



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

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

**Planning Commission**  
**McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street**  
**December 19, 2019**

**5:30 PM Work Session**  
**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	<b>5:30 PM - WORK SESSION – CONFERENCE ROOM</b>
Lori Schanche, Vice-Chair	<b>1. Call to Order</b>
Erin Butler	<b>2. End of Year Discussion – Holiday Dinner</b>
Martin Chroust-Masin	<b>3. Adjournment</b>
Susan Dirks	
Christopher Knapp	
Gary Langenwalter	
Roger Lizut	
Amanda Perron	

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.

\*Please note that these documents are also on the City's website, [www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov). You may also request a copy from the Planning Department.



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*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	<b>6:30 PM – REGULAR MEETING - COUNCIL CHAMBERS</b>
Lori Schanche, Vice-Chair	<b>1. Call to Order</b>
Erin Butler	<b>2. Citizen Comments</b> <i>(for anything that is not on the agenda)</i>
Martin Chroust-Masin	<b>3. Approval of Minutes</b>
Susan Dirks	<ul style="list-style-type: none"> <li>September 19, 2019 – Work Session <i>(Exhibit 1a)</i></li> <li>September 19, 2019 – Regular Meeting <i>(Exhibit 1b)</i></li> <li>October 17, 2019 – Work Session <i>(Exhibit 1c)</i></li> <li>October 17, 2019 – Regular Meeting <i>(Exhibit 1d)</i></li> </ul>
Christopher Knapp	<b>4. Public Hearings</b>
Gary Langenwalter	<b>A. <u>Quasi-Judicial Hearing. Zone Change (ZC 4-19) &amp; Conditional Use (CU 4-19)</u></b> <i>(Exhibit 2)</i>
Roger Lizut	Request: Approval to rezone the property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential), and approval of a conditional use permit to allow for development of a dental clinic.
Amanda Perron	Location: 1945 NW 2 <sup>nd</sup> Street and is more specifically described as Tax Lot 1500, Section 19AD, T.4 S., R. 4 W., W.M.
	Applicant: Doug Egan of MD Builders, Inc., on behalf of Melinda Judd
	<b>5. Commissioner/Committee Member Comments</b>
	<b>6. Staff Comments</b>
	<b>7. Adjournment</b>

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# MINUTES – Exhibit 1a

**September 19, 2019**  
**Planning Commission**  
**Work Session Meeting**

**5:30 pm**  
**McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street**  
**McMinnville, Oregon**

**Members Present:** Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin, Roger Lizut, and Lori Schanche

**Members Absent:** Susan Dirks, Christopher Knapp, Gary Langenwalter, and Amanda Perron

**Staff Present:** Heather Richards – Planning Director and Chuck Darnell – Senior Planner

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## 1. Call to Order

Chair Hall called the meeting to order at 5:30 p.m.

## 2. Discussion Items

- **3MLAP (Three Mile Lane Area Plan) Update**

Planning Director Richards gave an update on the Three Mile Lane plan. There would be Development Code work that the Planning Commission would need to do as well as potentially Comprehensive Plan and zoning work. She discussed the plan area on Highway 18, project goals, existing traditional and historic plans, project schedule, public meetings, 200 acre case study, economic market analysis, zoning and land uses of the properties in the area, current transportation, pedestrian and bicycle system, current transit system, intersections, capacity, and safety of the corridor. She explained the market area was bigger than McMinnville and commute patterns showed a lot of people leaving the City to go to work. She discussed where the commuters lived as well as how there had been rent growth, low average rent, and a demand for more residential. There was also a need for more office space and industrial land in McMinnville. There was a good tourism market in the City.

Planning Director Richards then discussed the anticipated development mix, existing conditions on the 200 acre case study properties, and public outreach charrettes. There was a preferred option for the area, and the next steps would be modeling the preferred option to see if the transportation system could support it for the next 20 years. Then the Development Code and recommended rezones would be addressed. There needed to be complete streets, Three Mile Lane Bridge would need to be improved, bicycle and pedestrian connections were a priority, and the architectural design should reflect the agricultural historic farm use. This was a gateway to the City and they needed to preserve views, access to the river, and have a better trail system. She described the land use concepts and the preferred alternative with tourism/commercial north of Highway 18, a business park south of Highway 18, and the two large properties on the south would be mixed retail and corporate campus. They wanted it to be specialized to

McMinnville but something that did not detract from downtown and did not look like a big box retail center. There would be residential near the hospital and on the north side of Highway 18 there would be a mixed use neighborhood with higher density housing and ground floor commercial. There would be a pedestrian bridge over the river as well as a trail network on the south side too. For transportation there were options of building new interchanges, improving the current interchanges, or putting in roundabouts. The preferred design was fiscally prudent with managed traffic flow. It suggested signaling some intersections and putting in a roundabout at Sears. They would be modeling the preferred option to see if it would work. That information would be brought back in the fall and a public open house would be held.

There was not support for roundabouts on the high speed highway.

### **3. Adjournment**

Chair Hall adjourned the meeting at 6:10 p.m.

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Heather Richards  
Secretary





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# MINUTES – Exhibit 1b

September 19, 2019  
Planning Commission  
Regular Meeting

6:30 pm  
McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street  
McMinnville, Oregon

**Members Present:** Chair Roger Hall, Commissioners: Erin Butler, Martin Chroust-Masin, Roger Lizut, and Lori Schanche  
**Members Absent:** Susan Dirks, Christopher Knapp, Gary Langenwalter, and Amanda Perron  
**Staff Present:** Heather Richards – Planning Director and Chuck Darnell – Senior Planner

## 1. Call to Order

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

## 2. Citizen Comments

None

## 3. Approval of Minutes

- July 18, 2019 Planning Commission Minutes
- August 15, 2019 Work Session Minutes
- August 15, 2019 Planning Commission Minutes

6:31 Committee Member Butler moved to approve the July 18 and August 15, 2019 minutes. The motion was seconded by Committee Member Schanche and passed 5-0.

## 4. Public Hearing:

### A. Quasi-Judicial Hearing. Variance (CU 3-19 & TML 2-19)- (Exhibit 2)

**Request:** Approval of a conditional use permit and Three Mile Lane design review to allow for the construction of a new memory care residential facility. The memory care facility would be a single story building that contains 44 resident beds, and would provide residential facilities for elderly individuals who suffer from Alzheimer's, dementia, and other age-related mental ailments.

**Location:** The subject site is zoned R-4PD (Multiple Family Residential Planned Development) and is located at 235 NE Dunn Place. It is more specifically described as Tax Lot 1700, Section 22CD, T.4 S., R. 4 W., W.M.

**Applicant:** Sam Thomas, on behalf of property owner McMinnville Senior Living, LLC

6:32 Opening Statement: Chair Hall read the opening statement and described the application.

6:36 Disclosures: Chair Hall opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Several members of the Commission had visited the site, but had no comments to make on the visits.

6:37 Staff Presentation: Senior Planner Darnell said this was a request for a Conditional Use Permit for the development of a memory care facility and Three Mile Lane design review for the exterior design of the building. He described the subject site and surrounding area. There was a history of planned developments and overlays on this property. In 2000 there was a Planned Development that included property to the west and south of the subject site and the subject site was rezoned to R-2. In 2012 another Planned Development was put in place on the subject site only which rezoned the property to R-4 to allow for a memory care facility. It included a master plan for the layout of the site as well. The applicant had also applied for a partition that was approved by the Planning Director with conditions. The partition was consistent with the master plan and included the dedication of a new street and created a larger parcel to the north of the new street and a smaller parcel to the south of the new street. The new street would go through the property and provided access to the property to the west. The memory care facility would go on the northern parcel. There was some floodplain on the northwest corner of the site as well as a steep slope. The Conditional Use plan that was submitted was based on and consistent with the master plan that was binding on the site.

