventory was conducted.

- 49.03 *In designating new industrial properties, and in redesignating properties to industrial zoning from other designations, the City shall work to provide employment opportunities in locations that are reasonably accessible to McMinnville residents, while minimizing the need to drive through existing or planned residential neighborhoods. (Ord. 4961, January 8, 2013)*

**Finding: SATISFIED.** The proposal doesn't designate or re-designate properties to industrial zoning. However, the site selection process for pilot projects provides an opportunity to address compatibility between pilot projects and adjacent uses, while also providing for proximity to potential nearby vocational training opportunities.

## **CHAPTER V HOUSING AND RESIDENTIAL DEVELOPMENT**

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

#### *General Housing Policies:*

- 58.00 *City land development ordinances shall provide opportunities for development of a variety of housing types and densities.*

**Finding: SATISFIED.** The focus of the pilot project program is transitional housing, rather than permanent housing. The City has a deficit of residential lands in the Urban Growth Boundary, and has critical needs for the lowest income residential and special needs populations. The proposal would provide an opportunity to meet these critical needs through transitional housing with oversight of management and design.



- 67.00 *Subsidized low-cost housing shall be dispersed throughout the McMinnville urban area. Dispersal plans shall be coordinated with appropriate agencies.*

**Finding: SATISFIED.** The focus of the pilot project program is transitional housing, rather than permanent housing. The pilot project program provides additional opportunities for dispersion of housing that has an immediate and critical need. It also provides opportunities to co-locate transitional housing on sites that can provide supportive services.

**GOAL V 2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.**

- 69.00 *The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.*

**Finding: SATISFIED.** The pilot project program is intended to provide an innovative land use regulatory ordinance that seeks to integrate these functions in a way that can address immediate critical needs, provide for compatibility of adjacent uses through a site-selection process, providing opportunities for co-location of transitional housing and supportive services, and proximity to potential vocational training opportunities for a path to self-sufficiency.

- 70.00 *The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.*

**Finding: SATISFIED.** There are no policies specific to transitional housing. The pilot project program provides an innovative technique to help achieve this type of housing to meet an immediate critical need.

*Low-Cost Housing Development Policies:*

- 84.00 *Multiple-family, low-cost housing (subsidized) shall be dispersed throughout the community by appropriate zoning to avoid inundating any one area with a concentration of this type of housing.*

**Finding: SATISFIED.** While this policy specifically addresses multiple-family housing, the pilot project program provides for dispersion of needed transitional housing. The pilot program further limits the number of pilot project sites, which avoids concentration of transitional housing thought this program.

*Multiple-family Development Policies:*

- 92.01 *High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use. (Ord. 4796, October 14, 2003)*

**Finding: SATISFIED.** This policy specifically addresses high-density housing. The pilot program authorizes transitional housing the different from permanent high-density housing. The

standards only authorize transitional housing at densities lower than provided for in the City's high density R-4 zone. The selection and siting criteria for pilot projects, together with design and development standards are designed to provide for buffering and compatibility between pilot projects and surrounding properties.

*Urban Policies:*

99.00 *An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan.*

**Finding: SATISFIED.** The pilot project siting criteria specify that there shall be no foreseeable issues with providing the property and proposal with necessary public facilities and services.

## **CHAPTER VI TRANSPORTATION SYSTEM**

### ***TRANSPORTATION DISADVANTAGED***

*Policies:*

106.00 *The City of McMinnville, through public and private efforts, shall encourage provision of facilities and services to meet the needs of the transportation disadvantaged.*

**Finding: SATISFIED.** This issue will need to be addressed through the site selection criteria, as well as the specific pilot project proposal. The pilot program also authorizes on-site co-location of transitional housing with supportive services. There is also potential for transitional housing in proximity to vocational training opportunities.

## **CHAPTER X CITIZEN INVOLVEMENT AND PLAN AMENDMENT**

**GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**

*Policies:*

188.00 *The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**Finding: SATISFIED.** The concept and draft ordinance has been prepared, reviewed, and revised through several iterations with the Affordable Housing Task Force and the Planning Commission. Informational meetings have also occurred with businesses and business representatives. Information was mailed to property owners within the proposed eligibility area, and public testimony is accepted in advance of, and during the public hearing.

## **McMinnville's City Code:**

The McMinnville Zoning Ordinance is Title 17 of the McMinnville City Code. The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

### **Purpose Statements:**

1. **Section 17.03.020. Purpose.** The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.

**Finding: SATISFIED.** Consistent with the Comprehensive Plan policies identified above, the pilot project program and the floating zone designation process provide an innovative regulatory technique to meet immediate critical needs in a limited way, with an approach that evaluates site selection and pilot project characteristics in a combined manner together with standards intended to avoid conflicts; provide for mutually beneficial relationships between transitional housing, supportive services, and vocational training opportunities; and demonstrate adequacy of public facilities and services. The intent is to address these needs and also reduce health and safety issues which can be presented by unmanaged living situations.

**Other Criteria: Finding: NOT APPLICABLE.** There are no additional stated criteria elsewhere in the Zoning Ordinance for amending the text of the Zoning Ordinance.





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# **CITY OF MCMINNVILLE**

## **REQUEST FOR PROPOSALS (RFP)**

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### **INNOVATIVE HOUSING PILOT PROJECTS**

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**Proposals Due:** Month DD, YYYY by 3:00 p.m.

**Submit Proposals To:** City of McMinnville  
231 NW 5<sup>th</sup> Street  
McMinnville, OR 97128

**Refer Questions To:** **Heather Richards, Planning Director**  
503-474-5107  
[Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)

**RFP Issue Date:** Month DD, YYYY

**City of McMinnville**  
**Request for Proposals (RFP)**  
**Innovative Housing Pilot Projects**

The City of McMinnville is accepting proposals for innovative housing pilot projects for emergency or transitional housing. Up to two proposals will be selected through this RFP process, which makes them eligible to apply for “floating zone” designation and concurrent land use approval for the project(s). The land use application fees will be waived for the selected proposal(s).

This RFP provides an opportunity for regulatory flexibility to proposers for innovative housing pilot projects. The City is not funding or developing the pilot projects.

**Purpose**

The “floating zone” designation is intended to unleash innovation and provide regulatory flexibility to encourage innovative solutions to housing challenges. Within a specified area, up to two projects are eligible for the floating zone designation and land use approval for the projects.

The floating zone authorizes uses, or a combination of uses, that may not typically be a standard land use under conventional zoning. The floating zone authorizes pilot projects that can either (a) meet a special need to serve the community at large, or (b) demonstrate an innovative solution that could be considered for broader, more widespread replicability and adoption.

The program is also intended to address externalities and reduce health and safety issues which can be presented by unmanaged living situations.

## **1. Background**

### **Housing Issues**

As in many communities, the City of McMinnville is experiencing challenges related to transitional housing and homelessness. As a result, the City has explored regulatory options to provide opportunities for innovative solutions to help address these issues. The Innovative Housing Pilot Project program is one approach. With the floating zone, the City intends to provide regulatory flexibility within a defined set of parameters to unleash the innovation of those in the community who seek to provide solutions that may not be suited to the conventions of the traditional zoning framework.

### **Floating Zone**

In response to these issues, the City of McMinnville recently amended its Zoning Ordinance to establish an “Innovative Housing Pilot Project Floating Zone (“Floating Zone”). The Floating Zone boundary and regulations are adopted as part of the Zoning Ordinance, but the designation and regulations aren’t applied to any of the properties within the boundary unless requested by the property owner. The Zoning Ordinance specifies the applicable procedures and criteria required to apply the Floating Zone designation to a property. The designation allows uses not otherwise permitted by the underlying zoning, and it is applied to a property concurrently with a specific development proposal for the property which meets the objectives of the floating zone. This is intended to provide a good match between the proposed use and development concept given the context of its specific site and surrounding properties, uses, and public facilities.

***Up to two sites/pilot projects are authorized within the floating zone boundary.*** In order to be eligible to apply for the concurrent floating zone designation and land use approval, a proposal must first be submitted and selected through this RFP process. The purpose of this RFP process is to select those proposals and pilot projects which exhibit the most potential for positive meaningful impact to proceed through the land use process.

## **2. Process, Evaluation and Selection of Proposals**

This is a two-step process:

1. First, a proposer must submit a proposal through the RFP process. Selection of a proposal through the RFP process will qualify the proposer to apply for the floating zone designation and land use approval for the development.
2. Second, for a proposal selected through the RFP process, the proposer must submit the land use application to have the floating zone designation applied to the property. The applicant may submit a concurrent application for the floating zone designation and land use approval for the development.

Proposals must meet the minimum eligibility requirements listed in Section 4. Proposals that meet these requirements will be reviewed against the evaluation criteria in Section 5. The proposals will be reviewed by a proposal review team and scored based on points in Section 5.

The City is providing this initial window for submittal of RFPs. Proposals submitted by the deadline will be reviewed. The City reserves the right to select no projects if it is determined that none of the proposals sufficiently address the applicable criteria. Proposals selected through the RFP process will be required to apply for the land use approvals within six months of selection of the proposal.

If no proposals are submitted or selected through the initial RFP submittal window, the City may specify one or more additional RFP submittal windows.

After the close of one or more RFP submittal windows, if the maximum number of authorized proposals has not been submitted and approved, the City may at its discretion (a) choose to end the pilot project program or (b) accept land use applications for “floating zone” designation and project approval through the standard land use application process without the prior RFP selection process, until the maximum number of pilot projects has been designated and received land use approval.

## **3. Submittal Requirements**

***Note:*** A proposer may submit more than one proposal for a property and/or may submit proposals for more than one property. In any case, each proposal shall be submitted separately and each proposal will be evaluated separately.

**The proposal shall include the information listed below:**

1. Introductory cover letter referencing the “**Innovative Housing Pilot Projects RFP**”
2. Authorization from the property owner of the proposed site, if different from the proposer.



3. Contact Information:
  - a. Name, Mailing Address, Phone, and E-mail Address Property Owner & Proposer
4. Property Information:
  - a. Address and Tax Lot Information
  - b. Location Map
  - c. Property Size/Acreage
5. Proposal:
  - a. Conceptual Site Plan (drawn to a standard scale)
  - b. Narrative describing the use, physical, and operational characteristics of the proposal, how the proposal addresses the selection criteria, and addressing the following:
    - i. Project Feasibility:
      1. Development and Operating Budget
      2. Please identify time-sensitive funding sources outside of applicant's control which would be required for this proposal (grant deadlines, etc.)
      3. Approximate Project Timeline
    - ii. Qualifications and Experience:
      1. Information demonstrating the proposer has the capability to successfully develop and operate the proposed use.
      2. Examples of relevant projects and references to demonstrate this capability.
6. Letters of Support (optional)

#### **4. Minimum Eligibility Requirements**

Proposals must be responsive to this RFP, include all of the requested information, and meet the minimum eligibility requirements below to be considered.

1. The proposal includes all of the submittal requirements and was submitted before the deadline.
2. The subject property is within the Floating Zone boundary
3. The proposal doesn't include any uses which are specifically prohibited in the floating zone.

#### **5. Evaluation Criteria**

Proposals deemed to be responsive will be ranked on a 100-point scale under the following criteria:

<b>Evaluation Criteria (100 Points Maximum)</b>	
<b>1. Project Outcomes</b>	<b>42 Points</b>
<b>1.1. Purpose and Intent.</b> How well does the pilot project achieve the purpose and intent of pilot project floating zoning, providing outcomes that exceed minimum expectations?	8 points
<b>1.2. Critical Need.</b> How well will the pilot project serve a population or populations that are underserved and have critical needs, which can't be readily addressed elsewhere under current zoning in the short-term?	8 points
<b>1.3. Impact.</b> How many people will the pilot project benefit? How significantly will the proposal positively impact those served by the proposal?	8 points
<b>1.4. Best Practices.</b> How well does the pilot project incorporate best practices to address the needs of the populations to be served?	8 points
<b>1.5. Replicability.</b> How well does the proposal provide an innovative model to serve the community as a whole or that could be replicated elsewhere to address critical needs?	5 points
<b>1.6. Long-Term.</b> How well does the pilot project plan for a successful transition to permanent housing for those to be served?	5 points
<b>2. Site and Land Use</b>	<b>34 Points</b>
<b>2.1. Adequacy and Availability of Public Facilities and Services.</b> There are no foreseeable issues with providing the property and use with necessary public facilities and services.	8 points
<b>2.2 Site Selection.</b> The pilot project site selection is within the Floating Zone eligibility boundary and provides a good match between the siting needs of the uses and the characteristics of the selected site.	8 points
<b>2.3. Compatibility.</b> The uses and development proposal are compatible with the current and permitted surrounding use and development, and incorporate elements and practices to mitigate potential issues.	8 points
<b>2.4. Land Use Efficiency.</b> The pilot project can accomplish the project objectives in a site-efficient manner compared to feasible options to address the need.	5 points
<b>2.5. Long-Term Use.</b> Does the development present an opportunity to return the site to permitted uses in the underlying zone should current emergency need for shelter and transitional housing pass and/or be accommodated elsewhere?	5 points
<b>3. Capability &amp; Experience of Applicant to Successfully Develop &amp; Operate Use</b>	<b>24 Points</b>
<b>3.1. Experience &amp; Capability.</b> The entities developing and operating the use and facilities have demonstrated experience and capability of successfully managing the development and operation of the use and facilities of comparable scope, scale, and complexity.	8 points
<b>3.2. Financial Capability/Realistic Budget.</b> The budgets provided show a high probability that the project will be constructed as proposed and can operate successfully for several years.	8 points
<b>3.3. Readiness to Proceed/Timeliness.</b> The application indicates a strong likelihood of financial and logistical capability to proceed to the floating zone designation process, begin construction upon land use approval, and complete construction in a timely manner.	8 points

## 6. Commitments

- **Timely Submittal.** The selected proposal will commit to submit a land use application for floating zone designation and land use approval within six months.
- **Monitoring and Reporting.** For a selected proposal that successfully completes the land use approval process and proceeds to development, the proposer agrees to the following: Between 12 and 18 months from the date of occupancy, the proposer shall provide a brief report and/or presentation to the City on what has been accomplished to date with the project and any information that would help inform potential replicability of the project to address critical needs.

## 7. Questions and Clarifications

Questions and requests for clarification regarding this RFP solicitation must be directed in writing (either email or fax is acceptable) to:

**Heather Richards, Planning Director**

City of McMinnville  
231 NE Fifth Street  
McMinnville, OR 97128

Phone: (503) 474-5107

Fax: (503) 474-4955

Email: [Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)

**The deadline for submitting questions or requests for clarification is seven (7) days prior to the proposal due date.** If a substantive clarification is necessary, an addendum will be issued no later than 72 hours prior to the due date to all recorded holders of the RFP solicitation. Note that statements made by the City are not binding upon the City unless confirmed by written addendum.

## 8. Standard Terms

### 1. Cancellation, Delay or Suspension of RFP Solicitation; Rejection of Proposals

Nothing in this RFP shall restrict or prohibit the City from cancelling, delaying, or suspending the RFP solicitation at any time. The City may reject any or all proposals, in whole or in part, if in the best interest of the City, as determined by the City.

### 2. Withdrawal of Proposal

No Proposal may be withdrawn after it has been submitted to the City unless the Proposer so requests in writing.

### 3. Irregularities

The City reserves the right to waive any non-material irregularities or information contained in this RFP, or in any received proposal.



#### **4. Proposal Costs**

Proposers responding to this proposal do so solely at their expense, and the City of McMinnville is not responsible for any expenses associated with the preparation of the proposal.

#### **5. Selection Process for Next Highest Ranked Proposals at City's Discretion**

If the highest ranked proposals don't proceed to the land use approval process or development, the City at its sole discretion may select the next highest-ranked proposal without a new RFP process.

#### **6. Availability of RFP Responses, Proprietary Information**

Per the terms of ORS 279C.107, the City will open the proposals so as to avoid disclosing the contents to competing proposers during the process of negotiation. Proposals will not be available for public review until after the issuance of the Notice of Intent to Award.

The City will withhold from disclosure to the public trade secrets, as defined in ORS 192.501, and information submitted to the City in confidence, as described in ORS 192.502, that are contained in the proposal. Proposals must clearly identify such material, keep it separate, and provide separate notice in writing of the status of this material to:

**Heather Richards, Planning Director**

City of McMinnville  
231 NE Fifth Street  
McMinnville, OR 97128

Phone: (503) 474-5107  
Fax: (503) 474-4955  
Email: [Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)

All proposals shall become part of the public file for the project.

#### **7. Proposal Protest and Request for Change Procedures**

Protests concerning either a request for change in the proposal or the consultant selection process shall follow the procedures set forth in the Oregon Administrative Rules (OAR), Division 48 (137-048-0240, Protest Procedures).

The City shall consider the protest or request for change, and may reject the protest or request for change, issue an addendum, or cancel the RFP.

Protests or requests for change must be submitted in writing to:

**Heather Richards, Planning Director**

City of McMinnville  
231 NE Fifth Street  
McMinnville, OR 97128

Phone: (503) 474-5107  
Fax: (503) 474-4955  
Email: [Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov)

## 9. Other Questions and Inquiries

Inquiries other than those described in **Section 8 “Questions and Clarifications”** should be directed to Heather Richards, Planning Director by phone (503) 474-5107 or e-mail: [Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov), or by coming to the office at the Community Development Center, 231 NE 5<sup>th</sup> Street, McMinnville, Oregon, during regular business hours.

## 10. Attachments

- **Draft Floating Zone Ordinance**

## **ORDINANCE NO. XXXX**

### **AN ORDINANCE AMENDING TITLE 17 OF THE MCMINNVILLE CITY CODE TO ESTABLISH AN “INNOVATIVE HOUSING PILOT PROJECT FLOATING ZONE”**

#### **RECITALS:**

Availability of housing affordable to residents across the income spectrum is a critical issue in McMinnville and Yamhill County, with especially critical needs for the lowest income residents and special needs populations.

The 2018 Yamhill County Point in Time Homeless Count counted 1,386 persons as living in shelters, in unsheltered locations, or couchsurfing during the 2018 Homeless Count, up from 1,066 in 2017 and 1,197 in 2016:

- In 2018, 240 persons were counted as living in some type of shelter on the night of the Homeless Count, up from 223 in 2017.
- In 2018, 417 persons were counted as living unsheltered, up from 270 in 2017.
- In 2018, 729 persons were counted as living in a couchsurfing condition, up 573 from 2017.

Yamhill County is the 10<sup>th</sup> most populated county in Oregon, yet has the 7<sup>th</sup> highest population by county of persons who are literally homeless; the 2<sup>nd</sup> highest number of persons who are homeless and fleeing domestic violence; and the 5<sup>th</sup> highest number of persons who are homeless with serious mental illness.

Based on 2011-2015 ACS data, Oregon Housing and Community Services (OHCS) reported approximately 1 out of 4 renters in Yamhill County were severely cost burdened, paying more than 50% of their income in rent. They found 3 out of 4 renters with extremely low incomes were paying more than 50% of their income in rent.

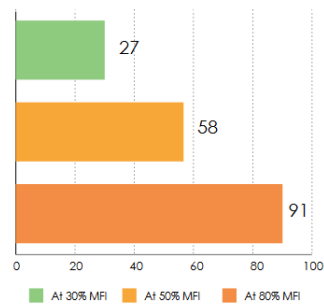
Based on 2012-2016 ACS data, Oregon Housing and Community Services (OHCS) found approximately 1 out of 4 renters in McMinnville were severely cost burdened, paying more than 50% of their income in rent. (1,194 of 5,065 renter households).

The Census Bureau reported 19.8% of persons in McMinnville living in poverty in 2017.

OHCS identified the following shortage of affordable units in Yamhill County based on data from HUD's 2010-2014 Comprehensive Housing Affordability Strategy, released in June 2017:



Affordable and Available Rental Homes per 100 Renter Households, 2015



Shortage of Affordable Units, 2010-2014

Renter Affordability	< 30% MFI	< 50% MFI	< 80% MFI
Renter Households	2,905	5,180	7,515
Affordable Units	1,260	4,840	9,780
Surplus / (Deficit)	(1,645)	(340)	2,265
Affordable & Available*	770	3,010	6,875
Surplus / (Deficit)	(2,135)	(2,170)	(640)

\*Number of affordable units either vacant or occupied by person(s) in income group.

Owner Affordability	... for MFI	.. for 80% MFI	.. for 50% MFI
Max Affordable Value	\$237,890	\$190,312	\$118,945
% of Stock Affordable	53.7%	40.2%	17.6%

A portion of McMinnville's population is need of assistance to help them move from homelessness to self-sufficiency, which may require a combination of co-located uses to provide for transitional housing together with supportive services.

Supportive services can also be also be offered on-site in a manner that provides services to others in need of these services, whether or not they are also served by on-site housing.

McMinnville's zoning ordinance is primarily structured in a "Euclidean Zoning" manner, which generally separates uses by type, such as residential, commercial, and industrial, limiting opportunities to co-locate some types of transitional housing and supportive service uses together on a site, where such combined uses may be in the best interest of the constituents and community.

There are also some uses authorized by state enabling legislation that are available to cities subject to certain limitations, which might be suitable in McMinnville; however, the traditional zoning structure may not be the most workable way to authorize these uses in a way that is consistent with the associated statutory limitations.

The Comprehensive Plan has general policies which seek to avoid locating higher-density residential uses in areas which might create conflicts between uses or present adverse impacts such as noise, odor, etc. However, there may be combinations of uses that have unique siting requirements, and the Floating Zone concept provides an opportunity to authorize a limited number of projects that can be evaluated based on a good match between siting needs and site selection when considering project characteristics and compatibility.

There may be opportunities for site selection in areas with industrial zoning which are developed with lower-impact industrial uses such as clean indoor industry, storage of non-hazardous materials, or open space elements which can be compatible with non-industrial uses.

As the city has begun reviewing its buildable lands inventory, there is generally a shortage of land zoned for higher-density residential use and a surplus of land with industrial zoning. There is potential to continue to provide an adequate inventory of industrial sites while providing an opportunity to address a limited portion of critical housing needs on some surplus lands described above.

**NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS  
AS FOLLOWS:**

**Section 1.** The Council adopts the amendments to Title 17 of the McMinnville City Code attached and incorporated herein as **Exhibit "A"**; and

Passed by the Council this xxth day of XX 2019, by the following votes:

Ayes: \_\_\_\_\_

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

**Section 2.** The Council hereby declares an emergency to exist. This Ordinance shall take effect immediately upon passage by the City Council.

\_\_\_\_\_

MAYOR

Attest:

Approved as to form:

\_\_\_\_\_  
CITY RECORDER

\_\_\_\_\_  
CITY ATTORNEY

## EXHIBIT A TO ORDINANCE NO. XXXX

### CHAPTER 17.49

#### INNOVATIVE HOUSING PILOT PROJECT FLOATING ZONE

##### **17.49.100. Need, Purpose, and Intent.**

###### **1. Need.**

- a. Availability of housing affordable to residents across the income spectrum is a critical issue in McMinnville, with especially critical needs for the lowest income residents and special need populations.
- b. The floating zone authorizes uses, or a combination of uses, that may not typically be a standard land use under conventional zoning.
- c. It is important to provide opportunities for innovation and regulatory opportunities to respond to critical short-term needs while working on long-term solutions to address needs and overcome barriers.

###### **2. Purpose & Intent.**

- a. To provide regulatory flexibility within compatibility parameters to address emergency and transitional housing needs on a short-term basis through provision of housing that is intended to be temporary in nature as additional longer-term housing needs are addressed.
- b. To authorize a limited number of innovative pilot projects to (a) meet a special need to serve the community at large, or (b) demonstrate an effective and innovative solution that could be considered for broader, more widespread replicability and adoption to address critical needs.
- c. To address needs in a way that addresses externalities and health and safety issues which can be presented by unmanaged living situations.

**17.49.110. Applicability.** Properties within the Floating Zone boundary will be eligible to apply to have the Floating Zone designation applied to the property. The Floating Zone boundary is shown in ***Exhibit 1***.

If the City has established an RFP process for selection of eligible pilot projects, only those projects selected through the RFP process are eligible to apply for the floating zone designation, which may be concurrent with the approval of the plans for the pilot project. If specified through an RFP process, the application for the floating zone designation and pilot project master plan approval shall be submitted within the timeframe specified in the RFP selection process.

**17.49.120. Number of Pilot Projects Authorized by Floating Zone.** The City Council will specify the maximum number of pilot projects which may initially be selected and authorized to apply for the Floating Zone designation.

**17.49.130. Authorized Uses.** The Floating Zone shall allow uses which may include, but shall not be limited, to the following:



1. **Primary Uses.** As part of an approved master plan, the following uses may be permitted outright alone or in conjunction with other primary uses or secondary uses:
  - a. Temporary emergency housing affordable to persons earning at or below 60% AMI, including development types such as cottage housing clusters, tiny home villages, and mobile homes, whether there are multiple structures on the same lot or individual structures on distinct lots;
  - b. Temporary transitional housing;
  - c. Transitional housing accommodations governed by ORS 446.265, on not more than two parcels within the UGB, which the City may require be duration-limited through the decision-making process;
  - d. Emergency shelter;
  - e. Consistent with the Need, Purpose, and Intent of this Chapter: other forms of shelter, or short-term temporary housing intended to meet the needs of persons experiencing homelessness, earning at or below 60% AMI, or in need of transitional housing together with supportive services to move to self-sufficiency.
2. **Secondary Uses.** As part of an approved master plan, the following uses may be permitted, but only when in conjunction with one or more primary uses on a site or contiguous sites:
  - a. Support services provided for residents of the site, such as health services, personal counseling, food bank, food service, self-sufficiency and job skills training and coaching; which may also be offered to persons who do not reside on-site, if offered to on-site residents.
  - b. Services for direct use by residents of the site such as cooking, bathing, laundry, personal storage; which may also be offered to persons who do not reside on-site, if offered to on-site residents.

#### **17.49.140. Development Standards.**

1. **Minimum Lot Size.** Minimum lot size shall be one-half acre.
2. **Yard Requirements.** No yard shall be less than 20 feet.
3. **Maximum Height & Number of Stories.** Structures shall not exceed two stories, and shall not exceed 35 feet in height.
4. **Density.** Density shall not exceed 18 units per acre. If sleeping facilities are provided independent of shared common cooking and bathing facilities, each independent sleeping facility will be considered a separate dwelling unit for purposes of calculating density.
5. **Parking.** Parking shall be provided as specified in Chapter 17.60 of the Zoning Ordinance. In the event a proposed use is not listed in Chapter 17.60, the required number shall be determined in accordance with Section 17.60.090 for the most

comparable use and/or other commonly accepted data sources for parking generation. Parking shall not be permitted within any required yard.

6. **Fencing.** The property shall be fenced at interior lot lines abutting other properties. Chain link slats shall not be used.
7. **Landscaping and Screening.** In addition to the landscaping requirements of Chapter 17.57, the following landscaping requirements shall apply to the landscape plan:
  - a. A minimum of 10% of the site shall be landscaped. Additional landscaping may be required for certain uses such as central common areas for cottage clusters.
  - b. Interior yards shall be landscaped, which may include berming, to provide year-round screening between properties.
8. **Signs.** One monument sign shall be permitted, not to exceed six (6) feet in height and forty-eight (48) square feet in area. The sign shall be non-illuminated or indirectly illuminated.
9. **General Provisions.** Other applicable development standards of the Zoning Ordinance shall be applicable to the property.
10. **Use Limitations.** No outside storage shall be permitted, except within a securable, screened enclosure.
11. **Effect on Ordinance 4135.** Section (5)(d) of the Northeast Industrial Area Planned Development Overlay (Ordinance 4135) specifies certain use restrictions within 500 feet of a residentially designated area or any area in residential use. For purposes of applying that Section to surrounding industrial properties, that requirement may be waived or reduced when the master plan for the property with the Floating Zone designation includes site-specific mitigation and/or on-site buffering to prevent conflicts with specified uses, and upon a finding that the use on the surrounding property doesn't pose a hazard to the use of the property with the Floating Zone designation.
12. **Effect on Yard Requirements for Abutting Properties.** Where the zoning of adjacent properties specifies increased yard requirements when adjacent to a residential zone, the, additional yard requirements can be fully or partially addressed on the property with the Floating Zone designation rather than the adjacent property if specified by the applicant as part of the master plan, and may be measured to buildings to be occupied for shelter or residential use.

**17.49.160. Floating Zone Designation/Land Use Review Process.** Within six (6) months of selection as an eligible pilot project through an RFP process, the property owner and applicant shall apply to have the Floating Zone designation applied to the property. The application shall be accompanied by a master plan, including a site plan and a project narrative with description of operating characteristics, consistent with the approved pilot project concept. The Floating Zone designation will be applied to the property on the official zoning map, and the master plan and conditions of approval will guide the development and use of the property.

1. **Procedure.** The proposed designation will follow the procedures for a quasi-judicial Zoning Map amendment. Prior to submittal of the application, the applicant shall conduct a neighborhood meeting as specified in the Zoning Ordinance.
2. **Submittal Requirements.**
  - a. **Application.** Complete application on forms provided by the Director, signed by the property owner and applicant.
  - b. **Narrative.** Narrative addressing Floating Zone Designation Criteria and Master Plan Review Criteria in Section (3).
  - c. **Site Plan.** Site Plan drawn to a standard scale, showing existing conditions, natural features, and proposed improvements.
  - d. **Use, Operations, and Management Plan.** Provide a description of proposed uses, proposal for preventing, minimizing, and responding to any potential conflicts that may arise. For temporary uses, provide a description of the expected duration and criteria used to determine when the use will cease operation, the proposed closure plan, and plan for removing improvements to ready the site for a return to other uses.
  - e. **Capacity Analysis.** If deemed necessary, the City may require analysis of public facility capacity to support the proposed use or uses, especially if they have demand and use characteristics substantially greater than uses permitted by the underlying zone.
  - f. **Landscape Plan.** The applicant shall submit a landscape plan for review by the Landscape Review Committee. This may be submitted concurrent with, or after the application for the floating zone designation and master plan approval.
3. **Criteria.** The Floating Zoning designation may be applied to a property upon findings of compliance with all of the following criteria:
  - a. **General.**
    - i. The proposal is consistent with the Need, Purpose, and Intent of this Chapter.
    - ii. The pilot project will serve a population or populations which are underserved and have critical needs.
  - b. **Site Selection & Locational Criteria.**
    - i. The pilot project site selection is within the Floating Zone eligibility boundary
    - ii. The uses and development proposal are compatible with surrounding use and development and future uses and incorporate elements and practices to mitigate potential issues.