Senior Planner Darnell reviewed the criteria for the Conditional Use. The application was consistent with the Comprehensive Plan policies including providing a housing type and use that was necessary in the community, occurring in an area of urban development with services, and preserving natural features of the property. The application was also subject to the Great Neighborhood Principles policies including natural feature preservation, parks and open space, pedestrian and bike friendly, and connected streets. He then discussed the site plan. The access would be on the new proposed street, there would be a parking and loading area, and the building was set back from the top of bank. It would be a one story building with a unique roof pattern and building design to blend in with the surrounding single family residential. It would serve as a transition between the commercial uses to the south and residential uses to the north and east. Staff had suggested some conditions of approval regarding the site design. The applicant had requested a reduction of two off-street parking spaces based on the proposed use and the fact that the residents would not be using vehicles. The landscape plan would need to be reviewed by the Landscape Review Committee and street trees would need to be planted along the entire site where they were building a new street and along Dunn Place. The natural features would need to be preserved. The applicant provided a geotechnical report that took into account the steep slope and recommended a 60 foot setback from the top of the slope. There were a number of trees and a wooded area that would also be preserved. An easement would need to be dedicated for the future development of the Yamhill River Greenway Trail. Prior to a building permit, all of the partition process would need to be completed.

Senior Planner Darnell said the applicant had requested some amendments. One was for the signage at the corner of the property to be able to be illuminated. Staff thought the sign could be illuminated as the applicant proposed and had included a condition regarding the sign. The other amendment was related to the project timing. The applicant was requesting to move forward with

the construction of the building, street, and public improvements at the same time. Staff was comfortable with that as long as they tied the completion of the partition work to the certificate of occupancy.

Senior Planner Darnell then reviewed the Three Mile Lane design standards. Mixed housing residential type developments were encouraged in this area. The proposed development was trying to be compatible with the surrounding area and was incorporating some architectural features at the entrance such as a double roof pattern that was similar to the Three Mile Lane area. Staff thought the building would blend in with the architectural and scale of the surrounding neighborhood. The size and location of the sign was also compatible as the sign was smaller than the maximum allowed. Staff recommended approval of the applications with conditions.

6:55 Commission Questions: Commissioner Schanche asked if the condition for the easement for the Greenway Trail was in Condition 1. Senior Planner Darnell said it was.

6:56 Applicant's Testimony: Sam Thomas, Lenity Architecture in Salem, was representing the applicant. He gave a background on Mosaic Management who operated seven senior care facilities in Oregon. This project was previously proposed and approved for a partition, zone change, and conditional use. Based on market conditions, the project was put on hold and now they were coming back with the same project with modified conditions. He described a typical memory care resident profile and the memory care operations that would be at this facility. It would be a safe and secure environment. He then reviewed the site plan and proposed improvements.

Commissioner Schanche asked what the property owner planned to do with Parcel 2. Mr. Thomas said at this point there were no plans for that parcel.

Commissioner Schanche said in one of the plans it said that parcel would be a construction staging area. She wanted to make sure it would be grass seeded and not just left when the construction was completed.

Commissioner Butler asked if the property would be fenced off from the trail. Mr. Thomas explained the location of the proposed fence.

Public Testimony:

7:02 Proponents: Mike Full, resident of McMinnville, thought a memory care facility was a good fit with the neighborhood. He was concerned about the bank stability as Dunn Place was the old McMinnville dump road. At that time the garbage was dumped into the Yamhill River, and there was still evidence of it. The bank was cut and full of compacted trash. He wanted to make sure the drainage ditch that ran between his property and this property would not be affected. If the drainage ditch was filled in, it would flood his house and might exacerbate the unstable slope. The drains should not be obscured or buildings be built too close to the slope as it was a dangerous situation. He was also concerned about fencing the line from the top of the bank across the property before construction began. He was in favor of the development and would work with them, but he did not plan to give up his right-of-way on this property until he knew that these concerns were addressed.

Senior Planner Darnell said one of the conditions was for the applicant to provide a detailed storm drainage plan as well as an engineering capacity analysis of the existing public storm drainage system downstream from the site to incorporate the surrounding area and make sure that the storm drainage was being adequately planned for. The conditions for the partition

included ensuring the properties to the west would be able to access the public infrastructure in the right-of-way.

7:14 Opponents: None

7:14 Rebuttal: Mr. Thomas clarified they would be providing engineering plans for both on-site and off-site improvements related to storm and sewer infrastructure, run-off, and erosion control.

Senior Planner Darnell said in the plan the applicant would be providing fencing on the west property line along the building that stopped at the courtyard. There could be erosion control fencing during construction.

7:16 Chair Hall closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

7:16 Commission Deliberation: Commissioner Schanche was in support of the application. It was a good project, but she wished the sidewalk would go all the way to the highway.

Commissioner Butler thought the smaller parcel from the partition could become a blighted area. She thought there should be a condition to add landscaping there.

Planning Director Richards clarified that parcel was not part of the Conditional Use application. It was a 15,000 square foot lot in the R-4 zone and there were many possibilities for the parcel.

7:19 Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Chroust Masin MOVED to APPROVE CU 3-19 & TML 2-19 subject to the conditions of approval provided in the decision document and the amended conditions as submitted in the memorandum by staff. SECONDED by Commissioner Butler. The motion PASSED 5-0.

## 5. Commissioner/Committee Member Comments

None

## 6. Staff Comments

7:23 Planning Director Richards said they were in discussion with the City Council regarding public hearing processes. The Council was still in discussions about the options and she was working on scheduling training on land use hearings.

7:26 **HB 2001 presentation**

Planning Director Richards said this House Bill had been approved at the last legislative session to address missing middle housing. It had impacts to the City's land use program and she would walk through what was in the bill and how to move it forward. Compliance to the bill was required by June 30, 2022. Missing middle housing was smaller, higher density housing between single family and mid-rise apartment complexes. These were duplexes, triplexes, fourplexes, townhomes, and cottage clusters. Accessory Dwelling Units and skinny homes had also become part of the discussion. The bill mandated that all cities with a population of 25,000 or more needed to adopt regulations to allow duplexes, triplexes, fourplexes, cottage clusters, and

townhouses in all zones that allowed detached single family dwelling units. In McMinnville, that was all of the residential zones. The purpose was to create inclusive neighborhoods with a mixture of housing and housing types, income levels, and generations. They needed to decide how the City would support this with infrastructure and what it would look like. There were several strategies in the Housing Strategy that dovetailed into this work including creating a diverse housing zone, promoting infill development and allowing flexibility with appropriate design development standards, updating infrastructure plans for infill developments, assessing infrastructure capacity to support infill, developing an infrastructure allocation policy, and updating residential design and development standards for compatibility. The market would drive the infill development and it could be nestled in easily into neighborhoods with the appropriate design development standards. Staff was working with a consultant on Development Code amendments on setbacks, minimum lot sizes, and design standards for these units. The biggest issue was infrastructure capacity as both the water and transportation public facilities plans had planned for a density level that was less than the maximum allowed in the existing code let alone what they had been asked to add to it. The actual fix for wastewater is fairly easy by putting bigger pipes in the ground and there was capacity for growth at the Wastewater Treatment Plant. However, costs associated with those improvements are an issue. The cost to update the infrastructure plans alone would be \$250,000 to \$400,000 for consultants and \$250,000 for internal staffing dedication. The bill allocated \$3.5 million to help with the work and 53 cities were subject to this mandate which would be \$66,000 for each city. However when she talked with the State, they said they were intending to use a substantial amount of these funds for doing model codes for communities and did not anticipate the infrastructure planning would be a big issue. There was an application process for an extension if they could not meet the June 30, 2022 deadline. It had to be turned in by June 30, 2021 so the infrastructure plans analysis would need to be done in time to understand whether they needed the extension. They would also need to show how they intended to fix the problem. With this timeline, the infrastructure plans would need to be done by February 2021 and the State did not intend to release funds until May 2020. She was encouraging the State to release the funds earlier. They would also need to determine how the infrastructure capital improvements would be funded. The other mandates in the bill included fixing some of the issues with ADUs. Cities could no longer require ADUs to be owner occupied or to have off-street parking. The City also had to explore policies and programs to encourage affordable housing, such as waiving or deferring SDCs. They had to adopt or amend criteria for local property tax exemptions and look at assessing a Construction Excise Tax on all new residential and commercial construction to help pay for affordable housing. There would be new annual reporting requirements on all new middle housing units built in the previous year. For the next steps, there would be public engagement on the new residential development standards. She planned for those standards to be adopted by February 2021. The date for the infrastructure planning analysis to be completed was also February 2021. They might be able to combine the infrastructure planning with the growth analysis they were already doing and she would be applying for a grant to help with that work.