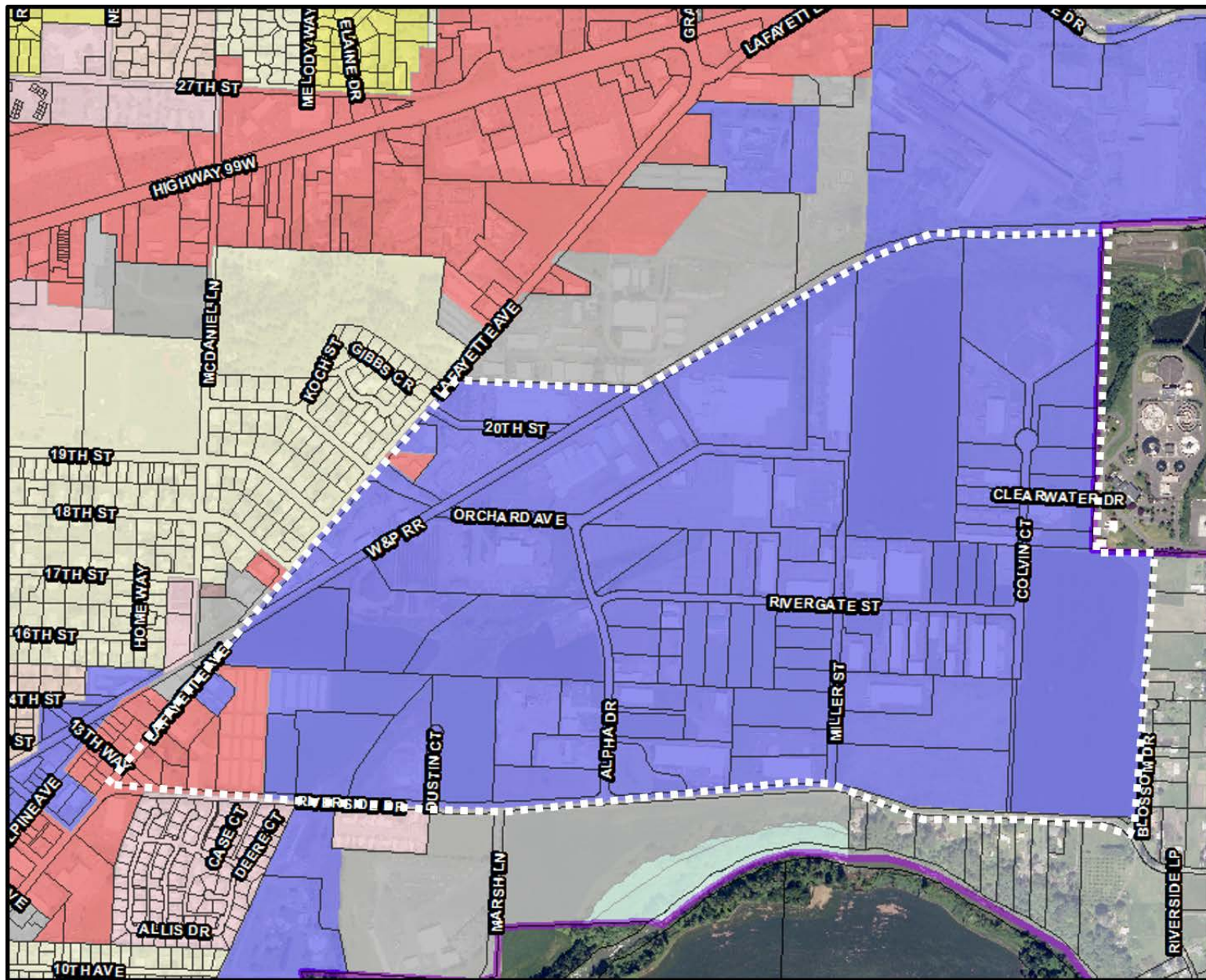
- iii. The proposal provides a good match between siting needs of the uses and the characteristics of the selected site.
  - iv. There are no foreseeable issues with providing the property and proposal with necessary public facilities and services.
- c. **Land Supply.** The site or sites will not consume more industrial land for non-industrial uses than was identified as surplus in the City's most recent buildable lands inventory or other more recent information about development that has occurred since the inventory was conducted.
- d. **Site Design, Development, and Operation.** The proposed master plan satisfies the following requirements, or can be made to satisfy the following requirements through conditions of approval.
  - 1. Consistency with applicable development standards, and sufficient justification for any development standards modified as part of the proposed master plan.
  - 2. Compatibility of the uses and site design with existing surrounding uses.
  - 3. Prevention or mitigation of potential conflicts between proposed uses, existing surrounding uses, and uses which are permitted on surrounding properties.
  - 4. Safe on-site and off-site circulation
  - 5. Measures to provide for a safe and suitable living environment for residents.

**17.49.170. Expiration.** If the applicant has not commenced construction within 12 months of Floating Zone designation, the designation shall expire, and revert to the prior zoning. The applicant may request a 12-month extension prior to expiration.

**17.49.180. Removal of Floating Zone Designation.** After a use and development authorized by the floating zone has ceased, the property owner may submit a written request to remove the Floating Zone designation from the property. No further action is required to remove the floating zone designation.

The Director shall maintain a record of properties with the floating zone designation and those with the floating zone designation that have been removed.

Upon removal of the floating zone designation, the City Council may choose to authorize a new RFP selection process whereby another property can apply for floating zone designation, subject to the maximum number of authorized pilot projects.





*A collaborative and caring city inspiring an exceptional quality of life.*

**PLANNING DEPARTMENT**, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

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June 7, 2019

**RE: Docket G 3-19: Zoning Ordinance Amendment to Create Provisions for an Innovative Housing Pilot Project Floating Zone**

Dear Property Owner:

Attached you will find a public hearing notice for the June 27 Planning Commission public hearing to consider an amendment to the McMinnville Zoning Ordinance to establish an "Innovative Housing Pilot Project Floating Zone."

This "Innovative Housing Pilot Project Floating Zone" is an effort to help establish up to two housing pilot projects that will hopefully address some of the housing challenges that the community is facing. The premise is fairly simple. The zone will "float" over an area of town and would only be applied to a property within that eligibility area if requested by a property owner through an application process, if the request is found to meet the requirements.

The city will issue a Request for Proposals to solicit projects that will house some of our lowest income residents and provide vocational training so that the clients can achieve permanent housing and employment.

The program is crafted deliberately as a land-use zone and a competitive RFP process so that the community can control the outcomes in terms of design and development standards, and operational and management oversight. This is an effort that is coming out of the McMinnville Affordable Housing Task Force after about 12 months of evaluation and discussion.

We are sending this to you as a courtesy because we want you to be fully informed about the dialogue so that you can participate if you choose to do so. The eligibility area being considered for the floating zone is the industrial area shown on the enclosed map and includes your property. This area was chosen because we are hopeful that the proximity to industry will inform the vocational training and establish some partnerships in our business community with this project.

This is a legislative action of the City of McMinnville and would be a final decision of the McMinnville City Council. The City of McMinnville is interested in your input. This is intended to be a community discussion to see if this something that the community wants to see move forward. Below is a summary of how the program would work.



The current proposal to amend the zoning ordinance would create provisions for a new "Floating Zone" in the zoning ordinance and identify the eligibility area. A property owner with property in the eligibility area could apply to have the Floating Zone designation applied to a property if first selected through the specified RFP process.

The process would first require a property owner to submit a proposal in response to an RFP advertised by the City. If selected through the RFP process, the property owner could then apply through the land use process to have the floating zone designation applied to the property. A maximum of two properties/proposals would be selected through the RFP process to be eligible to apply for the floating zone designation and development plan approval through the land use process.

The current proposal to amend the Zoning Ordinance would **NOT** rezone properties within the eligibility area. The new provisions would not apply to any property if/until a property owner/applicant within the eligibility area applied for and successfully met the criteria to have the designation applied to their property, and that would occur through a future land use application with public notice and public hearings. That application would also need to concurrently include a specific plan for the property. The property owner/applicant would need to demonstrate they meet the new ordinance requirements in order to obtain the approval.

You can find additional information about the purpose, intent, and details on the City website. Materials will soon be posted at the link below, or we can email or mail you a copy of the materials.

<https://www.mcminnvilleoregon.gov/planning/page/comprehensive-plan-goals-policies-andor-zoning-ordinance-text-amendments>

Please let us know if you would like a copy of the materials, if you have any questions, or if you would like additional information. You can reach me at (503) 474-5108 or [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov).

Sincerely,



Tom Schauer  
Senior Planner

Enc.





PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

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**PUBLIC HEARING NOTICE:  
PLANNING COMMISSION REVIEW OF A  
ZONING ORDINANCE AMENDMENT**

NOTICE IS HEREBY GIVEN that the City of McMinnville is proposing an amendment to the McMinnville Zoning Ordinance. The purpose of this notice is to provide an opportunity to submit comments regarding the application or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Tom Schauer with any questions at 503-474-5108, or [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov).

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**DOCKET NUMBER:** G 3-19

**PROPOSAL:** The City of McMinnville is proposing an amendment to the McMinnville Zoning Ordinance to add a new Section, Chapter 17.49: Innovative Housing Pilot Project Floating Zone. This amendment would establish provisions for the Innovative Housing Pilot Project Floating zone, but it would not rezone any properties. It would establish a designated eligibility area. Only property owners within this area would be eligible to apply to have the floating zone designation applied to a property through a future land use application, which would require a separately noticed public hearing process.

**APPLICANT:** City of McMinnville, c/o Tom Schauer, Senior Planner

**SITE LOCATION(S):** See attached map for the eligibility area. This is the eligibility area only, and this is not a proposal to rezone properties within this area.

**NOTICE DATE:** June 7, 2019

**PUBLIC HEARING DATE:** June 27, 2019 at 6:30 P.M.

**HEARING LOCATION:** McMinnville Civic Hall Building  
200 NE 2<sup>nd</sup> Street, McMinnville, OR, 97128

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**Proceedings:** A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a recommendation to the City Council to either approve, approve with amendments, or deny the proposal based on the applicable criteria. This application is subject to the legislative land use procedures specified in Section 17.72.120-17.72.160 of the City of McMinnville Zoning Ordinance.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a recommendation. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128, or by email to [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov).

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5<sup>th</sup> Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov).

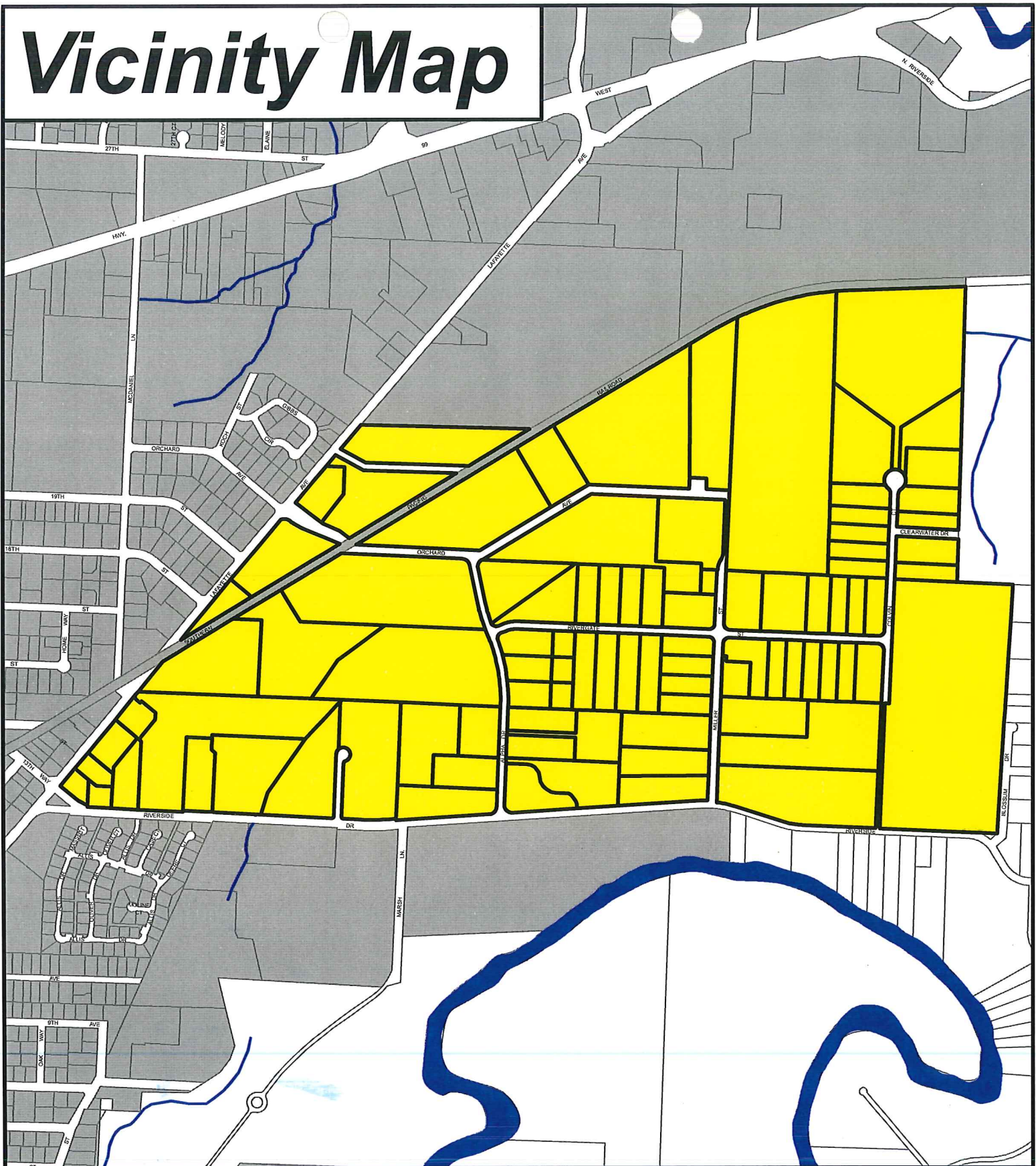
**Appeal:** The Planning Commission will make a recommendation to the City Council. The City Council's decision on a legislative amendment may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided in ORS 197.620 and ORS 197.830. Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity may preclude appeal to the Land Use Board of Appeals (LUBA) on that issue.

**Review Criteria:** Amendments to the Zoning Ordinance must be consistent with the Goals and Policies in Volume II of the Comprehensive Plan, the Purpose of the Zoning Ordinance, and the Purposes of the Chapters and Section of the Zoning Ordinance which are applicable to the amendments.

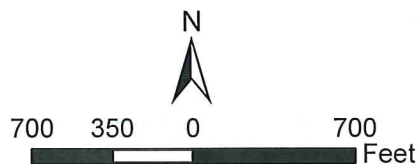
The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.



# Vicinity Map



Geographic Information System



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

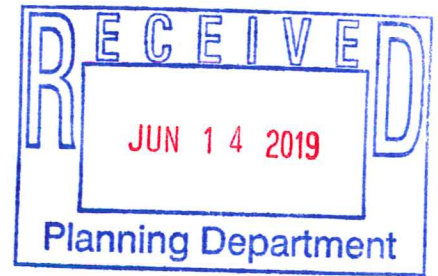
Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4415 03314		FARMERS COOP	FARMERS CREAMERY OF MCMINNVILLE	700 NE HIGHWAY 99W	MCMINNVILLE OR	97128
2	R4415C 01900	1615 NE MILLER ST	TERRACALC LLC	TERRACALC LLC	1615 NE MILLER ST	MCMINNVILLE OR	97128
3	R4415 03300	1974 NE COLVIN CT	ELSINORE INVESTMENTS LLC	ELSINORE INVESTMENTS LLC	18555 SW TETON AVE	TUALATIN OR	97062
4	R4415 03319	2019 NE COLVIN CT	COLVIN COURT LLC	COLVIN COURT LLC	PO BOX 3	MCMINNVILLE OR	97128
6	R4415C 02100	1445 NE MILLER ST	OWYHEE PROPERTIES LLC	OWYHEE PROPERTIES LLC	4101 NE HENRY CREEK RD	DAYTON OR	97114
7	R4415C 01000	1618 NE ALPHA DR	H & R BURCH LIMITED PARTNERSHIP	H & R BURCH LIMITED PARTNERSHIP	237 NE FORD NO 1	MCMINNVILLE OR	97128
8	R4415C 01600	2910 NE RIVERGATE ST	LISSNER LIVING TRUST	LISSNER LIVING TRUST	PO BOX 372	SHERWOOD OR	97140
9	R4415 02601	2700 NE ORCHARD AVE	ELK CREEK INVESTMENTS LLC	ELK CREEK INVESTMENTS LLC	1770 SPANISH SUN WAY	MERIDIAN ID	83642
10	R4415 02900	2803 NE ORCHARD AVE	NIEMEYER JOHN E 75%	NIEMEYER JOHN E 75%	15 82ND DR NO 210	GLADSTONE OR	97027
11	R4415C 00900	1624 NE ALPHA DR	H & R BURCH LIMITED PARTNERSHIP	H & R BURCH LIMITED PARTNERSHIP	237 NE FORD NO 1	MCMINNVILLE OR	97128
12	R4415 03333	3290 NE RIVERGATE ST	AMERSON ALAN A	AMERSON ALAN A	1915 NE COLVIN CT	MCMINNVILLE OR	97128
13	R4415 03000	3101 NE ORCHARD AVE	BLAKESLEE PROPERTIES LLC	BLAKESLEE PROPERTIES LLC	PO BOX 1450	SHERWOOD OR	97140
14	R4415 01800	2030 NE LAFAYETTE AVE	MCMINNVILLE INDUSTRIAL PROMOTIONS IN	MCMINNVILLE INDUSTRIAL PROMOTIONS INC	PO BOX 328	MCMINNVILLE OR	97128
15	R4415 03317	2083 NE COLVIN CT	MOMTAZI FAMILY LLC	MOMTAZI FAMILY LLC	2083 NE COLVIN CT	MCMINNVILLE OR	97128
16	R4415 03329		PETSHOW FAMILY LIMITED PARTNERSHIP 1	PLEWS FRED & LINDA FAMILY LLC 1/2	PO BOX 1133	MCMINNVILLE OR	97128
17	R4415 03332	3240 NE RIVERGATE ST	MCMINNVILLE INDUSTRIAL PROMOTIONS IN	MCMINNVILLE INDUSTRIAL PROMOTIONS INC	PO BOX 328	MCMINNVILLE OR	97128
18	R4415C 01300	2760 NE RIVERGATE	SFF PROPERTY #1 LLC	SFF PROPERTY #1 LLC	PO BOX 119	MCMINNVILLE OR	97128
20	R4415C 02900	1425 NE ALPHA DR	ERICKSON J SCOTT	ERICKSON J SCOTT	PO BOX 20610	KEIZER OR	97307
21	R4415 03308	1975 NE COLVIN CT	AMERSON ALAN A	AMERSON ALAN A	1915 NE COLVIN CT	MCMINNVILLE OR	97128
22	R4415C 02300	1315 NE MILLER ST	BLADINE PROPERTY MANAGEMENT INC 1% &	BLADINE PROPERTY MANAGEMENT INC 1% &	PO BOX 1487	MCMINNVILLE OR	97128
23	R4415C 01201	2720 NE RIVERGATE ST	SFF PROPERTY #1 LLC	SFF PROPERTY #1 LLC	PO BOX 119	MCMINNVILLE OR	97128
25	R4415C 01202	2740 NE RIVERGATE STE	SFF PROPERTY #1 LLC	SFF PROPERTY #1 LLC	PO BOX 119	MCMINNVILLE OR	97128
26	R4415C 01200	2706 NE RIVERGATE ST	SFF PROPERTY #1 LLC	SFF PROPERTY #1 LLC	PO BOX 119	MCMINNVILLE OR	97128
27	R4415 03310	1730 NE MILLER ST	COILHOSE PNEUMATICS INC	COILHOSE PNEUMATICS INC	1730 NE MILLER ST	MCMINNVILLE OR	97128
28	R4415 03326	3145 NE RIVERGATE STE	COILHOSE PNEUMATICS INC	COILHOSE PNEUMATICS INC	1730 NE MILLER ST	MCMINNVILLE OR	97128
29	R4415 02800	2727 NE ORCHARD AVE	NELSON OREGON REALTY CORP	NELSON OREGON REALTY CORP	PO BOX 2040	KINGSFORD MI	49802
30	R4415 03312		FARMERS COOP	FARMERS CREAMERY OF MCMINNVILLE	700 NE HIGHWAY 99W	MCMINNVILLE OR	97128
31	R4415C 00300	2919 NE RIVERGATE ST	PETSHOW FAMILY LIMITED PARTNERSHIP 1	PETSHOW FAMILY LIMITED PARTNERSHIP 1/2	PO BOX 1133	MCMINNVILLE OR	97128
32	R4415C 02700	1430 NE ALPHA DR	ALPHA LAND	ALPHA LAND COMPANY LLC	PO BOX 715	MCMINNVILLE OR	97128
33	R4415 02400	1317 NE DUSTIN CT	YAMHILL COMMUNITY ACTION PARTNERSHIP	YAMHILL COMMUNITY ACTION PARTNERSHIP	PO BOX 621	MCMINNVILLE OR	97128
34	R4415 03330	3184 NE RIVERGATE ST	MARYNOEL PROPERTIES LLC	MARYNOEL PROPERTIES LLC	3182 NE RIVERGATE ST	MCMINNVILLE OR	97128
35	R4415 03401		MCMINNVILLE INDUSTRIAL PROMOTIONS IN	MCMINNVILLE INDUSTRIAL PROMOTIONS INC	PO BOX 328	MCMINNVILLE OR	97128
36	R4416DC07202	1640 NE LAFAYETTE AVE	BINDL STEVEN	BINDL STEVEN	1640 LAFAYETTE AVE	MCMINNVILLE OR	97128
37	R4415 03100		MCMINNVILLE INDUSTRIAL PROMOTIONS IN	MCMINNVILLE INDUSTRIAL PROMOTIONS INC	PO BOX 328	MCMINNVILLE OR	97128
38	R4415 03402		TRUMPT LLC	TRUMPT LLC	PO BOX 836	AMITY OR	97101
39	R4415C 00800	1768 NE ALPHA DR	ELK CREEK INVESTMENTS LLC	ELK CREEK INVESTMENTS LLC	1770 SPANISH SUN WAY	MERIDIAN ID	83642
41	R4415 03320		COLVIN COURT LLC	COLVIN COURT LLC	PO BOX 3	MCMINNVILLE OR	97128
42	R4415 03309	1915 NE COLVIN CT	AMERSON ALAN A	AMERSON ALAN A	1915 NE COLVIN CT	MCMINNVILLE OR	97128
43	R4416DA05000	1700 NE LAFAYETTE AVE	MORELAND OIL COMPANY	MORELAND OIL COMPANY	PO BOX 567	MCMINNVILLE OR	97128
44	R4415C 00100	1761 NE MILLER ST	BOOTHE MARK D & CHRISTINE M	BOOTHE MARK D & CHRISTINE M	PO BOX 1151	MCMINNVILLE OR	97128



Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
45	R4415 03400	1500 NE MILLER ST	MCMINNVILLE INDUSTRIAL PROMOTIONS IN	MCMINNVILLE INDUSTRIAL PROMOTIONS INC	PO BOX 328	MCMINNVILLE OR	97128
46	R4415 03306		HOMETTE CORP	HOMETT CORP	PO BOX 743	ELKHART IN	46515
47	R4415 03321		OAK RIDGE	OAK RIDGE MEADOWS LLC	1312 NE HIGHWAY 99W	MCMINNVILLE OR	97128
48	R4415BB01000		PAIGE PROPERTIES		1120 BROCKMAN DR	SONOMA CA	95476
49	R4416DC07201	1603 NE RIVERSIDE DR	LAMBERT LIVING TRUST	LAMBERT LIVING TRUST	5501 NE HAWN CREEK RD	MCMINNVILLE OR	97128
50	R4415 02523	1711 NE ALPHA DR	ALPHA DRIVE LLC	ALPHA DRIVE LLC	2746 NE 17TH AVE	PORTLAND OR	97212
51	R4415C 00500	2817 NE RIVERGATE ST	ELK CREEK INVESTMENTS LLC	ELK CREEK INVESTMENTS LLC	1770 SPANSIH SUN WAY	MERIDIAN ID	83642
52	R4415 02407		KLAUS DEAN C & DEBRA A	KLAUS DEAN C & DEBRA A	450 NW 7TH ST	MCMINNVILLE OR	97128
53	R4415C 01100	1540 NE ALPHA DR	SZEDLAK CHRISTOPHER 1/2 &	SZEDLAK CHRISTOPHER 1/2 &	1540 NE ALPHA DR	MCMINNVILLE OR	97128
55	R4416DA05100	1912 NE LAFAYETTE AVE	SANI-LEASE LLC	SANI-LEASE LLC	PO BOX 771	MCMINNVILLE OR	97128
56	R4415 03334		AMERSON ALAN A	AMERSON ALAN A	1915 NE COLVIN CT	MCMINNVILLE OR	97128
57	R4415C 01500	2850 NE RIVERGATE ST	LISSNER LIVING TRUST	LISSNER LIVING TRUST	PO BOX 372	SHERWOOD OR	97140
58	R4415C 02600	1430 NE ALPHA DR	MID VALLEY REHABILITATION INC	MID VALLEY REHABILITATION INC	319 NE 5TH ST	MCMINNVILLE OR	97128
59	R4415C 02800	1405 NE ALPHA DR	VAIL FAMILY TRUST	VAIL FAMILY TRUST	PO BOX 715	MCMINNVILLE OR	97128
60	R4416DC07200		CITY OF MCMINNVILLE	CITY OF MCMINNVILLE	230 NE 2ND ST	MCMINNVILLE OR	97128
61	R4415 02700	2655 NE ORCHARD AVE	PARALLEL VENTURES	PARALLEL VENTURES	PO BOX 299	BOYCE VA	22620
62	R4415 02522		SANI-LEASE LLC	SANI-LEASE LLC	PO BOX 509	MCMINNVILLE OR	97128
63	R4415C 02200	1315 NE MILLER ST	BLADINE PROPERTY MANAGEMENT INC	BLADINE PROPERTY MANAGEMENT INC	PO BOX 1487	MCMINNVILLE OR	97128
64	R4415C 02500	1410 NE ALPHA DR	LARSON STEVEN B CO-TRUSTEE	LARSON STEVEN B CO-TRUSTEE	27505 SW THOMSON MILL RD	SHERIDAN OR	97378
65	R4415C 01800	1651 NE MILLER ST	TERRA CALC LLC	TERRA CALC LLC	1615 NE MILLER ST	MCMINNVILLE OR	97128
66	R4415C 00600	2751 NE RIVERGATE ST	ELK CREEK INVESTMENTS LLC	ELK CREEK INVESTMENTS LLC	1770 SPANISH SUN WAY	MERIDIAN ID	83642
68	R4415 03324	3145 NE RIVERGATE STE	COILHOSE PNEUMATICS INC	COILHOSE PNEUMATICS INC	1730 NE MILLER ST	MCMINNVILLE OR	97128
69	R4415 03303		THOMPSON REX	VON PINNON MICHAEL REV LIV TRUST	PO BOX 75	MCMINNVILLE OR	97128
70	R4415C 03100	1245 NE ALPHA DR	D & N BUILDERS &	D & N BUILDERS &	PO BOX 1358	MCMINNVILLE OR	97128
71	R4415 02000	1920 NE LAFAYETTE AVE	MYOBO LLC	MYOBO LLC	2780 GATEWAY RD	CARLSBAD CA	92009
72	R4415 03315	2090 NE COLVIN CT	FARMERS COOP	FARMERS CREAMERY OF MCMINNVILLE	700 NE HIGHWAY 99W	MCMINNVILLE OR	97128
73	R4415C 00400	2849 NE RIVERGATE ST	ELK CREEK INVESTMENTS LLC	ELK CREEK INVESTMENTS LLC	1770 SPANISH SUN WAY	MERIDIAN ID	83642
74	R4415 03323		COILHOSE PNEUMATICS INC	COILHOSE PNEUMATICS INC	1730 NE MILLER ST	MCMINNVILLE OR	97128
75	R4415 03331	3200 NE RIVERGATE ST	3200 RIVERGATE LLC	3200 RIVERGATE LLC	129 ARCHER DR	SANTA CRUZ CA	95060
77	R4415 01900	1936 NE LAFAYETTE AVE	LEE LARSON PROPERTIES LLC	LEE LARSON PROPERTIES LLC	PO BOX 1696	BEAVERTON OR	97075
78	R4415C 03000	1315 NE ALPHA DR	HANTZE GARY & JEAN	HANTZE GARY & JEAN	1521 NE 5TH ST	MCMINNVILLE OR	97128
79	R4415 02602	2900 NE ORCHARD AVE	LAND USE RESOURCES LLC	LAND USE RESOURCES LLC	PO BOX 237	MCMINNVILLE OR	97128
80	R4415 03305	1940 NE COLVIN CT	KOHNE RENTALS LLC	KOHNE RENTALS LLC	PO BOX 164	YAKUTAT AK	99689
81	R4415 03322		COILHOSE PNEUMATICS INC	COILHOSE PNEUMATICS INC	1730 NE MILLER ST	MCMINNVILLE OR	97128
82	R4415 03318		MOMTAZI FAMILY LLC	MOMTAZI FAMILY LLC	2083 NE COLVIN CT	MCMINNVILLE OR	97128
83	R4415C 00200	2953 NE RIVERGATE ST	ELK CREEK INVESTMENTS LLC	ELK CREEK INVESTMENTS LLC	1770 SPANISH SUN WAY	MERIDIAN ID	83642
84	R4415C 00700	2705 NE RIVERGATE ST	ELK CREEK INVESTMENTS LLC	ELK CREEK INVESTMENTS LLC	1770 SPANISH SUN WAY	MERIDIAN ID	83642
85	R4415C 01700		SETAC 1	SETAC 1 LLC	3409 LA BRANCH ST APT 4	HOUSTON TX	77004
86	R4415 02500	2200 NE ORCHARD AVE	SANI-LEASE LLC	SANI-LEASE LLC	PO BOX 771	MCMINNVILLE OR	97128
87	R4415 03313		FARMERS COOP	FARMERS CREAMERY OF MCMINNVILLE	700 NE HIGHWAY 99W	MCMINNVILLE OR	97128

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
88	R4415C 02000	1535 NE MILLER ST	MICROTECH PRECISION INC	MICROTECH PRECISION INC	5950 NE RIVERSIDE DR	MCMINNVILLE OR	97128
89	R4415C 01400	2818 NE RIVERGATE ST	KDR PROPERTIES LLC	KDR PROPERTIES LLC	6860 SW NORSE HALL RD	TUALATIN OR	97062
90	R4415 03328	3138 NE RIVERGATE ST	MAK PRECISION PROPERTIES LLC	MAK PRECISION PROPERTIES LLC	3138 NE RIVERGATE ST STE 301C	MCMINNVILLE OR	97128
91	R4415 03327	1600 NE MILLER ST	FRED & LINDA PLEWS FAMILY LLC THE	FRED & LINDA PLEWS FAMILY LLC THE	PO BOX 1133	MCMINNVILLE OR	97128
92	R4416 01500	1466 NE LAFAYETTE AVE	KLAUS DEAN C & DEBRA A	KLAUS DEAN C & DEBRA A	450 NW 7TH ST	MCMINNVILLE OR	97128
93	R4416 02100		HF PROPERTIES	HF PROPERTEIS	720 NW MICHELBOOK CT	MCMINNVILLE OR	97218
94	R4416 01800	1605 NE RIVERSIDE DR	2 NICE LLC	2 NICE LLC	PO BOX 103	SHERIDAN OR	97378
95	R4416 01700	1410 NE LAFAYETTE AVE	MILLER STEPHEN D & AUDREY 1/2 &	MILLER STEPHEN D & AUDREY 1/2 &	17211 NE 167TH AVE	BRUSH PRAIRIE WA	98606
96	R4416 01900	1621 NE RIVERSIDE DR	KLAUS DEAN C & DEBRA A	KLAUS DEAN C & DEBRA A	450 NW 7TH ST	MCMINNVILLE OR	97128
97	R4416 02000		KLAUS DEAN C & DEBRA A	KLAUS DEAN C & DEBRA A	450 NW 7TH ST	MCMINNVILLE OR	97128
98	R4416 01600	1500 NE LAFAYETTE AVE	YOUR SPACE PUBLIC STORAGE LLC	YOUR SPACE PUBLIC STORAGE LLC	450 NW 7TH ST	MCMINNVILLE OR	97128
99	R4415C 02401		GANZ PROPERTY MANAGMENT LLC	GANZ PROPERTY MANAGMENT LLC	PO BOX 1606	MCMINNVILLE OR	97128
100	R4415C 02400	1300 NE ALPHA DR	WORLD CLASS TECHNOLOGY CORP	WORLD CLASS TECHNOLOGY CORP	1300 NE ALPHA DR	MCMINNVILLE OR	97128

**Joseph J. Cassin**  
2746 NE 17<sup>th</sup> Avenue  
Portland, Oregon 97212  
(503) 781-3223



June 14, 2019

Chair Roger Hall  
Planning Commission Members  
McMinnville City Hall  
230 NE 2<sup>nd</sup> Street  
McMinnville, Oregon 97128

**Re: Proposed Floating Zone Ordinance/Written Comment**

Dear Chairman Hall and Members of the Planning Commission,  
My name is Joe Cassin, and I am the owner of Alpha Drive, LLC, which owns Tax Lot R4415-2523. A map showing the location of my undeveloped industrially zoned property is attached to this letter. I have been informally approached by the owner of Tax Lot R4415-2407 regarding the possible construction of low or moderate income housing on such industrially zoned land in conjunction with the Floating Zone proposal presently before the Commission.

While I am in favor of promoting low and moderate income residential properties within the city, if such development is to occur on land presently zoned for industrial uses, such development must not limit the scope of allowable industrial uses which are presently permitted outright or conditionally permitted under the current established industrial zone.

The effect of proposed Section 17.49.140 (11) of proposed Chapter 17.49 is to subject existing and future permitted industrial uses to significant limitation or curtailment in the event a new Floating Zone residential project is sited adjacent or nearby to the existing industrial sites. This is an unacceptable "down zoning" of existing industrial parcels and is both unfair to existing property owners who relied on the existing zoning when they purchased their properties and a serious limitation on future industrial development within the city.

I believe strongly that if an inconsistent residential use is to be introduced into an industrial zone, the party developing the non-industrial use should be the party responsible for and subject to on-site mitigation measures to minimize conflicts with existing abutting and nearby industrial property owners. If buffering is needed, the buffering needs to occur wholly on the property creating the conflict by introducing a non-industrial use.