There was discussion regarding the existing infrastructure network and needed improvements and achieving the intent of the bill through local decisions instead of State rulemaking.

## 7. Adjournment

Chair Hall adjourned the meeting at 7:57 p.m.

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Heather Richards  
Secretary



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# MINUTES – Exhibit 1c

**October 17, 2019**  
**Planning Commission**  
**Work Session Meeting**

**5:30 pm**  
**McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street**  
**McMinnville, Oregon**

**Members Present:** Chair Roger Hall, Commissioners: Erin Butler, Susan Dirks, Christopher Knapp, Gary Langenwalter, Roger Lizut, and Amanda Perron

**Members Absent:** Martin Chroust-Masin and Lori Schanche

**Staff Present:** David Koch – City Attorney, Heather Richards – Planning Director, and Tom Schauer – Senior Planner

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## 1. Call to Order

Chair Hall called the meeting to order at 5:30 p.m.

## 2. Discussion Items

### **Growing McMinnville Mindfully**

Planning Director Richards introduced the new campaign for the next two years, which was Growing McMinnville Mindfully. She showed and explained the new logo. The goal was to show that growth was not a bad thing and that they were planning for future generations to be able to live in McMinnville. Part of the campaign was having decision making points, such as being mindful of preserving farm land vs. the need for the City to grow and expand the Urban Growth Boundary or mindful of economic development opportunities when looking at the future of economic development or mindful of planning great neighborhoods, etc. She described the colors and graphics that would be used for the campaign as well as the future growth chart for 2041 and 2067.

There was discussion regarding how the growth numbers had been calculated.

To help illustrate what the magnitude of the growth that the city needed to plan for, Planning Director Richards compared the growth to Newberg. By 2041 they would be adding half of the current city of Newberg population and by 2067 they would be adding the whole population of Newberg. In this way, she is hoping that people start thinking about all of the amenities needed associated with growth and not just the number of people and homes. She then explained the housing needs for 2041. The data showed that 2,000 of the 5,000 new homes needed to be affordable or subsidized which was 100 homes per year. On the other side of the spectrum, they needed 2,000 homes that were high income homes. Over the next 12 months, staff would be taking the information from the Housing Needs Analysis and Economic Opportunities Analysis to the public. She explained where staff planned to put promotional materials and the ways the

public could give input. The analysis would be done by the end of December, the public input process would continue until November 2020, and then it would go through the McMinnville Urban Area Management Committee, Planning Commission, and City Council. She discussed the next steps in the process which included evaluating efficiency measures, urban reserve area boundary analysis, choosing a preferred urban reserve area, Urban Growth Boundary analysis, and a preferred scenario for the Urban Growth Boundary. The Buildable Lands Inventory showed the land within the existing Urban Growth Boundary that was buildable for residential and employment lands. The Housing Needs Analysis was being completed and based on the analysis, they would discuss how they would meet the needs. Per City Council direction, the next step for the City was to identify a fifty year Urban Reserve Area and then to identify the twenty-year Urban Growth Boundary from within that Urban Reserve Area. This would allow the city to really be thoughtful about leveraging resources for infrastructure and growth planning. A study area would need to be established which was two miles outside of the existing UGB. That land would be evaluated within the priority land structure outlined in state regulations, constrained land, infrastructure resources and growth needs. Staff had applied for a grant from DLCDC to do the work, and they would hire consultants to help.

There was discussion regarding how they could make this process successful since the last attempt had failed. Citizen Mark Davis commented that he thought the City should go through the whole process, sort out issues, get to the end, and Council will make a decision. Then, for people who still have disagreements he suggested that they sit down with City leaders and talk about it, and see if something can be worked out. He felt that was the step that was missing in the former process to try and avoid the appeals.

In reply, City Attorney Koch commented that Statewide Planning Goal 1, Public Involvement, means that there is a level playing field and everyone is equal in their participation in the process. Negotiating after the public had weighed in with a small group of stakeholders behind closed doors would undermine the entire process.

The efficiency measures included changes to plan designations, zoning designations, and development code standards. The idea was to allow and encourage more efficient use within the City's existing UGB. A lot of this work had already been done, but there would be further analysis. After that, they would have a solid number for what could be done in the existing UGB and then they could look at the urban reserve area. They would look at six different alternatives for the boundary of the urban reserve area and then they would pick their preferred scenario. Once the preferred boundary was set, they would do the same work for the UGB expansion in the urban reserve area with six alternatives and choosing a preferred scenario. A framework plan would need to be done for the preferred scenario.

There was discussion regarding efficiency measure examples and how the Planning Commission was encouraged to talk to people about these processes.

Planning Director Richards said they would be sending out media releases and do a School District distribution as well.

Planning Director Richards commented on last night's City Council Work Session on de facto public hearings. After some discussion, the Council elected to keep the process as it was currently. The Council had asked for quasi-judicial land use training and she would invite the Historic Landmarks Committee and Planning Commission to join them for the training.

### **3. Adjournment**



Chair Hall adjourned the meeting at 6:13 p.m.

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Heather Richards  
Secretary



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# MINUTES – Exhibit 1d

October 17, 2019  
Planning Commission  
Regular Meeting

6:30 pm  
McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street  
McMinnville, Oregon

**Members Present:** Chair Roger Hall, Commissioners: Erin Butler, Susan Dirks, Christopher Knapp, Gary Langenwalter, Roger Lizut, and Amanda Perron

**Members Absent:** Martin Chroust-Masin and Lori Schanche

**Staff Present:** David Koch – City Attorney, Heather Richards – Planning Director, and Tom Schauer – Senior Planner

## 1. Call to Order

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

## 2. Citizen Comments

Mark Davis, McMinnville resident, stated this afternoon the Historic Landmarks Committee approved an Accessory Dwelling Unit on the property next door to him. As part of the process he had asked about lighting as the new ADU would be six feet from his property line. He found out that the City did not have any restrictions on lighting, and he would like that to be addressed in the future.

## 3. Approval of Minutes

None

## 4. Public Hearing:

### A. Quasi-Judicial Hearing. Variance (CU 5-19)- (Exhibit 1)

**Request:** Approval of a conditional use permit to operate a crossfit gym within a 4,000 square foot portion of a 10,000 square foot building currently under construction on property within the M-2 zone. The crossfit gym is classified as a conditional use in the M-2 zone, under the category of “a privately owned and operated facility planned, located, and laid out or modified and oriented for functional use for leisure time activities. The specific use and plan shall be enumerated at the time of application.”

**Location:** The subject site is zoned M-2 PD (General Industrial Planned Development) and is located at 1445 NE Miller Street. It is more specifically described as Tax Lot 2100, Section 15C, T.4 S., R. 4 W., W.M.

Applicant: Melissa Alonzo

Chair Hall read the opening statement and described the application.

Chair Hall opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? None of the Commission had visited the site, but were familiar with the location.

Senior Planner Schauer presented the staff report. This was a request for a conditional use permit to operate a crossfit gym within a 4,000 square foot portion of a 10,000 square foot building currently under construction on property within the M-2 zone. He reviewed the applicable criteria which included applicable goals and policies of the Comprehensive Plan and zoning ordinance, Airport Overlay zone, and Planned Development. The criteria were satisfied with conditions and he explained the conditions. The proposal was not creating any new site improvements and had no conflicts with the surrounding uses. This was a tenant within a building and the property owner had some control over the operating characteristics on the site. No public comments had been submitted. Staff recommended approval with conditions.

Commissioner Dirks clarified the amount of parking for the gym was satisfactory as well as the parking for the other possible tenants of the building. Senior Planner Schauer said yes, there was more than enough parking for the gym and other uses as well as parking for the additional building that was still being constructed.

Commissioner Dirks asked if another tenant came in that needed more parking, it would not affect this application, but it would be considered at a later time and that applicant might have to provide more parking or have a different use. Senior Planner Schauer said if a high parking generator came in, they would need to make sure that 11 spaces were reserved for this use so the gym would not be affected.

Commissioner Langenwalter wanted to make sure they were not precluding the gym from putting up a business sign outside the business. Senior Planner Schauer clarified the building footprint was already established as well as the parking configuration and landscaping and no new external site improvements were required. They were able to put up a sign.

There was no public testimony.

Chair Hall closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Commissioner Dirks thought it was great to see mixed use moving into that part of town.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and evidence in the record, Commissioner Lizut MOVED to APPROVE CU 5-19

subject to the conditions of approval provided in the decision document. SECONDED by Commissioner Langenwalter. The motion PASSED 7-0.

**5. Commission Comments**

None

**6. Staff Comments**

Planning Director Richards said there were Planning Commission terms expiring at the end of the year and applications were due by November 8. The Baker Creek North Planned Development application had been deemed complete and it would come to the Planning Commission in December. In November the Planning Commission would review their Long Range Work Plan that would go to Council in December. Planning staff would be attending a state planning conference next week.

**7. Adjournment**

Chair Hall adjourned the meeting at 6:55 p.m.

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Heather Richards  
Secretary



City of McMinnville  
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(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## STAFF REPORT – EXHIBIT 2

DATE: December 19, 2019  
TO: Planning Commission Members  
FROM: Jamie Fleckenstein, Associate Planner  
SUBJECT: PUBLIC HEARING: ZC 4-19 (Zone Change) and CU 4-19 (Conditional Use Permit)

### STRATEGIC PRIORITY & GOALS:



#### GROWTH & DEVELOPMENT CHARACTER

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



#### ECONOMIC PROSPERITY

Provide economic opportunity for all residents through sustainable growth across a balanced array of traditional and innovative industry sectors.



#### HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM)

Create diverse housing opportunities that support great neighborhoods.

### Report in Brief:

This is a combined quasi-judicial hearing to consider two (2) separate and distinct land use applications for the property at 1945 NW 2<sup>nd</sup> Street and to take all public testimony on these applications during a combined public hearing. The applicant, Doug Egan of MD Builders, Inc. on behalf of Melinda Judd, property owner, is requesting the following:

1. **ZC 4-19, Zone Change** from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential).
2. **CU 4-19, Conditional Use Permit** to allow the development of a dental clinic on R-4 (Multiple-Family Residential) zoned property.

Together, the land-use applications support a larger development concept for the property that would ultimately provide both higher density residential and a dental clinic on the site. However, the applications each need to be treated as individual land use decisions and are governed by different regulations and criteria. The Conditional Use Permit is dependent on the successful approval of the Zone Change application, so the order of consideration and approval should be:

1. ZC 4-19 (Zone Change)
2. CU 4-19 (Conditional Use Permit)

The two (2) land use applications were submitted by the applicant for concurrent review, as allowed by Section 17.72.070 of the MMC. When applications are submitted for concurrent review, the applications are subject to the hearing procedure that affords the most opportunity for public hearing and notice. Therefore, the Planning Commission is making a recommendation to the City Council for both land-use applications.

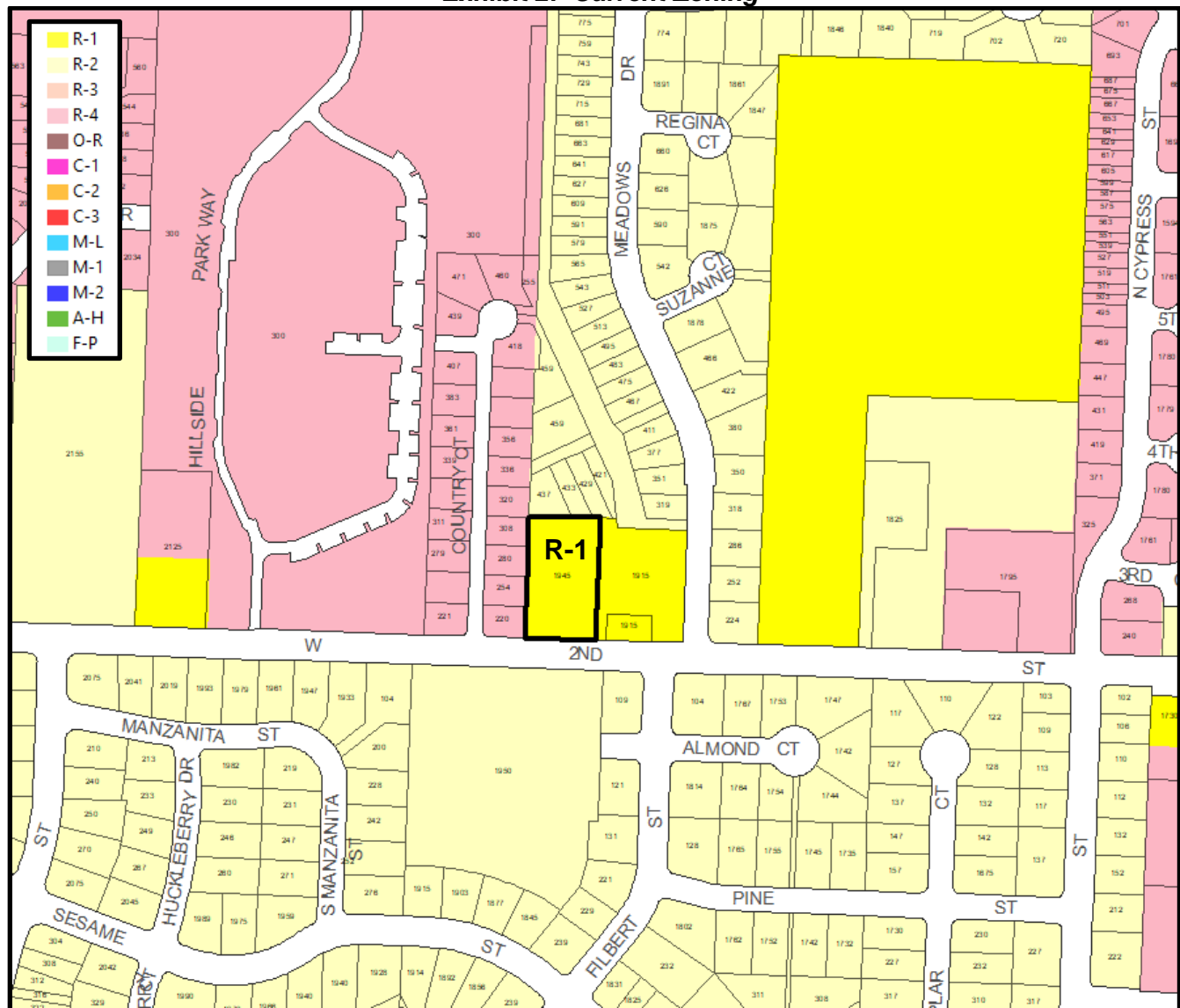
#### Attachments:

Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of ZC 4-19  
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**Exhibit 2: Current Zoning**



The concurrent requests would rezone the property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential) to allow multiple-family residential housing and approve a dental clinic as a conditional use. **See Exhibit 3 (Proposed Zoning).** The proposal would be developed in two phases: the first phase would include an approximately 3,200 square foot dental clinic and associated off-street parking on the south side of the lot, accessed from NW 2<sup>nd</sup> Street, and a future phase of development would include up to nine (9) townhouse-style multiple-family dwelling units on the northern half of the property. **Exhibit 4 (Proposed Preliminary Site Plan)** is provided for reference.