Moreover, just as farmers are protected by Right to Farm statutes, if the city desires to create a non-industrial overlay zone to permit residential uses in an industrial zone, such a zone must include protection of the existing and future industrial uses that the industrial zone was created to allow. To do otherwise will severely hamper the potential development and marketability of existing and available industrial land within the city. Instead of being a naysayer, I can support the creation of a Floating Zone concept if it incorporates adequate protection for existing and future industrial uses. Accordingly, I have attached to this letter suggested revisions to the proposed Floating Zone Ordinance Chapter 17.49 to incorporate protections for existing property owners who own land zoned for industrial uses. I request that the Commission give favorable consideration to adoption of such revisions.

Finally, if the shoe were on the other foot, and the city was desperate for additional industrial development, and if the proposal were made for a Floating Zone to allow industrial development within land zoned for residential use, I am very confident that the Commission would be incorporating strict safeguards to ensure that such industrial development would be fully responsible for all of the measures needed to protect adjacent residential uses.

I appreciate the opportunity to present this written comment and your consideration of the revisions I have proposed to resolve the concerns noted.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Joe Cassin", with a large, stylized loop at the end.

Joe Cassin, Member  
Alpha Drive, LLC

Attachments:

Revisions to Proposed MCM 17.49  
Map





EXHBIT A TO ORDINANCE NO. XXXX

CHAPTER 17.49

INNOVATIVE HOUSING PILOT PROJECT FLOATING ZONE

**17.49.100. Need, Purpose, and Intent.**

**1. Need.**

- a. Availability of housing affordable to residents across the income spectrum is a critical issue in McMinnville, with especially critical needs for the lowest income residents and special need populations.
- b. The floating zone authorizes uses, or a combination of uses, that may not typically be a standard land use under conventional zoning.
- c. It is important to provide opportunities for innovation and regulatory opportunities to respond to critical short-term needs while working on long-term solutions to address needs and overcome barriers.

**2. Purpose & Intent.**

- a. To provide regulatory flexibility within compatibility parameters to address emergency and transitional housing needs on a short-term basis through provision of housing that is intended to be temporary in nature as additional longer-term housing needs are addressed.
- b. To authorize a limited number of innovative pilot projects to (a) meet a special need to serve the community at large, or (b) demonstrate an effective and innovative solution that could be considered for broader, more widespread replicability and adoption to address critical needs.
- c. To address needs in a way that addresses externalities and health and safety issues which can be presented by unmanaged living situations.

d. To accomplish the foregoing purposes without materially effecting the use of adjacent and nearby property in the NE Industria Area zoned for permitted or conditionally permitted industrial purposes.

**17.49.110. Applicability.** Properties within the Floating Zone boundary will be eligible to apply to have the Floating Zone designation applied to the property. The Floating Zone boundary is shown in **Exhibit 1**.

If the City has established an RFP process for selection of eligible pilot projects, only those projects selected through the RFP process are eligible to apply for the floating zone designation, which may be concurrent with the approval of the plans for the pilot project. If specified through an RFP process, the application for the floating zone designation and pilot project master plan approval shall be submitted within the timeframe specified in the RFP selection process.

**17.49.120. Number of Pilot Projects Authorized by Floating Zone.** The City Council will specify the maximum number of pilot projects which may initially be selected and authorized to apply for the Floating Zone designation.

**4-30-2019 DRAFT**

**17.49.130. Authorized Uses.** The Floating Zone shall allow uses which may include, but shall not be limited, to the following:

1. **Primary Uses.** As part of an approved master plan, the following uses may be permitted outright alone or in conjunction with other primary uses or secondary uses:
  - a. Temporary emergency housing affordable to persons earning at or below 60% AMI, including development types such as cottage housing clusters, tiny home villages, and mobile homes, whether there are multiple structures on the same lot or individual structures on distinct lots;
  - b. Temporary transitional housing;
  - c. Transitional housing accommodations governed by ORS 446.265, on not more than two parcels within the UGB, which the City may require be duration-limited through the decision-making process;
  - d. Emergency shelter;
  - e. Consistent with the Need, Purpose, and Intent of this Chapter: other forms of shelter, or short-term temporary housing intended to meet the needs of persons experiencing homelessness, earning at or below 60% AMI, or in need of transitional housing together with supportive services to *move* to self-sufficiency.
2. **Secondary Uses.** As part of an approved master plan, the following uses may be permitted, but only when in conjunction with one or more primary uses on a site or contiguous sites:
  - a. Support services provided for residents of the site, such as health services, personal counseling, food bank, food service, self-sufficiency and job skills training and coaching; which may also be offered to persons who do not reside on-site, if offered to on-site residents.
  - b. Services for direct use by residents of the site such as cooking, bathing, laundry, personal storage; which may also be offered to persons who do not reside on-site, if offered to on-site residents.

**17.49.140. Development Standards.**

1. **Minimum Lot Size.** Minimum lot size shall be one-half acre.
2. **Yard Requirements.** No yard shall be less than 20 feet.
3. **Maximum Height & Number of Stories.** Structures shall not exceed two stories, and shall not exceed 35 feet in height.
4. **Density.** Density shall not exceed 18 units per acre. If sleeping facilities are provided independent of shared common cooking and bathing facilities, each independent sleeping facility will be considered a separate dwelling unit for purposes of calculating density.
5. **Parking.** Parking shall be provided as specified in Chapter 17.60 of the Zoning Ordinance. In the event a proposed use is not listed in Chapter 17.60, the required number shall be determined in accordance with Section 17.60.090 for the most



comparable use and/or other commonly accepted data sources for parking generation. Parking shall not be permitted within any required yard.

6. **Fencing.** The property shall be fenced at interior lot lines abutting other properties. Chain link slats shall not be used.
7. **Landscaping and Screening.** In addition to the landscaping requirements of Chapter 17.57, the following landscaping requirements shall apply to the landscape plan:
  - a. A minimum of 10% of the site shall be landscaped. Additional landscaping may be required for certain uses such as central common areas for cottage clusters.
  - b. Interior yards shall be landscaped, which may include berming, to provide year-round screening between properties.
8. **Signs.** One monument sign shall be permitted, not to exceed six (6) feet in height and forty-eight (48) square feet in area. The sign shall be non-illuminated or indirectly illuminated.
9. **General Provisions.** Other applicable development standards of the Zoning Ordinance shall be applicable to the property.
10. **Use Limitations.** No outside storage shall be permitted, except within a securable, screened enclosure.
11. **Effect on Ordinance 4135.** Section (5)(d) of the Northeast Industrial Area Planned Development Overlay (Ordinance 4135) specifies certain use restrictions within 500 feet of a residentially designated area or any area in residential use. For purposes of applying that Section to surrounding industrial properties, that requirement ~~shall may~~ be waived with regard to uses permitted by the Floating Zone ~~or reduced when the master plan for the property with the Floating Zone designation includes site-specific mitigation and/or on-site buffering to prevent conflicts with specified uses, and upon a finding that the use on the surrounding property doesn't pose a hazard to the use of the property with the Floating Zone designation.~~
12. **Effect on Yard Requirements for Abutting Properties.** Where the zoning of adjacent properties specifies increased yard requirements when adjacent to a residential zone, the, additional yard requirements can be fully or partially addressed on the property with the Floating Zone designation rather than the adjacent property if specified by the applicant as part of the master plan, and may be measured to buildings to be occupied for shelter or residential use.

### 13. Protection of Industrial Activities.

- a. Any City of McMinnville ordinance or regulation now in effect or subsequently adopted that permits residential or other development in a Floating Zone which makes any otherwise lawful industrial operation a nuisance or trespass within an industrial zone, or provides for its abatement as a nuisance or trespass is invalid with respect to that industrial practice.
- b. Normal and accepted industrial practices, including but not limited to industrial noises, odors and hours of operation on lands zoned for industrial use shall not give rise to any private right of action or claim for relief under city ordinances based on nuisance or trespass upon residential improvements located within such zone. This section shall not apply to a right of action or claim for relief for damage to personal



property or for death or serious physical injury as defined in ORS 161.015. This section applies regardless of whether the industrial practice is newly established or has undergone any change or interruption.

- c. Any lease for residential or other use of improvements located within an industrial zone that were approved pursuant to a Floating Zone overlay, shall disclose in bold print the existence of this Section protecting industrial activities within such industrial zone.
- d. The City of McMinnville is not required to investigate complaints if the city has reason to believe that the complaint is based on practices protected by this sub-section.

**17.49.160. Floating Zone Designation/Land Use Review Process.** Within six (6) months of selection as an eligible pilot project through an RFP process, the property owner and applicant shall apply to have the Floating Zone designation applied to the property. The application shall be accompanied by a master plan, including a site plan and a project narrative with description of operating characteristics, consistent with the approved pilot project concept. The Floating Zone designation will be applied to the property on the official zoning map, and the master plan and conditions of approval will guide the development and use of the property.

1. **Procedure.** The proposed designation will follow the procedures for a quasi-judicial Zoning Map amendment. Prior to submittal of the application, the applicant shall conduct a neighborhood meeting as specified in the Zoning Ordinance.

**2. Submittal Requirements.**

- a. **Application.** Complete application on forms provided by the Director, signed by the property owner and applicant.
  - b. **Narrative.** Narrative addressing Floating Zone Designation Criteria and Master Plan Review Criteria in Section (3).
  - c. **Site Plan.** Site Plan drawn to a standard scale, showing existing conditions, natural features, and proposed improvements.
  - d. **Use, Operations, and Management Plan.** Provide a description of proposed uses, proposal for preventing, minimizing, and responding to any potential conflicts that may arise. For temporary uses, provide a description of the expected duration and criteria used to determine when the use will cease operation, the proposed closure plan, and plan for removing improvements to ready the site for a return to other uses.
  - e. **Capacity Analysis.** If deemed necessary, the City may require analysis of public facility capacity to support the proposed use or uses, especially if they have demand and use characteristics substantially greater than uses permitted by the underlying zone.
  - f. **Landscape Plan.** The applicant shall submit a landscape plan for review by the Landscape Review Committee. This may be submitted concurrent with, or after the application for the floating zone designation and master plan approval.
3. **Criteria.** The Floating Zoning designation may be applied to a property upon findings of compliance with all of the following criteria:

**a. General.**

- i. The proposal is consistent with the Need, Purpose, and Intent of this Chapter.
- ii. The pilot project will serve a population or populations which are underserved and have critical needs.

**b. Site Selection & Locational Criteria.**

- i. The pilot project site selection is within the Floating Zone eligibility boundary
- ii. The uses and development proposal are compatible with surrounding use and development and future uses and incorporate elements and practices to mitigate potential issues.

[illegible]



*A collaborative and caring city inspiring an exceptional quality of life.*

**PLANNING DEPARTMENT**, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

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July 8, 2019

**RE: Docket G 3-19: Zoning Ordinance Amendment to Create Provisions for an Innovative Housing Pilot Project Floating Zone**

Dear Property Owner:

Attached you will find a public hearing notice for the continued public hearing at the July 18 Planning Commission meeting at 6:30 PM in the Kent Taylor Civic Hall, 200 NE Second Street to consider an amendment to the McMinnville Zoning Ordinance to establish an "Innovative Housing Pilot Project Floating Zone."

This "Innovative Housing Pilot Project Floating Zone" is an effort to help establish up to two housing pilot projects that will hopefully address some of the housing challenges that the community is facing. The premise is fairly simple. The zone will "float" over an area of town and would only be applied to a property within that eligibility area if requested by a property owner through an application process, if the request is found to meet the requirements.

The city will issue a Request for Proposals to solicit projects that will house some of our lowest income residents and provide vocational training so that the clients can achieve permanent housing and employment.

The program is crafted deliberately as a land-use zone and a competitive RFP process so that the community can control the outcomes in terms of design and development standards, and operational and management oversight. This is an effort that is coming out of the McMinnville Affordable Housing Task Force after about 12 months of evaluation and discussion.

We are sending this to you as a courtesy because we want you to be fully informed about the dialogue so that you can participate if you choose to do so. The eligibility area being considered for the floating zone is the industrial area shown on the enclosed map. This area was chosen because we are hopeful that the proximity to industry will inform the vocational training and establish some partnerships in our business community with this project.

This is a legislative action of the City of McMinnville and would be a final decision of the McMinnville City Council. The City of McMinnville is interested in your input. This is intended to be a community discussion to see if this something that the community wants to see move forward. Below is a summary of how the program would work.



The current proposal to amend the zoning ordinance would create provisions for a new "Floating Zone" in the zoning ordinance and identify the eligibility area. A property owner with property in the eligibility area could apply to have the Floating Zone designation applied to a property if first selected through the specified RFP process.

The process would first require a property owner to submit a proposal in response to an RFP advertised by the City. If selected through the RFP process, the property owner could then apply through the land use process to have the floating zone designation applied to the property. A maximum of two properties/proposals would be selected through the RFP process to be eligible to apply for the floating zone designation and development plan approval through the land use process.

The current proposal to amend the Zoning Ordinance would **NOT** rezone properties within the eligibility area. The new provisions would not apply to any property if/until a property owner/applicant within the eligibility area applied for and successfully met the criteria to have the designation applied to their property, and that would occur through a future land use application with public notice and public hearings. That application would also need to concurrently include a specific plan for the property. The property owner/applicant would need to demonstrate they meet the new ordinance requirements in order to obtain the approval.

You can find additional information about the purpose, intent, and details on the City website. Materials will soon be posted at the link below, or we can email or mail you a copy of the materials.

<https://www.mcminnvilleoregon.gov/planning/page/comprehensive-plan-goals-policies-andor-zoning-ordinance-text-amendments>

Please let us know if you would like a copy of the materials, if you have any questions, or if you would like additional information. You can reach me at (503) 474-5108 or [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov).

Sincerely,



Tom Schauer  
Senior Planner

Enc.



PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

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**PUBLIC HEARING NOTICE:  
PLANNING COMMISSION REVIEW OF A  
ZONING ORDINANCE AMENDMENT**

NOTICE IS HEREBY GIVEN that the City of McMinnville is proposing an amendment to the McMinnville Zoning Ordinance. The purpose of this notice is to provide an opportunity to submit comments regarding the application or to attend the public meeting of the Planning Commission where this request will be reviewed and a public hearing will be held. Please contact Tom Schauer with any questions at 503-474-5108, or [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov).

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**DOCKET NUMBER:** G 3-19

**PROPOSAL:** The City of McMinnville is proposing an amendment to the McMinnville Zoning Ordinance to add a new Section, Chapter 17.49: Innovative Housing Pilot Project Floating Zone. This amendment would establish provisions for the Innovative Housing Pilot Project Floating zone, but it would not rezone any properties. It would establish a designated eligibility area. Only property owners within this area would be eligible to apply to have the floating zone designation applied to a property through a future land use application, which would require a separately noticed public hearing process.

**APPLICANT:** City of McMinnville, c/o Tom Schauer, Senior Planner

**SITE LOCATION(S):** See attached map for the eligibility area. This is the eligibility area only, and this is not a proposal to rezone properties within this area.

**NOTICE DATE:** July 8, 2019

**PUBLIC HEARING DATE:** July 18, 2019 at 6:30 P.M.

**HEARING LOCATION:** McMinnville Civic Hall Building  
200 NE 2<sup>nd</sup> Street, McMinnville, OR, 97128

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**Proceedings:** A staff report will be provided at least seven days before the public hearing. The Planning Commission will conduct a public hearing, take testimony, and then make a recommendation to the City Council to either approve, approve with amendments, or deny the proposal based on the applicable criteria. This application is subject to the legislative land use procedures specified in Section 17.72.120-17.72.160 of the City of McMinnville Zoning Ordinance.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, and to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a recommendation. Should you wish to submit comments or testimony on this application prior to the public meeting, please call the Planning Department office at (503) 434-7311, forward them by mail to 231 NE 5<sup>th</sup> Street, McMinnville, OR 97128, or by email to [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov).

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5<sup>th</sup> Street, McMinnville, Oregon during working hours and on the Planning Department's portion of the City of McMinnville webpage at [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov).