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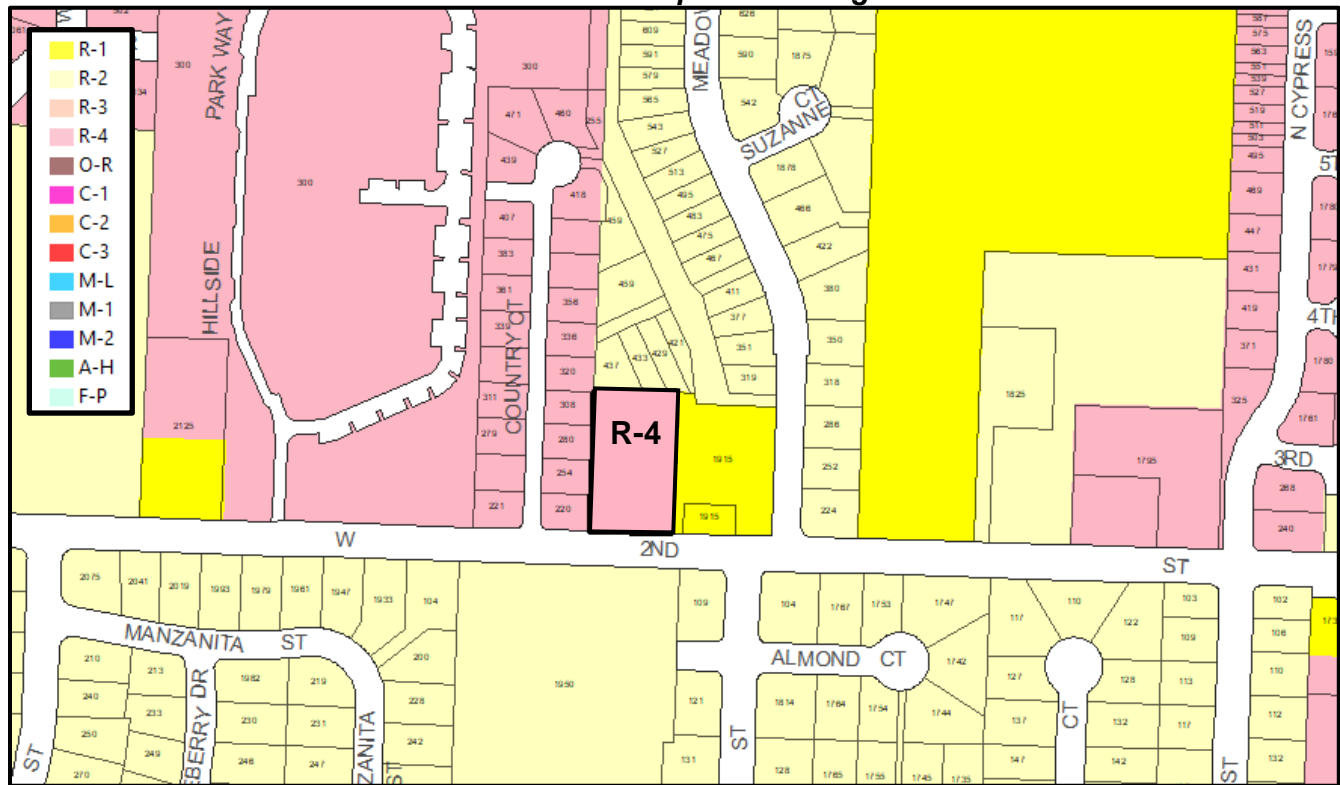
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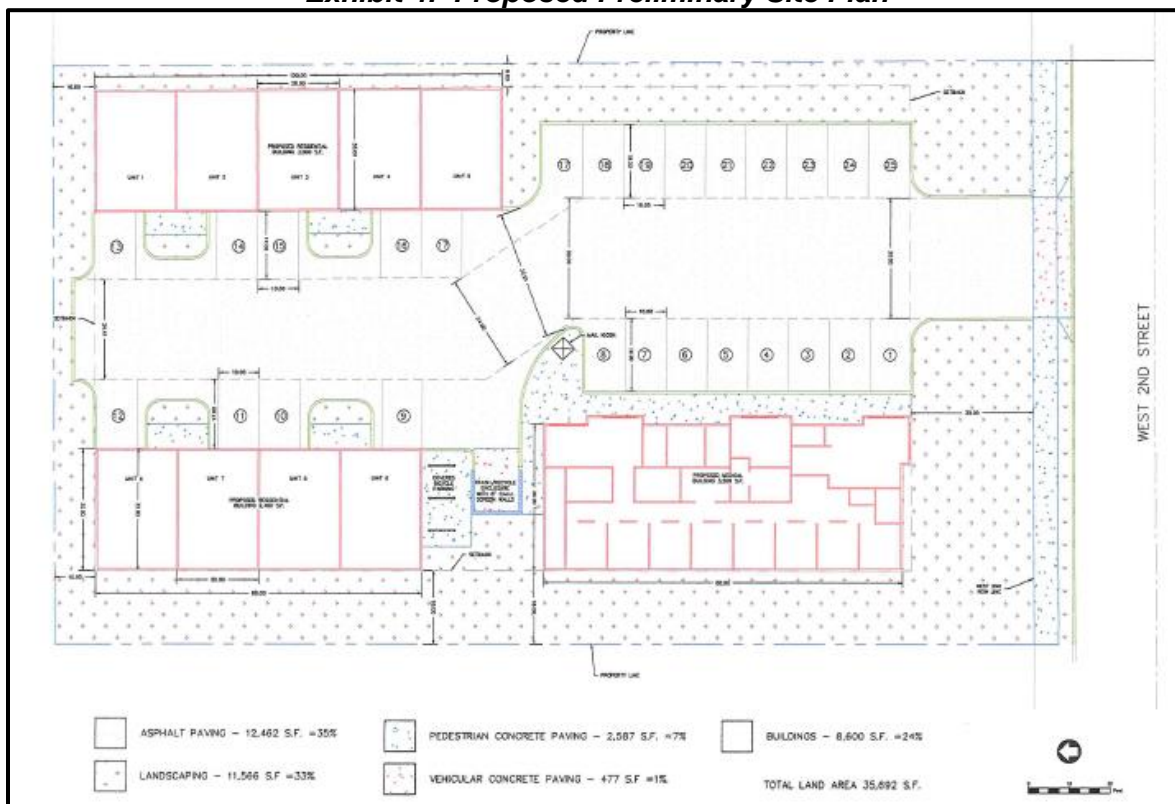
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**Exhibit 3: Proposed Zoning**



**Exhibit 4: Proposed Preliminary Site Plan**



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**Discussion:**

Decisions and/or recommendations for both land-use applications are dependent upon whether or not the applications meet state regulations, the McMinnville Comprehensive Plan and the McMinnville Municipal Code (MMC). The application can either meet these criteria as proposed, or a condition of approval can be provided that either outlines what needs to occur to meet the criteria or when something needs to occur to meet the criteria. Attached are two (2) different decision documents that provide the Findings of Fact and Conclusionary Findings for each land-use application. These documents outline the legal findings on whether or not each 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.

**Applicable Review Criteria****Zone Change**

The Zone Change (ZC 4-19) request is subject to the review criteria in Section 17.74.020 of the MMC and require the applicant to demonstrate that:

- 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.

**Conditional Use Permit**

The Conditional Use Permit (CU 4-19) request is subject to the review criteria in Section 17.74.020 of the MMC requiring that the applicant demonstrate that:

- 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

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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.

Additionally, conditions may be imposed when permitting a new conditional use 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.

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## Analysis of Land-Use Requests

The applicant has provided findings to support the requests for the land use applications described above. The applicant's findings are provided in their application materials. Staff has prepared Decision Documents for each land-use application and request, where the applicant's findings are reiterated and in some cases refined or amended with a condition of approval in order to meet the applicable Comprehensive Plan policies and review criteria. The detailed analysis and staff-suggested findings and conditions of approval are contained in each Decision Document attached to this staff report, but staff has also provided an overview of each land-use application and the staff recommendation below.

Staff would remind the Planning Commission that, because each application is being reviewed and considered separately, that one application could move forward for approval without the following applications being recommended for approval. Therefore, in some cases staff is suggesting that a decision on a land-use application is not rendered, and does not take effect, until and unless other applications (submitted for concurrent review) are also approved by the City Council. This will be discussed in more detail below where applicable.

### Zone Change (ZC 4-19)

The applicant is requesting to rezone the subject site from its existing R-1 (Single-Family Residential) zoning to R-4 (Multiple-Family Residential). The R-4 zone would maintain consistency with the site's Residential designation on the Comprehensive Plan Map.

The rezone request meets most of the locational requirements for higher density housing found in McMinnville's Comprehensive Plan. The site is located on and accessed from 2<sup>nd</sup> Street, an arterial street and current public transit route. Neighborhood and general commercial areas are located nearby. The site is situated such that it can be buffered from adjacent low density residential areas. The site is not committed to low or medium density housing, nor is it subject to development limitations. The applicant submitted a trip generation evaluation, finding that the increase in traffic generated by the land-use requests would not significantly affect the capacity of surrounding transportation facilities, and therefore not requiring a more detailed Traffic Impact Analysis. However, one locational requirement is not currently achieved by the site. Despite close proximity to public open space, the site is not adjacent to private or public open space. To address the unsatisfied locational requirement, a condition of approval is recommended to require open space be provided as part of future multiple-family residential development. Also, to ensure the integrity of the surrounding transportation facilities, a condition of approval is recommended to require a detailed traffic impact analysis if traffic generated by development on site exceeds thresholds established in the applicant's trip generation evaluation.

Provision of utility services is an identified issue for rezoning the property to allow more intense development. Urban services, including sanitary sewer collection and disposal lines, storm sewer and drainage lines, improved streets, and municipal water distribution facilities and water supplies, currently are available to the property and adequately serve the current use, a single-family residence and zoning, R-1 (Single Family Residential). Water and power can efficiently serve increased development allowed by the rezone. However, downstream pipeline capacity issues have been identified in the sanitary and storm sewer systems that would not accommodate full development of the site as allowed by the proposed R-4 zone. The current utility systems would allow for partial development of the site at R-4 intensity and density, however. To address the provision of the urban services to accommodate full development as allowed by the R-4 zone and to ensure future development does not overburden downstream utilities, a condition of approval is suggested to limit development of the site to the sanitary

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sewer flows assigned to the site under its current R-1 zoning until such time as downstream capacity of the sanitary sewer system is increased and can accommodate full development of the site at R-4 intensity. On-site stormwater detention would address system capacity issues.

Additionally, if the development will generate more than 2000 average daily vehicular trips and/or more than 20 pm peak hour trips, a condition of approval has been added that will require a traffic impact analysis.

Below is a table summarizing the application's compliance with critical criteria. The Decision Document for the land-use application has the detailed analysis and findings for this compliance:

Issue	Notes	Condition to Help Meet Criteria
Compatibility with Comprehensive Plan Locational Requirements for High Density Residential	<ul style="list-style-type: none"> <li>• Adjacent to Arterial Street Intended to Support More Intense Development</li> <li>• Adjacent to Transit Route and Stops</li> <li>• Nearby Commercial Areas</li> <li>• Surrounding Low Density Residential Can Be Buffered</li> <li>• No Geographical or Topographical Development Limitations</li> <li>• Site Not Adjacent to Open Space</li> </ul>	<p><i>ZC 4-19 Condition of Approval #2:</i> Requires Traffic Impact Analysis if trip generation thresholds are exceeded</p> <p><i>ZC 4-19 Condition of Approval #4:</i> Requires Planning Dept. review and approval to remove mature trees from the site.</p> <p><i>ZC 4-19 Condition of Approval #8:</i> Requires increased setbacks if building height exceeds 35 feet</p> <p><i>ZC 4-19 Condition of Approval #9:</i> Requires landscape buffer along north property line</p> <p><i>ZC 4-19 Condition of Approval #10:</i> Requires provision of open space on-site for multi-family residential development</p> <p><i>ZC 4-19 Condition of Approval #12, 13:</i> Requires landscape plan and street trees</p>
Orderly and Timely Considering Surrounding Pattern of Development and Uses	<ul style="list-style-type: none"> <li>• Variety of Housing Types and Densities in the Surrounding Area</li> <li>• Variety of Uses in the Surrounding Area</li> </ul>	
Provision of Utilities and Services	<ul style="list-style-type: none"> <li>• Sanitary Sewer System Capacity Limited Downstream</li> </ul>	<p><i>ZC 4-19 Condition of Approval #1:</i> Limits sewer discharge from site until capacity is increased</p> <p><i>ZC 4-19 Condition of Approval #2:</i></p>

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	<ul style="list-style-type: none"> <li>• Storm Sewer System Capacity Limited Downstream</li> <li>• 2<sup>nd</sup> Street Not Affected By Traffic Increase</li> </ul>	<p>Requires Traffic Impact Analysis if trip generation thresholds are exceeded</p> <p><i>ZC 4-19 Condition of Approval #3:</i> Requires stormwater detention</p>
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Conditional Use Permit

Subsequent to the Zone Change (ZC 4-19) request, if approved, the applicant is requesting approval of a conditional use permit to allow for the development of a dental clinic on the property, now rezoned to R-4 (Multiple-Family Residential). A clinic is defined in the MMC as “A medical facility for the treatment and examination of outpatients, conducted by a group of physicians, dentists and other licensed practitioners.” “Hospital and clinic” is a conditional use allowed in the R-4 zone.

The dental clinic, as shown in Exhibit 4 (Proposed Site Plan) above, is proposed to be located on the southwest portion of the site adjacent to 2<sup>nd</sup> Street. The structure is planned to be a single-story building, approximately 3,200 square feet in area. An associated parking lot providing required off-street parking would be located beside the building, on the southeast portion of the site. Access to the use would be from 2<sup>nd</sup> Street. The application indicates the development of the dental clinic would be the first phase of development on the property. For reference, a future second phase of multi-family residential housing would follow when required conditions of ZC 4-19 are met, allowing more intense development.

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.

Overall, staff concurs with the applicant’s findings and supports the approval of the Conditional Use, subject to some conditions to mitigate potential adverse conditions and protect the best interest of the surrounding area or the community as a whole.

The location, size, design, and operating characteristics of the conditional use as proposed would have minimal impact on the surrounding neighborhood. While specific architectural plans and elevations for the clinic structure were not included in the application, the site plan concept is for a single-story building on the southern portion of the site, oriented to the east. The site orientation would focus the activity of the use and off-street parking away from single-family residences adjacent to the site to the north and west. The adjacent use to the east is a substation, which would not be impacted by the conditional use. The single-story clinic structure would relate in scale to the single-story residences to the west, and would help preserve the privacy of the rear yards of those residences. Suggested conditions of approval to limit the height of the clinic structure to 35 feet, to provide sight-obscuring fencing between the existing residences to the west and the subject site, and to limit the off-site impact of lighting will help minimize the impact of the conditional use on the surrounding area. Operationally, the clinic is anticipated to be open during typical business hours, and a condition is recommended to limit the hours of operation to between 7:00 AM and 8:00 PM.

An issue surrounding sufficient sewer service to the property, including the conditional use, was addressed more specifically in the zone change (ZC 4-19) request, where a condition would limit fixtures producing sanitary sewer flow for all development on the site until downstream pipeline capacity is increased. Similarly, the traffic impact of the proposed dental clinic and future multi-family residential

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development was evaluated as part of the zone change (ZC 4-19) request. It was found in that review that increases in traffic were not to a level that would significantly impact the surrounding traffic network, but a condition was included to require a traffic impact analysis if identified trip generation thresholds are exceeded by the uses on the site, including any conditional use.

Landscaping would be a requirement for development of the site, including landscaping around the building, parking lot, and street trees in the public right-of-way adjacent to the site. The applicant has stated that landscaping will be used to buffer and enhance the site. Factors considered during the review of landscape plans by the Landscape Review Committee include the screening of uses and inclusion of appropriate parking lot landscaping and street trees. Additionally, a condition of the Zone Change (ZC 4-19) approval would be that mature trees on the site are not to be removed without prior review and approval of the Planning Department.