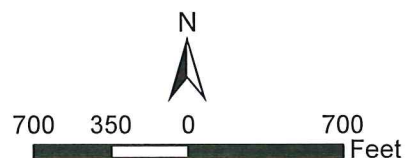
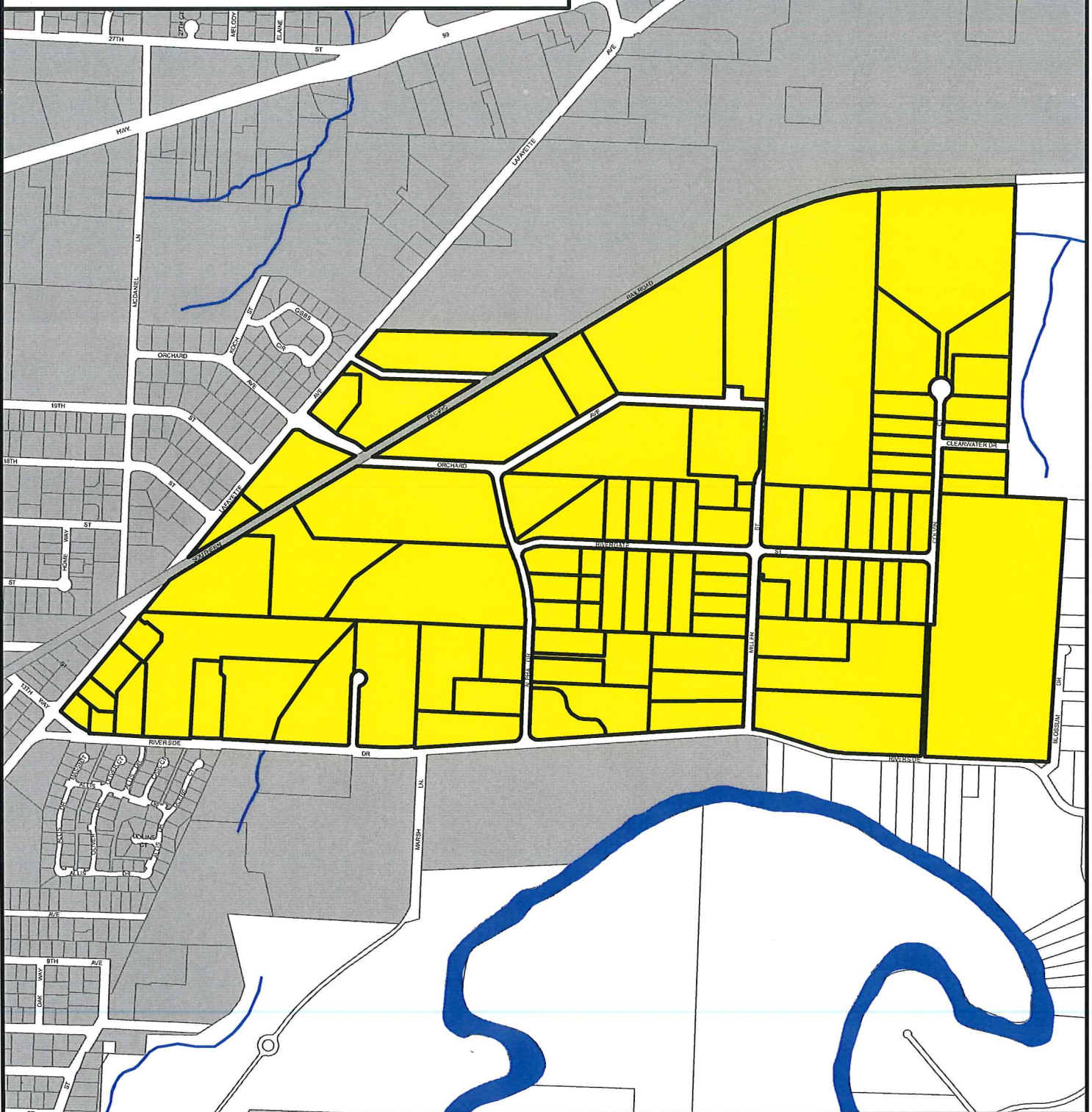
**Appeal:** The Planning Commission will make a recommendation to the City Council. The City Council's decision on a legislative amendment may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date written notice of the City Council's decision is mailed to parties who participated in the local proceedings and entitled to notice and as provided in ORS 197.620 and ORS 197.830. Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity may preclude appeal to the Land Use Board of Appeals (LUBA) on that issue.

**Review Criteria:** Amendments to the Zoning Ordinance must be consistent with the Goals and Policies in Volume II of the Comprehensive Plan, the Purpose of the Zoning Ordinance, and the Purposes of the Chapters and Section of the Zoning Ordinance which are applicable to the amendments.

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



# Vicinity Map



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

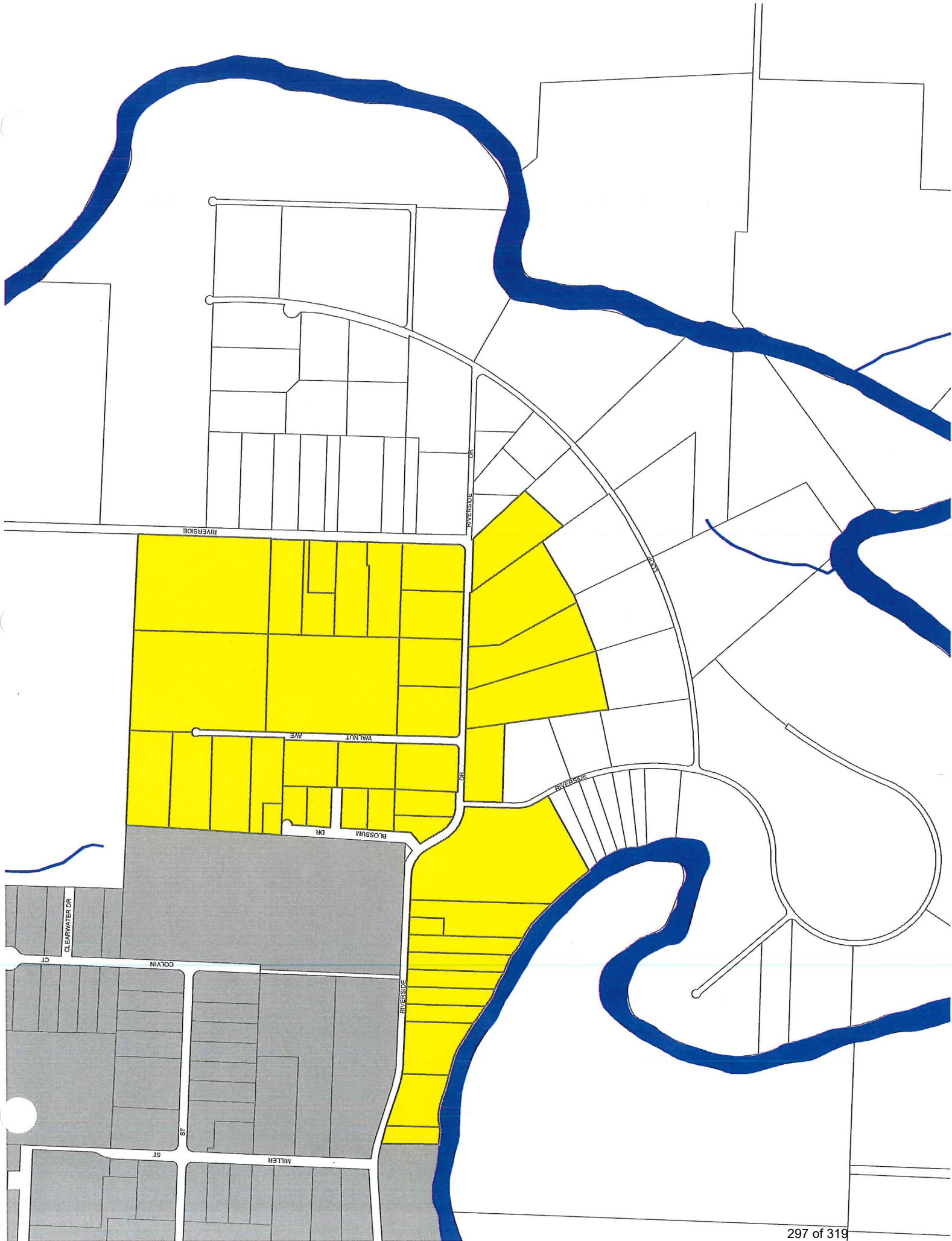


**G 3-19 - Extended Notice**

Owner	Attn:	Mailing Address	City State	Zip
ALLMARAS DUSTIN	LEDBETTER TABITHA	5820 SE RIVERSIDE DR	MCMINNVILLE OR	97128
ASHTON JOHN	ASHTON KELLY J	5950 NE RIVERSIDE DR	MCMINNVILLE OR	97128
BARNES ANN	BARNES ANN S	7081 SE RIVERSIDE DR	MCMINNVILLE OR	97128
BASSITT SCOTT	BASSITT CATHERINE E	5670 SE RIVERSIDE DR	MCMINNVILLE OR	97128
BYERS JONES	BYERS MELANIE R	6151 SE RIVERSIDE DR	MCMINNVILLE OR	97128
BYERS-JONES MELANIE	BYERS-JONES MELANIE	6331 SE RIVERSIDE DR	MCMINNVILLE OR	97128
CLARK MICHAEL	CLARK TAMMY L	1271 NE HIGHWAY 99W	MCMINNVILLE OR	97128
DOLE JACQUIN	DOLE JACQUIN C	6605 SE RIVERSIDE DR	MCMINNVILLE OR	97128
ELLIOTT LAWRENCE	ELLIOTT LAWRENCE E	1325 SE WALNUT AVE	MCMINNVILLE OR	97128
FRANKS STEPHEN	FRANKS STEPHEN & SHIRLEY	1751 SE WALNUT AVE	MCMINNVILLE OR	97128
GILLAS LAURA R	GILLAS LAURA R	7025 NE RIVERSIDE DR	MCMINNVILLE OR	97128
HAMILTON DANIEL	HAMILTON DANIEL K	1320 NE BLOSSOM DR	MCMINNVILLE OR	97128
HERMENS DAVID E	HERMENS BERNADETTE L	7201 SE RIVERSIDE DR	MCMINNVILLE OR	97128
HORTON STEPHEN	HORTON RITA E	5700 NE RIVERSIDE DR	MCMINNVILLE OR	97128
HOWARD STEPHEN	HOWARD STEPHEN L & MARGARET P	1401 SE WALNUT AVE	MCMINNVILLE OR	97128
HUSON ROBERT	HUSON ROBERT L & CAROL E	1446 NE BLOSSOM DR	MCMINNVILLE OR	97128
JACKMAN JAN	JACKMAN JAN L	6925 SE RIVERSIDE DR	MCMINNVILLE OR	97128
KILLIN EMILY	KILLIN EMILY P	2931 CEDARWOOD CT S	ALBANY OR	97322
MADISON JEFFERY	MADISON SUSAN	9033 SW MOUNTAIN VIE	TIGARD OR	97224
MAJORS-THRASH REBECCA	MAJORS-THRASH REBECCA	1605 NE WALNUT	MCMINNVILLE OR	97128
MARIN MIGUEL	MARIN-FLORES MARIA G	1701 SE WALNUT	MCMINNVILLE OR	97128
MCFARLAND JASON	MCFARLAND HEAVEN	6901 SE RIVERSIDE DR	MCMINNVILLE OR	97128
MCGRATH LORA	MCGRATH LORA	6350 NE RIVERSIDE DR	MCMINNVILLE OR	97128
MORELOCK MAJOR	MORELOCK MAJOR W & MAXINE A	1531 WALNUT AVE	MCMINNVILLE OR	97128
MURRAY SAMUEL	MURRAY SAMUEL	PO BOX 104	MCMINNVILLE OR	97128
PAIGE PROPERTIES		1120 BROCKMAN DR	SANOMA CA	95476
PEREZ RUBEN	PEREZ ADAM W	4205 SE RIVERSIDE DR	MCMINNVILLE OR	97128
RIVERSIDE DEVELOPMENT	RIVERSIDE DEVELOPMENT LLC	117 NE 5TH ST STE D	MCMINNVILLE OR	97128
ROGERS CHARLES	ROGERS DOROTHY S	6200 NE RIVERSIDE DR	MCMINNVILLE OR	97128
ROTH JACOB	ROTH TANYA M	6080 NE RIVERSIDE DR	MCMINNVILLE OR	97128
RUMMEL MELANIE	RUMMEL MELANIE	6151 SE RIVERSIDE DR	MCMINNVILLE OR	97128
SANCHEZ JOSE	SANCHEZ JOSE B & DEBRA K	1220 NE BLOSSOM DR	MCMINNVILLE OR	97128
SHILHANEK ROGER	SHILHANEK LINDA	PO BOX 1306	MCMINNVILLE OR	97128
STEFANSKY LUISA	STEFANSKY LUISA E	6490 SE RIVERSIDE DR	MCMINNVILLE OR	97128
VICKROY JAMES	VICKROY PAULA M	2722 NE JUNIPER CT	GRESHAM OR	97030
WEIHER RAYMOND	WEIHER CAROL	6450 SE RIVERSIDE DR	MCMINNVILLE OR	97128

Date Sent 7/8/19

Sent By gjs



## EXHIBIT 4 - STAFF REPORT

**DATE:** July 18, 2019  
**TO:** Planning Commission  
**FROM:** Sarah Sullivan, Planning Analyst  
**SUBJECT:** Minor Partition (MP 4-17) Extension Request

### STRATEGIC PRIORITY & GOAL:

 <b>GROWTH &amp; DEVELOPMENT CHARACTER</b> Guide growth & development strategically, responsively & responsibly to enhance our unique character.	 <b>HOUSING OPPORTUNITIES</b> (ACROSS THE INCOME SPECTRUM) Create diverse housing opportunities that support great neighborhoods.
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### Report in Brief:

This is an action item to consider a request for an extension of a previously approved tentative partition application (MP 4-17). The tentative partition was originally approved by the Planning Director on June 26, 2017. Following the approval of a tentative partition, an applicant has one year to submit a final partition plat that complies with the approved tentative partition plan and any associated conditions of approval. Then per the McMinnville City Code (MMC) the applicant can request an one-year extension of the permit with the Planning Director's approval. The applicant was not able to complete the required conditions of approval prior to submitting a final plat, and requested a one year extension of the tentative partition approval on May 31, 2018. That one year extension request was approved by the Planning Director with a new deadline of June 26, 2019.

The engineer that the applicant hired to provide the improvement plans did not complete the work required within the timeframe of the Director's extension approval and the applicant has request a second one year extension of the approved partition's approval to June 26, 2020. The applicant has hired a new engineering firm to address the condition of approval requirements. Additional extensions beyond one year require the approval of the Planning Commission.

### Background:

The subject site is an approximate 7.77 acre vacant parcel of land that the applicant proposed to partition into two (2) parcels approximately 3.82 and 3.95 acres in size.

The subject parcel is identified as Parcel 3 of Partition Plat 2001-35 and is also identified as Tax Lot 3402, Section 15, T. 4 S., R. 4 W. The subject parcel is identified as Industrial on the McMinnville Comprehensive Plan Map and is zoned M-2 PD (General Industrial Planned Development).



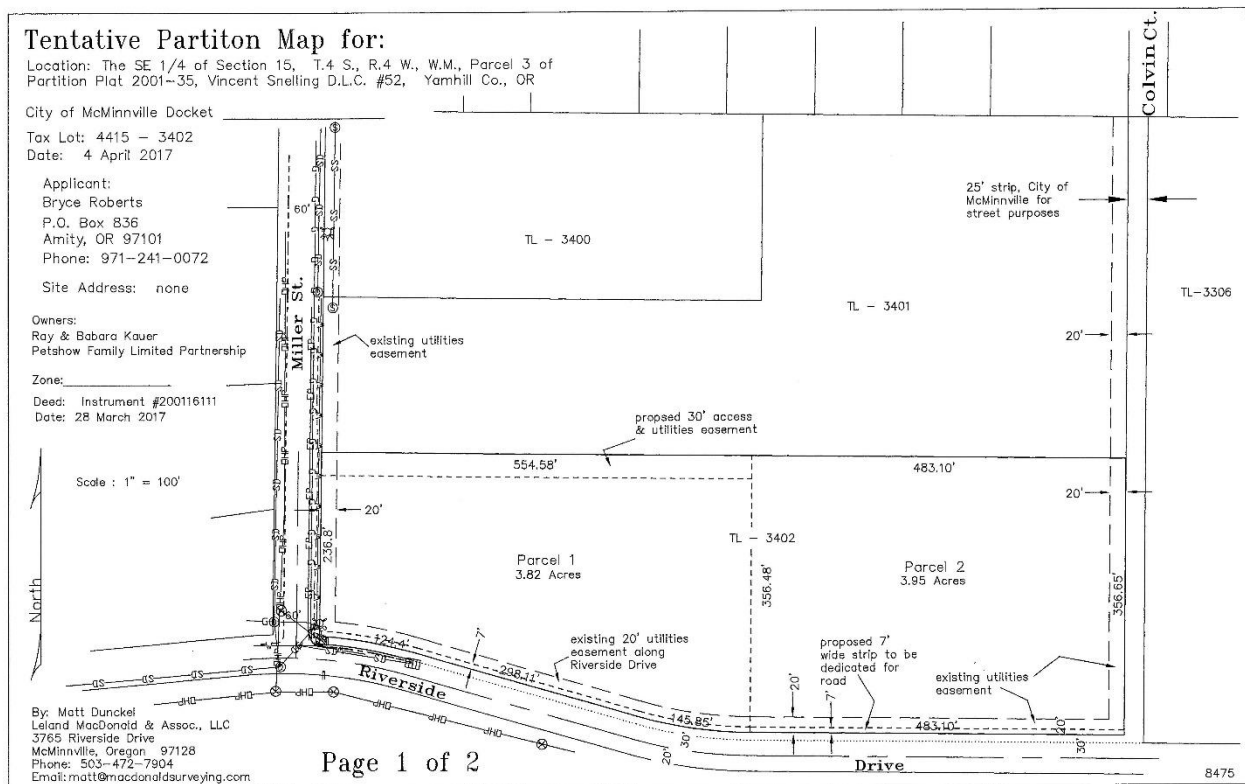
Figure 1 and Figure 2 below identify the approximate location of the subject parcel and the tentative partition plan that was approved under docket MP 4-17:

**Figure 1. Vicinity Map**





**Figure 2. Approved Tentative Partition Plan**



The tentative partition plan that was approved would result in the creation of two (2) new vacant parcels, which would be approximately, 3.82 and 3.95 acres in size. Chapter 17.42 (M-2 General Industrial) of the MMC does not have a minimum lot size requirements, therefore the size of each new parcel would be acceptable as the size and orientation of the new parcels would allow for the reasonable development of larger industrial uses on each parcel. The tentative partition plan also included necessary easements to provide access and utilities to serve each of the new parcels.