Below is a table summarizing the application's compliance with critical criteria. The Decision Document for the land-use application has the detailed analysis and findings for this compliance:

Issue	Notes	Condition to Help Meet Criteria
Compatibility of Development with Surrounding Neighborhood	<ul style="list-style-type: none"> <li>Size and Height of Building</li> <li>Location of Building on Site</li> <li>Landscaping and Street Trees</li> </ul>	<p><i>CU 4-19 Condition of Approval #2:</i> Limit building height to 35 feet</p> <p><i>CU 4-19 Condition of Approval #3:</i> Requires privacy fencing along west property line</p> <p><i>CU 4-19 Condition of Approval #4:</i> Requires focusing and/or shielding of site and accent lighting to on-site targets</p> <p><i>ZC 4-19 Condition of Approval #9:</i> Requires landscape buffer along north property line</p> <p><i>ZC 4-19 Condition of Approval #12, 13:</i> Requires landscape plan and street trees</p>
No Impacts on Livability, Value, or Appropriate Development of Abutting Properties	<ul style="list-style-type: none"> <li>Access to Site From 2<sup>nd</sup> Street (Minor Arterial)</li> <li>Trips Generated By Use Will Not Affect Transportation Network</li> <li>Development Limited By Sewer System Capacity Downstream</li> </ul>	<p><i>ZC 4-19 Condition of Approval #1:</i> Limits sewer discharge from site until capacity is increased</p> <p><i>ZC 4-19 Condition of Approval #2:</i> Requires Traffic Impact Analysis if trip generation thresholds are exceeded</p>

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Operations of Facility	<ul style="list-style-type: none"> <li>• Off-Street Parking Provided</li> <li>• Typical Business Hours</li> </ul>	<i>CU 4-19 Condition of Approval #5:</i> Restricts business hours to between 7AM and 8PM
Preservation of Natural Features	<ul style="list-style-type: none"> <li>• Mature Trees On Site</li> </ul>	<i>ZC 4-19 Condition of Approval #4:</i> Requires Planning Dept. review and approval to remove mature trees from the site.

### Staff-Suggested Conditions of Approval

#### Zone Change (ZC 4-19)

1. That until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit Fixture Units, the flow assigned the site in the Sanitary Sewer Conveyance System Plan from October, 2008.
2. That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the use(s) allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.
3. That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.
4. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree from the site greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of buildings, driveways or parking lots, utilities, or other improvements. The inventory and report shall be provided prior to the issuance of construction or building permits.
5. That prior to the issuance of building permits, the applicant shall dedicate additional right-of-way such that the total right-of-way is 38' wide north of the centerline for 2nd Street.
6. That prior to the issuance of building permits, the applicant shall dedicate a 10 (ten) foot public utility easement along the site's NW 2<sup>nd</sup> Street frontage.
7. That driveway and sidewalk improvements within the site and adjacent to the site shall be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG).
8. That yard setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.
9. That a dedicated 10 foot landscaped area be provided along the entire north property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single-family uses and the multiple-family site. No improvements shall

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encroach on the dedicated landscaped area. Proposed plant material and fencing to provide required buffering shall be included on a landscape plan for the site that shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of building permits.

10. That an additional area equivalent to seven (7) percent of the gross area of the site committed to multiple-family residential development shall be reserved for usable open space for residents of the multiple-family development. The usable open space area shall be in addition to the required landscape area along the north property line. The usable open space area shall also be a contiguous area with no dimension less than 10 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.
11. That five (5) foot wide sidewalks and six (6) foot wide planter strips are provided along the property frontage in compliance with McMinnville's Transportation System Plan Complete Street Standards.
12. That the applicant shall plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the right-of-way as possible. 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. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. 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. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the sidewalk 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.
13. That the applicant shall submit a landscape plan and Landscape Plan Review application to the McMinnville Landscape Review Committee for their review and approval prior to the issuance of building permits. All landscaping shall be installed as approved by the Landscape Review Committee prior to final building permit inspections being completed.

#### Conditional Use Permit (CU 4-19)

1. That the decision for approval of the Conditional Use Permit (CU 4-19) is not rendered, and does not take effect, until and unless the concurrent Zone Change (ZC 4-19) request is approved by City Council. All applicable conditions from Docket Number ZC 4-19 shall be satisfied.
2. That the structure housing the dental clinic shall be no more thirty-five feet in height.

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3. That sight-obscuring fencing be provided along the entire western property line, outside of the required front yard.
4. That lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to light on the intended target, and not result in skyward glare.
5. That the dental clinic's hours of operation shall be restricted to between 7:00 AM and 8:00 PM.

**Commission Options for Zone Change (ZC 4-19):**

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, 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 in the motion to deny.

**Commission Options for Conditional Use (CU 4-19):**

- 1) Close the public hearing and forward a recommendation for **APPROVAL** of the application to the McMinnville City Council, 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 in the motion to deny.

**Recommendation:**

Staff recommends approval of both land-use applications with the conditions specified in the decision documents. Recommended motions for each land-use application are provided below.

**MOTION FOR ZC 4-19:**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE ZC 4-19, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.**

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*Attachment D: Application Materials*

**MOTION FOR CU 4-19:**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE CU 4-19, SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED IN THE DECISION DOCUMENT.**

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Attachments:

*Attachment A: Decision, Findings of Fact and Conclusionary Findings for the Approval of ZC 4-19*

*Attachment B: Decision, Findings of Fact and Conclusionary Findings for the Approval of CU 4-19*

*Attachment C: Public Notices*

*Attachment D: Application Materials*



**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 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (MULTIPLE  
FAMILY RESIDENTIAL) FOR A 0.82 ACRE PARCEL ON NW 2<sup>nd</sup> STREET**

<b>DOCKET:</b>	ZC 4-19 (Zone Change)
<b>REQUEST:</b>	Application for a zone change from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential)
<b>LOCATION:</b>	1945 NW 2 <sup>nd</sup> Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.)
<b>ZONING:</b>	R-1 (Single-Family Residential)
<b>APPLICANT:</b>	Doug Egan, MD Builders, Inc., on behalf of Melinda Judd, property owner
<b>STAFF:</b>	Jamie Fleckenstein, Associate Planner
<b>DATE DEEMED COMPLETE:</b>	October 11, 2019
<b>HEARINGS BODY &amp; ACTION:</b>	The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.
<b>HEARING DATE &amp; LOCATION:</b>	December 19, 2019, Civic Hall, 200 NE 2 <sup>nd</sup> Street, McMinnville, Oregon.
<b>PROCEDURE:</b>	An application for a Zone Change is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. 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 McMinnville Municipal Code.
<b>CRITERIA:</b>	The applicable criteria for a Zone Change are specified in Section 17.74.020 of the McMinnville Municipal Code. 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.
<b>APPEAL:</b>	As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including

resolution of any local appeal. The deadline for the 120 day processing timeline is February 8, 2020.

**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 (ZC 4-19) to the McMinnville City Council, **subject to conditions of approval provided in this document.**