The tentative partition (MP 4-17) application was originally approved by the Planning Director on June 26, 2017 under the review process described in Section 17.72.110 (Applications – Director’s Review with Notification) of the McMinnville Municipal Code (MMC). The original approval letter and decision document are included in Attachments A and B to the staff report.

Following the approval of a tentative partition, an applicant has one year to submit a final partition plat that complies with the approved tentative partition plan and any associated conditions of approval, per Section 17.53.060(D) of the MMC. The applicant was not able to complete the required conditions of approval prior to submitting a final plat, and requested a one year extension of the tentative partition approval on May 31, 2018. As allowed Section 17.53.060(D) of the MMC, that one year extension request was approved by the Planning Director with a new deadline of June 26, 2019. The Planning Director’s extension approval letter is included in Attachment C to the staff report.

The original engineer that the applicant hired to provide the improvement plans did not complete the work required, the applicant was not able to submit the documents needed to comply with the conditions of approval of the minor partition decision. The applicant has hired a new engineering firm to address the remaining issues and has applied for an additional extension of the tentative partition approval to June 26, 2020.

Section 17.53.060(D) of the MMC requires that additional extensions beyond one year be approved the Planning Commission, which has resulted in the action item before the Planning Commission with the additional extension request to June 26, 2020.

### **Discussion:**

The final partition plat needs to be submitted, and will need to be consistent with the approved tentative partition plan and any required conditions of approval. The conditions of approval from the tentative partition approval (MP 4-17) are identified in the original approval letter (Attachment A), decision document (Attachment B), and again in the Planning Director's extension approval letter (Attachment C). Some of the conditions are related to items that need to be addressed and shown on the final plat, and others are related to infrastructure or other site improvements. The conditions of approval are listed below, with notes on whether they have been completed and notes on the additional action that is still required. Actions that are listed in ***bold and italicized*** are actions that need to be completed prior to the City approving and signing the final partition plat.

Condition of Approval	Completed?	Necessary Action
1. The applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final partition plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.	No	<b><i>Final Plat Mylars to be Submitted for Review and Approval</i></b>
2. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate sanitary sewer lateral and connection to the public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. All required utilities, including the proposed sewer lateral to serve Parcel 1, shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.	No	<b><i>Utilities To be Installed (or Work Bonded For) Prior to Final Plat Approval</i></b>
3. Prior to the City's approval of the final plat, the applicant shall improve Miller Street, along the site frontage, including the installation of curb & gutter,	No	

planter strip, sidewalk, and appropriately sized storm drainage facilities, within the existing 60' right-of-way.		<b><i>Utilities To be Installed (or Work Bonded For) Prior to Final Plat Approval</i></b>
4. Sanitary sewer service (8" public mainline) is currently available, in a 20' wide utilities easement adjacent to the east side of Miller Street, to the north at the southeast corner of Tax Lot R4415 03400. Prior to the City's approval of the final plat, the applicant shall extend the 8" public mainline to the south to serve the site.	No	<b><i>Utilities To be Installed (or Work Bonded For) Prior to Final Plat Approval</i></b>
5. The proposed water line serving Parcel 2 shall be a private water line. The applicant shall contact McMinnville Water and Light at (503) 472-6158 to discuss the details on the infrastructure required to provide water service to Parcel 2 prior to any future development.	No	<b><i>Utilities To be Installed (or Work Bonded For) Prior to Final Plat Approval</i></b>
6. Miller Street was repaved in 2014. Therefore, a grind and overlay of the street surface, the limits as determined by the City Engineer, will be required if any utility and other improvements require the cutting of the Miller Street pavement surface. The grind and overlay, if necessary, shall be completed prior to the City's approval of the final plat.	No	<b><i>Street Improvements To Be Completed (or Work Bonded For) Prior to Final Plat Approval</i></b>
7. Riverside Drive is a major collector facility in the City's adopted Transportation System Plan. The adopted right-of-way width for a major collector is 74' total (37' feet on each side of centerline). The existing right-of-way for Riverside Drive adjacent to the site is 30' north of centerline. Therefore, the final plat shall reflect the dedication of 7' additional feet of right-of-way along the site's Riverside Drive frontage.	Yes	Updates to be Shown on Final Plat
8. The final plat shall reflect that no direct vehicular access to Riverside Drive is allowed for Parcel 1 and Parcel 2.	No	Updates to be Shown on Final Plat
9. Prior to the City's approval of the final plat, the property owner shall sign a waiver of the right of remonstrance for the future improvement of Riverside Drive and Colvin Court to City standards, to include a public sidewalk, utilities, curbs, and travel lanes. At the appropriate time, the applicant shall contact the City Engineering Department at (503) 434-7312 to request the preparation of the waiver document for the owner's signature.	No	<b>Contact Engineering Department</b>
10. That approval of this tentative plat will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior	No	None

to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within that same time period, the applicant must resubmit a tentative plat for further consideration and comply with regulations and conditions applicable at that time.		Additional Extension Request Under Review
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**Planning Commission Options:**

- 1) **APPROVE** the additional extension of the tentative partition plan approval, granting the requested extension to June 26, 2020.
- 2) **APPROVE** the additional extension of the tentative partition plan approval, granting an extension to a different date than the June 26, 2020 deadline requested by the applicant.
- 3) **DENY** the additional extension of the tentative partition plan approval, thereby requiring a new tentative partition application to be submitted and approved prior to any future partitioning of the property in question.

**Recommendation:**

Staff recommends that the Planning Commission approve the extension of the tentative partition approval.

**MOTION FOR MP 4-17 EXTENSION:**

**I MOVE THAT THE PLANNING COMMISSION APPROVE THE ADDITIONAL EXTENSION OF THE TENTATIVE PARTITION PLAN APPROVAL TO JUNE 26, 2020.**





PLANNING DEPARTMENT, 231 NE Fifth Street, McMinnville, Oregon 97128  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

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June 26, 2017

Bryce Roberts  
9155 SW Laughter Lane  
Amity, OR 97101

Re: Docket MP 4-17

Dear Mr. Roberts:

This is to advise you that the McMinnville Planning Department has received and carefully studied your application (MP 4-17) to partition an approximately 7.77 acre parcel of land into two (2) parcels approximately 3.82 acres and 3.95 acres in size. The subject site is identified as Parcel 3 of Partition Plat 2001-35, and is more specifically described as Tax Lot 3402, Section 15, T. 4 S., R. 4 W., W.M. The Planning Department reviewed your applications against the criteria of Section 17.53.060 (Submission of Tentative Partition Plan) of the McMinnville Zoning Ordinance for compliance.

Under the provisions of Section 17.72.110(A) (Applications – Director's Review with Notification) of the McMinnville Zoning Ordinance, notice of the proposed partition was provided to property owners within 100 feet of the subject site.

Based on the material submitted and the Engineering Department and Planning Department evaluations, I have approved your request for a minor partition (MP 4-17), subject to conditions.

Attached are the land-use decisions with the findings of fact and conditions of approval for your records. The conditions of approval are also outlined below:

1. The applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final partition plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.

2. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate sanitary sewer lateral and connection to a public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. All required utilities shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.
3. Prior to the City's approval of the final plat, the applicant shall improve Miller Street, along the site frontage, including the installation of curb & gutter, planter strip, sidewalk, and appropriately sized storm drainage facilities, within the existing 60' right-of-way.
4. Sanitary sewer service (8" public mainline) is currently available, in a 20' wide utilities easement adjacent to the east side of Miller Street, to the north at the southeast corner of Tax Lot R4415 03400. Prior to the City's approval of the final plat, the applicant shall extend the 8" public mainline to the south to serve the site.
5. The proposed water line serving Parcel 2 shall be a private water line. The applicant shall contact McMinnville Water and Light at (503) 472-6158 to discuss the details on the infrastructure required to provide water service to Parcel 2 prior to any future development.
6. Miller Street was repaved in 2014. Therefore, a grind and overlay of the street surface, the limits as determined by the City Engineer, will be required if any utility and other improvements require the cutting of the Miller Street pavement surface. The grind and overlay, if necessary, shall be completed prior to the City's approval of the final plat.
7. Riverside Drive is a major collector facility in the City's adopted Transportation System Plan. The adopted right-of-way width for a major collector is 74' total (37' feet on each side of centerline). The existing right-of-way for Riverside Drive adjacent to the site is 30' north of centerline. Therefore, the final plat shall reflect the dedication of 7' additional feet of right-of-way along the site's Riverside Drive frontage.
8. The final plat shall reflect that no direct vehicular access to Riverside Drive is allowed for Parcel 1 and Parcel 2.
9. Prior to the City's approval of the final plat, the property owner shall sign a waiver of the right of remonstrance for the future improvement of Riverside Drive and Colvin Court to City standards, to include a public sidewalk, utilities, curbs, and travel lanes. At the appropriate time, the applicant shall contact the City Engineering Department at (503) 434-7312 to request the preparation of the waiver document for the owner's signature.
10. That approval of this tentative plat will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative

Bryce Roberts  
June 26, 2017  
Re: Docket MP 4-17

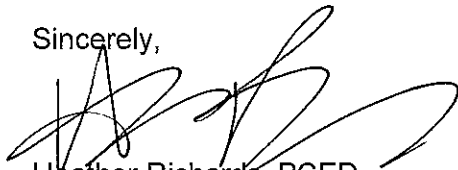
Page 3

plat for further consideration, and comply with regulations and conditions applicable at that time.

Please note that the construction of utilities and other required infrastructure to serve the partitioned parcels will be at the owner's expense and that sewer assessment charges and other applicable system development charges must be paid at the time of building permit application, unless otherwise noted. If you have any questions concerning this matter, please contact the Engineering Department at (503) 434-7312.

This letter shall act as official notification of my decision. An appeal of this decision may be made to the Planning Commission if notice of intent to appeal is filed in the Planning Department no later than July 11, 2017. If no appeal is filed by this date, the decision shall be considered final.

Sincerely,



Heather Richards, PCED  
Planning Director

HR:sjs

c: Mike Bisset, Community Development Director  
Trena McManus, McMinnville Water and Light

Attachments: *DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A MINOR PARTITION AT TAX LOT 3402, SECTION 15, T. 4 S., R. 4 W., W.M. (Docket MP 4-17)*



CITY OF MCMINNVILLE  
PLANNING DEPARTMENT  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A MINOR PARTITION AT TAX LOT 3402, SECTION 15, T. 4 S., R. 4 W., W.M.**

**DOCKET:** MP 4-17 (Minor Partition)

**REQUEST:** The applicant is requesting a minor partition to separate an approximately 7.77 acre parcel of land into two (2) parcels approximately 3.82 acres and 3.95 acres in size.

**LOCATION:** The subject site is identified as Parcel 3 of Partition Plat 2001-35, and is more specifically described as Tax Lot 3402, Section 15, T. 4 S., R. 4 W., W.M.

**ZONING:** The subject site's current zoning is M-2 (General Industrial).

**APPLICANT:** Bryce Roberts

**STAFF:** Chuck Darnell, Associate Planner

**HEARINGS BODY:** McMinnville Planning Director


**DATE & TIME:** June 26, 2017

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

**DECISION AND CONDITIONS OF APPROVAL**

Based on the findings and conclusions, the Planning Director **APPROVES** the minor partition (MP 4-17) **subject to the conditions of approval provided in this document.**

////////////////////////////////////  
**DECISION: APPROVAL WITH CONDITIONS**  
////////////////////////////////////

Planning Department:  Date: 6/26/17  
Heather Richards, Planning Director



**Application Summary:**

The applicant is requesting a minor partition to separate an approximately 7.77 acre parcel of land into two (2) parcels approximately 3.82 acres and 3.95 acres in size.

**CONDITIONS OF APPROVAL**

The following conditions of approval shall be required:

**MP 4-17** is **approved** subject to the following conditions:

1. The applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final partition plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
2. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate sanitary sewer lateral and connection to a public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. All required utilities shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.
3. Prior to the City's approval of the final plat, the applicant shall improve Miller Street, along the site frontage, including the installation of curb & gutter, planter strip, sidewalk, and appropriately sized storm drainage facilities, within the existing 60' right-of-way.
4. Sanitary sewer service (8" public mainline) is currently available, in a 20' wide utilities easement adjacent to the east side of Miller Street, to the north at the southeast corner of Tax Lot R4415 03400. Prior to the City's approval of the final plat, the applicant shall extend the 8" public mainline to the south to serve the site.
5. The proposed water line serving Parcel 2 shall be a private water line. The applicant shall contact McMinnville Water and Light at (503) 472-6158 to discuss the details on the infrastructure required to provide water service to Parcel 2 prior to any future development.
6. Miller Street was repaved in 2014. Therefore, a grind and overlay of the street surface, the limits as determined by the City Engineer, will be required if any utility and other improvements require the cutting of the Miller Street pavement surface. The grind and overlay, if necessary, shall be completed prior to the City's approval of the final plat.
7. Riverside Drive is a major collector facility in the City's adopted Transportation System Plan. The adopted right-of-way width for a major collector is 74' total (37' feet on each side of centerline). The existing right-of-way for Riverside Drive adjacent to the site is 30' north of centerline. Therefore, the final plat shall reflect the dedication of 7' additional feet of right-of-way along the site's Riverside Drive frontage.

8. The final plat shall reflect that no direct vehicular access to Riverside Drive is allowed for Parcel 1 and Parcel 2.
9. Prior to the City's approval of the final plat, the property owner shall sign a waiver of the right of remonstrance for the future improvement of Riverside Drive and Colvin Court to City standards, to include a public sidewalk, utilities, curbs, and travel lanes. At the appropriate time, the applicant shall contact the City Engineering Department at (503) 434-7312 to request the preparation of the waiver document for the owner's signature.
10. That approval of this tentative plat will expire 12 (twelve) months after the date of issuance of this letter. If the final plat has not been submitted prior to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within that same period, the applicant must resubmit a tentative plat for further consideration, and comply with regulations and conditions applicable at that time.

## **ATTACHMENTS**

1. MP 4-17 Application and Attachments

## **COMMENTS**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas.

The following comments had been received:

McMinnville Engineering Department:

We have reviewed proposed MP 4-17, and offer the following suggested conditions of approval for the application. [...]

Those suggested conditions of approval have been included above.

McMinnville Building Department:

No action required from Building.

McMinnville Fire Department:

We have no issues with this proposal. All development would need to meet all applicable fire code requirements.

Yamhill County Public Works:

Frontage improvements should be required to City street standards at the time of development. Access and improvement permits will be required through the County Dept of Public Works until such time as the City requests transfer of jurisdiction for this stretch of Riverside Dr.

McMinnville Water and Light:

Public water will remain at the right-of-way therefore not as shown on page 3 of the tentative partition map.

## **FINDINGS OF FACT**

1. Bryce Roberts is requesting a minor partition to separate an approximately 7.77 acre parcel of land into two (2) parcels approximately 3.82 acres and 3.95 acres in size. The subject site is identified as Parcel 3 of Partition Plat 2001-35, and is more specifically described as Tax Lot 3402, Section 15, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned M-2 (General Industrial), and is designated as Industrial on the McMinnville Comprehensive Plan Map, 1980.
3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. Conditions of approval have been added to ensure that the partition satisfies the comments provided and the development of the site meets applicable requirements.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

## **CONCLUSIONARY FINDINGS**

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

*Policy 118.00: The City of McMinnville shall encourage development of roads that include the following design factors: [...]*

- 3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
- 4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths).*

Finding: Goal VI 1 and Policy 118.00 are satisfied in that a condition of approval is included to require that Miller Street, which is adjacent to and will be impacted by the development of the site, be improved to current City standards. The improvement to Miller Street along the site frontage will include the installation of curb and gutter, storm drainage facilities, sidewalk, and a planter strip. The installation of sidewalks and a planter strip will improve pedestrian connectivity in the area adjacent to the site.

*Policy 122.00: The City of McMinnville shall encourage the following provisions for each of the three functional road classifications: [...]*

- 2. Major, minor collectors.*

*-Sufficient street rights-of-way should be obtained prior to development of adjacent lands. [...]*

*-Landscaping should be encouraged along public rights-of-way.*

Finding: Policy 122.00 is satisfied in that additional right-of-way is required to be dedicated along the site's Riverside Drive frontage to ensure that adequate right-of-way exists to improve Riverside Drive to the standards required of a major collector roadway at the time that Riverside Drive is improved in the future. Riverside Drive is designated as a major collector in the City's adopted Transportation System Plan. In addition, street trees will be required to be planted in the planter strip being installed along the site's Miller Street frontage. Landscaping plans will be required at the time of development of the site, and landscaping and screening of the site along the public rights-of-way will be encouraged during the review of those landscape plans.

*Policy 132.24.00: The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:*

- 1. Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below)*
- 2. Incorporate features that create a pedestrian friendly environment, such as: [...]*
  - e. Wider sidewalks;*
  - f.. Bicycle lanes; and*
  - g. Street furniture, street trees, and landscaping*

Finding: Policy 132.24.00 is satisfied in that a condition of approval is included to require that Miller Street, which is adjacent to and will be impacted by the development of the site, be improved to current City standards. The improvement to Miller Street along the site frontage will include the installation of curb and gutter, storm drainage facilities, sidewalk, and a planter strip. The installation of sidewalks and a planter strip will improve the pedestrian environment in the area adjacent to the site, and the sidewalks will be constructed to meet current Public Right of Way Accessibility Guidelines (PROWAG). Landscaping plans will be required at the time of development of the site, and landscaping and screening on the site along the public rights-of-way will be encouraged during the review of those landscape plans.

*Policy 132.27.00: The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses.*

Finding: Policy 132.27.00 is satisfied in that additional right-of-way is required to be dedicated along the site's Riverside Drive frontage to ensure that adequate right-of-way exists to improve Riverside Drive to the standards required of a major collector roadway at the time that Riverside Drive is improved in the future. Riverside Drive is designated as a major collector in the City's adopted Transportation System Plan. In addition, a condition of approval is included to require that Miller Street, which is adjacent to and will be impacted by the development of the site, be improved to current City standards. The improvement to Miller Street along the site frontage will include the installation of curb and gutter, storm drainage facilities, sidewalk, and a planter strip. The conditions of approval resulting in improvements to both street frontages will serve the current and future travel demand in the area.

*Policy 132.29.00: Off-site improvements to streets or the provision of enhanced pedestrian and bicycle facilities in the McMinnville planning area may be required as a condition of approval for land divisions or other development permits.*



Finding: Policy 132.29.00 is satisfied in that a condition of approval is included to require that Miller Street, which is adjacent to and will be impacted by the development of the site, be improved to current City standards. The improvement to Miller Street along the site frontage will include the installation of curb and gutter, storm drainage facilities, sidewalk, and a planter strip. The installation of sidewalks and a planter strip will improve pedestrian connectivity in the area adjacent to the site.

*Policy 132.33.00: The McMinnville transportation system shall be designed with consideration of the needs of persons with disabilities by meeting the requirements set forth in the Americans with Disabilities Act (ADA).*

Finding: Policy 132.33.00 is satisfied in that a condition of approval is included to require that Miller Street, which is adjacent to and will be impacted by the development of the site, be improved to current City standards. The improvement to Miller Street along the site frontage will be required to meet current Public Right of Way Accessibility Guidelines (PROWAG).

*Policy 132.38.00: Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project.*

Finding: Policy 132.38.00 is satisfied in that the installation of street trees will be required where dedicated curbside planting strips are being installed on Miller Street, which will enhance the aesthetics of the transportation system in the area.

*Policy 132.40.05: Conditions of Approval—In accordance with the City's TSP and capital improvements plan (CIP), and based on the level of impact generated by a proposed development, conditions of approval applicable to a development application should include:*

- 1. Improvement of on-site transportation facilities,*
- 2. Improvement of off-site transportation facilities (as conditions of development approval), including those that create safety concerns, or those that increase a facility's operations beyond the City's mobility standards; [...]*

Finding: Policy 132.40.05 is satisfied in that a condition of approval is included to require that Miller Street, which is adjacent to and will be impacted by the development of the site, be improved to current City standards. The improvement to Miller Street along the site frontage will include the installation of curb and gutter, storm drainage facilities, sidewalk, and a planter strip.

*Policy 132.40.10: Multi-modal Improvements – To manage growth, improvements to transportation facilities may include both motorized and non-motorized facilities improvements, constructed in accordance with the City's minimum design standards.*

Finding: Policy 132.40.10 is satisfied in that a condition of approval is included to require that Miller Street, which is adjacent to and will be impacted by the development of the site, be improved to current City standards. The improvement to Miller Street along the site frontage will include the installation of sidewalk and a planter strip.

*Policy 132.41.25: Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways.*

Finding: Policy 132.41.25 is satisfied in that a condition of approval is included to require that no vehicular access to Riverside Drive be allowed for the two parcels proposed to be created on the site. Riverside Drive is designated as a major collector in the City's adopted Transportation System Plan.

*Policy 132.43.05: Encourage Safety Enhancements – In conjunction with residential street improvements, the City should encourage traffic and pedestrian safety improvements that may include, but are not limited to, the following safety and livability enhancements: [...]*

3. *Landscaping barriers between roadway and non-motorized uses;*
4. *Landscaping that promotes a residential atmosphere;*

Finding: Policy 132.43.05 is satisfied in that the installation of street trees will be required where dedicated curbside planting strips are being installed on Miller Street. Landscaping plans will be required at the time of development of the site, and landscaping and screening on the site along the public rights-of-way will be encouraged during the review of those landscape plans.

*Policy 132.51.05: Ensuring Future Sidewalk Connections – All future development must include sidewalk and walkway construction as required by the McMinnville Zoning Ordinance and City Code and adopted City of McMinnville Design Standards. All road construction or renovation projects shall include sidewalks. The City will support, as resources are available, projects that would remove identified barriers to pedestrian travel or safety.*

Finding: Policy 132.51.05 is satisfied in that a condition of approval is included to require that Miller Street, which is adjacent to and will be impacted by the development of the site, be improved to current City standards. The improvement to Miller Street along the site frontage will include the installation of sidewalk and a planter strip.

*Policy 132.62.05: TSP Policies – The City of McMinnville shall use the McMinnville TSP to:*

2. *Require new development to provide adequate accessibility, as defined by the McMinnville Zoning Ordinance, for all travel modes within a development and in coordination with existing and other proposed development. Street design standards in the McMinnville Zoning Ordinance are to be used to secure adequate public street and sidewalk facilities.*

Finding: Policy 132.62.05 is satisfied in that additional right-of-way is required to be dedicated along the site's Riverside Drive frontage to ensure that adequate right-of-way exists to improve Riverside Drive to the standards required of a major collector roadway at the time that Riverside Drive is improved in the future. Riverside Drive is designated as a major collector in the City's adopted Transportation System Plan. In addition, a condition of approval is included to require that Miller Street, which is adjacent to and will be impacted by the development of the site, be improved to current City standards. The improvement to Miller Street along the site frontage will include the installation of curb and gutter, storm drainage facilities, sidewalk, and a planter strip.

*Policy 132.62.20: TSP Use in Review of Land Use Actions – The City of McMinnville shall consider and apply the goals, policies, planning principles, recommended projects, implementation strategies, and maps contained in McMinnville TSP in the review of land use actions and development applications.*

Finding: Policy 132.62.20 is satisfied in that the City of McMinnville has used the adopted Transportation System Plan policies in the review of the minor partition development application, as described in more detail above.

**GOAL VII 1:** TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE MCMINNVILLE URBAN GROWTH BOUNDARY.

*Policy 136.00: The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.*

*Policy 142.00: The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.*

*Policy 143.00: The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.*

*Policy 144.00: The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.*

*Policy 147.00: The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.*

*Policy 151.00: The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:*

- 1. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
- 2. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
- 3. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
- 4. Federal, state, and local water and waste water quality standards can be adhered to.*
- 5. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

**Finding:** Goal VII 1 and Policies 136.00, 142.00, 143.00, 144.00, 147.00 and 151.00 (1)-(5) are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city

departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

*Policy 155.00: The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.*

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and raise no concerns with providing police and fire protection to the subject area.

**GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.**

*Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

#### Land Division Standards – Partition:

17.53.060 Submission of Tentative Partition Plan. An application to partition land shall be submitted in accordance with the application submittal procedures as stated in Sections 17.72.020 through 17.72.070 and shall be reviewed and approved under the following procedure:

- A. There shall be submitted to the Planning Department, a completed tentative partition application, applicable fees, and 15 (fifteen) copies of a tentative partition plan drawn to scale with sufficient information to show the following:
  1. The date, north point, scale, a copy of recorded deed, and any conveyed rights to define the location and boundaries of the parcels to be partitioned;
  2. Name, address and phone number of the recorded owner(s), authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed by the applicant with the Corporation Commission;
  3. Approximate size of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all owners of land directly involved in the partitioning;
  4. For land adjacent to and within the parcel to be partitioned, show locations, names, and existing widths of all streets and easements of way; locations, width, and purpose of all other existing easements; and location and size of sewer and water lines and drainage ways;
  5. Outline and location of existing buildings to remain in place;
  6. Parcel layout showing size and relationship to existing or proposed streets and utility easements;
  7. Location and dimension of any existing or planned curb-side planting strip which may border the subject site. (Amended 12/9/97 by Ordinance 4654B.)
  8. A Title Report or Partition Guarantee prepared within 60 (sixty) days of the application date.



9. Contour lines related to City datum and having minimum intervals of two (2) feet.
  10. Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency.
  11. Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards.
  12. Source, method and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities.
  13. Such additional information as required by the Planning Director.
- B. Upon receiving a complete application for a partition, notification and review shall be provided as stated in Section 17.72.110. The Director's decision shall be based upon a finding that the tentative plan substantially conforms to the requirements of this chapter.
- C. The Planning Director may require such dedication of land and easements and may specify such conditions or modifications in the plan as are deemed necessary to carry out the McMinnville Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than could be required if the entire parcel were subdivided.
1. If the parcel of land to be partitioned, being large in size, shall be divided into more than three parcels within any one calendar year, full compliance with all requirements for a subdivision plat may be required if the Planning Director should determine, in his judgment, that the entire parcel is in the process of being subdivided.
  2. Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require an arrangement of parcels and streets such as to permit future partitions or subdivision in conformity to the street requirements and other requirements contained in this ordinance. Refer to Section 17.53.080 for future development plan requirements.
  3. For notice of decision, effective date of decision and the appeal process, refer to Chapter 17.72 (Applications and Review Process).
  4. The effective date of the Planning Director's decision shall be 15 (fifteen) calendar days following the date the notice of decision is mailed unless an appeal is filed.
- D. Approval of a Tentative Partition Plat shall be valid for a one-year period from the effective date of approval. Upon written request, the Director may approve a one-year extension of the decision. Additional extensions shall require the approval of the Planning Commission.

Finding: The proposed partition, along with the conditions of approval, conforms with the requirements of a tentative partition and with the requirements of the underlying M-2 (General Industrial) zoning district in terms of use, lot size, and setback requirements.

CD:sjs



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June 13, 2018

Bryce Roberts  
9155 SW Laughter Lane  
Amity, OR 97101

Re: Docket MP 4-17 Extension Request

Dear Mr. Roberts:

On June 6, 2018, the McMinnville Planning Department received an email from you requesting a one-year extension of the approval period of Minor Partition (MP 4-17) currently set to expire June 26, 2018. Per Section 17.53.060(D) of the McMinnville Zoning Ordinance, a one-year extension of the approval may be granted, upon request. After reviewing your request, the expiration date of MP 4-17 is being extended through 5:00 p.m., June 26, 2019, allowing you to complete the approved minor partition process, subject to the same conditions as granted in the original approval, as follows:

- 1. The applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final partition plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.*
- 2. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Each lot will need to be served by a separate sanitary sewer lateral and connection to a public sewer main. Easements and maintenance agreements as may be required by the City Engineer for the provision, extension and maintenance of these utilities shall be submitted to the City Engineer for review and approval prior to filing of the final plat. All required utilities shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat.*
- 3. Prior to the City's approval of the final plat, the applicant shall improve Miller Street, along the site frontage, including the installation of curb & gutter, planter strip, sidewalk, and appropriately sized storm drainage facilities, within the existing 60' right-of-way.*

4. *Sanitary sewer service (8" public mainline) is currently available, in a 20' wide utilities easement adjacent to the east side of Miller Street, to the north at the southeast corner of Tax Lot R4415 03400. Prior to the City's approval of the final plat, the applicant shall extend the 8" public mainline to the south to serve the site.*
5. *The proposed water line serving Parcel 2 shall be a private water line. The applicant shall contact McMinnville Water and Light at (503) 472-6158 to discuss the details on the infrastructure required to provide water service to Parcel 2 prior to any future development.*
6. *Miller Street was repaved in 2014. Therefore, a grind and overlay of the street surface, the limits as determined by the City Engineer, will be required if any utility and other improvements require the cutting of the Miller Street pavement surface. The grind and overlay, if necessary, shall be completed prior to the City's approval of the final plat.*
7. *Riverside Drive is a major collector facility in the City's adopted Transportation System Plan. The adopted right-of-way width for a major collector is 74' total (37' feet on each side of centerline). The existing right-of-way for Riverside Drive adjacent to the site is 30' north of centerline. Therefore, the final plat shall reflect the dedication of 7' additional feet of right-of-way along the site's Riverside Drive frontage.*
8. *The final plat shall reflect that no direct vehicular access to Riverside Drive is allowed for Parcel 1 and Parcel 2.*
9. *Prior to the City's approval of the final plat, the property owner shall sign a waiver of the right of remonstrance for the future improvement of Riverside Drive and Colvin Court to City standards, to include a public sidewalk, utilities, curbs, and travel lanes. At the appropriate time, the applicant shall contact the City Engineering Department at (503) 434-7312 to request the preparation of the waiver document for the owner's signature.*

*Please note that the construction of utilities and other required infrastructure to serve the partitioned parcels will be at the owner's expense and that sewer assessment charges and other applicable system development charges must be paid at the time of building permit application, unless otherwise noted. If you have any questions concerning this matter, please contact the Engineering Department at (503) 434-7312.*

If the approved minor partition cannot be completed by June 26, 2019, then your application will expire and a new application would need to be submitted at the time when the process can be completed in a timely manner.

If you have any questions concerning this matter, please contact me at (503) 434-7311.

Sincerely,

Heather Richards, PCED  
Planning Director

HR:sjs

c: Mike Bisset, Community Development Director  
Leland MacDonald, Leland MacDonald & Associates, 3765 NE Riverside Drive  
Meghan Womeldorf, McMinnville Water and Light

Trumpt LLC  
PO Box 836  
Amity, OR 97101

RECEIVED

JUN 11 2019


COMMUNITY DEVELOPMENT  
CENTER

6/11/19

City of McMinnville Planning Dept  
RE: Minor Partition 4-17

WE are asking for another extension because we had to get a new engineer. Our old one kept saying he was working on the changes you required, but never did anything. Please accept this \$500.00 check and allow us more time to complete the project.

Sincerely,



Bryce Roberts  
Co-Owner