**RECOMMENDATION: APPROVAL WITH CONDITIONS**

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

*Attachments:*

Attachment 1 - Application and Attachments



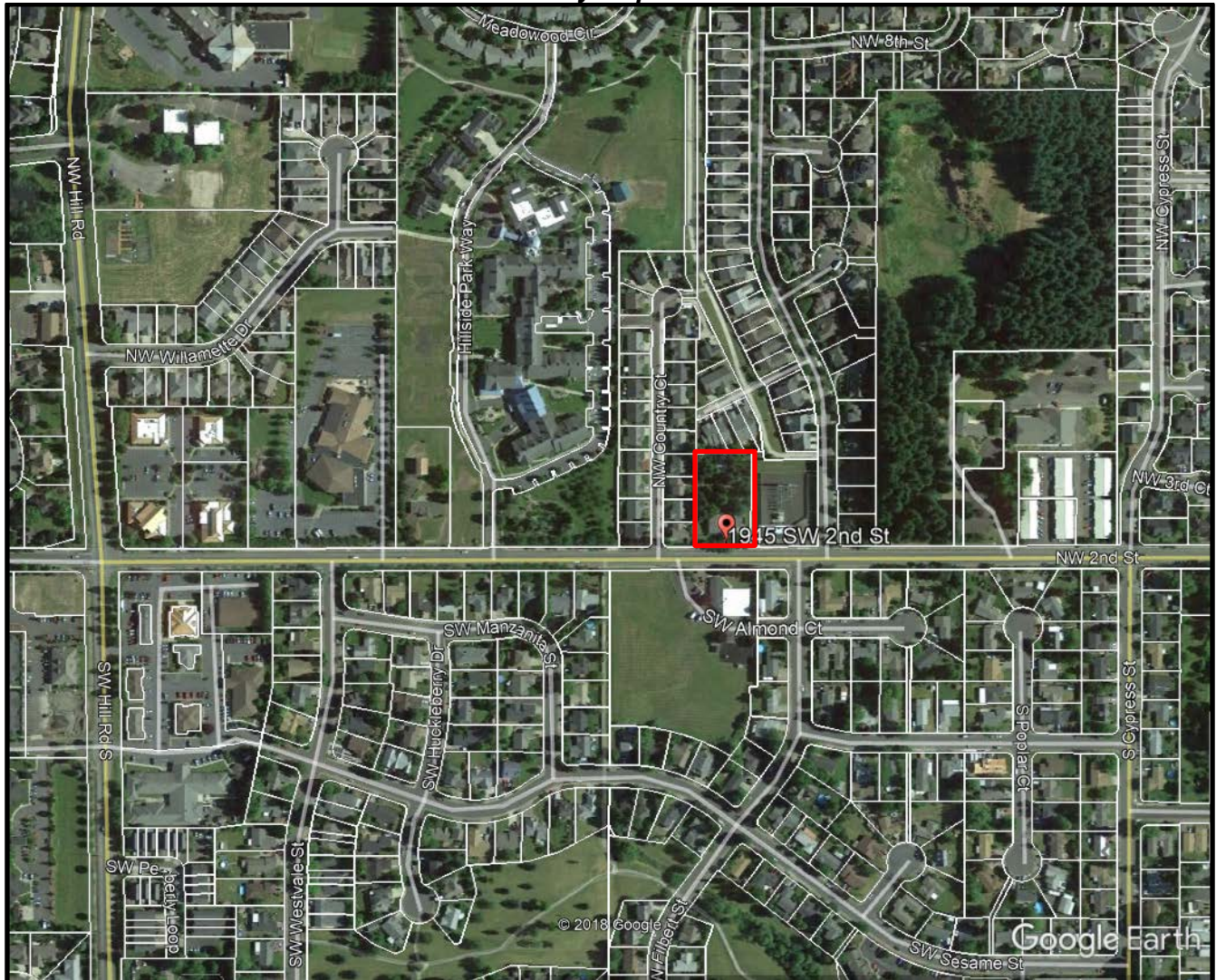
## **I. APPLICATION SUMMARY:**

The proposal is an application for Zone Change (ZC 4-19) to rezone the subject property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential). The application was submitted concurrently with an application for a Condition Use Permit application to allow a dental clinic on the site.

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

The subject property is a 0.82 acre parcel located at 1945 NW 2<sup>nd</sup> Street, on the north side of NW 2<sup>nd</sup> Street between Meadows Drive and Hill Road. **See Exhibit 1: Vicinity Map & Aerial Photo.**

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



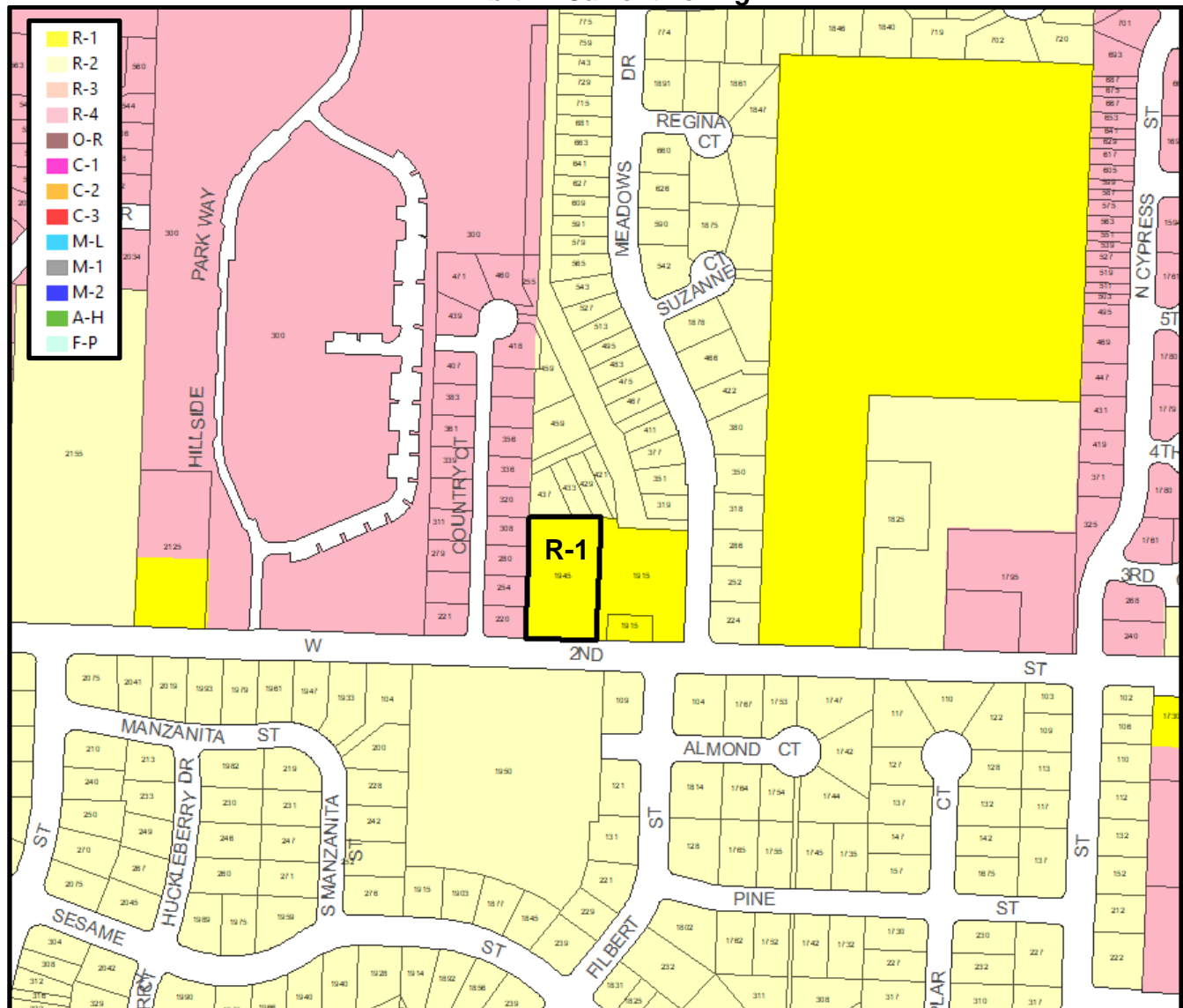
The subject property and property to the east are zoned R-1. Properties to the north and south are zoned R-2, and property to the west is zoned R-4. **See Exhibit 2: Current Zoning.** Predominant surrounding uses are single-family homes to the north and west, an electric sub-station to the east, and the Salvation Army McMinnville Corps Community Center is across 2<sup>nd</sup> Street to the south. The subject property is developed with a single-family residence and accessory structures, and mature trees provide substantial tree cover as shown in the aerial photo. Curb, gutter, and sidewalk are present along the property frontage on NW 2<sup>nd</sup> Street.

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#### ***Attachments:***

Attachment 1 - Application and Attachments



**Exhibit 2: Current Zoning**

The concurrent requests would rezone the property from R-1 to R-4 to allow multiple-family residential housing and approve a dental clinic as a conditional use. **See Exhibit 3: Proposed Zoning.** The proposal would be developed in two phases: the first phase would include an approximately 3,200 square foot dental clinic and associated off-street parking on the south side of the lot, accessed from NW 2<sup>nd</sup> Street, and a future phase of development would include up to nine (9) townhouse-style multiple-family dwelling units on the northern half of the property. **Exhibit 4: Proposed Preliminary Site Plan** is provided for reference.

**Attachments:**

Attachment 1 - Application and Attachments

Exhibit 3: Proposed Zoning

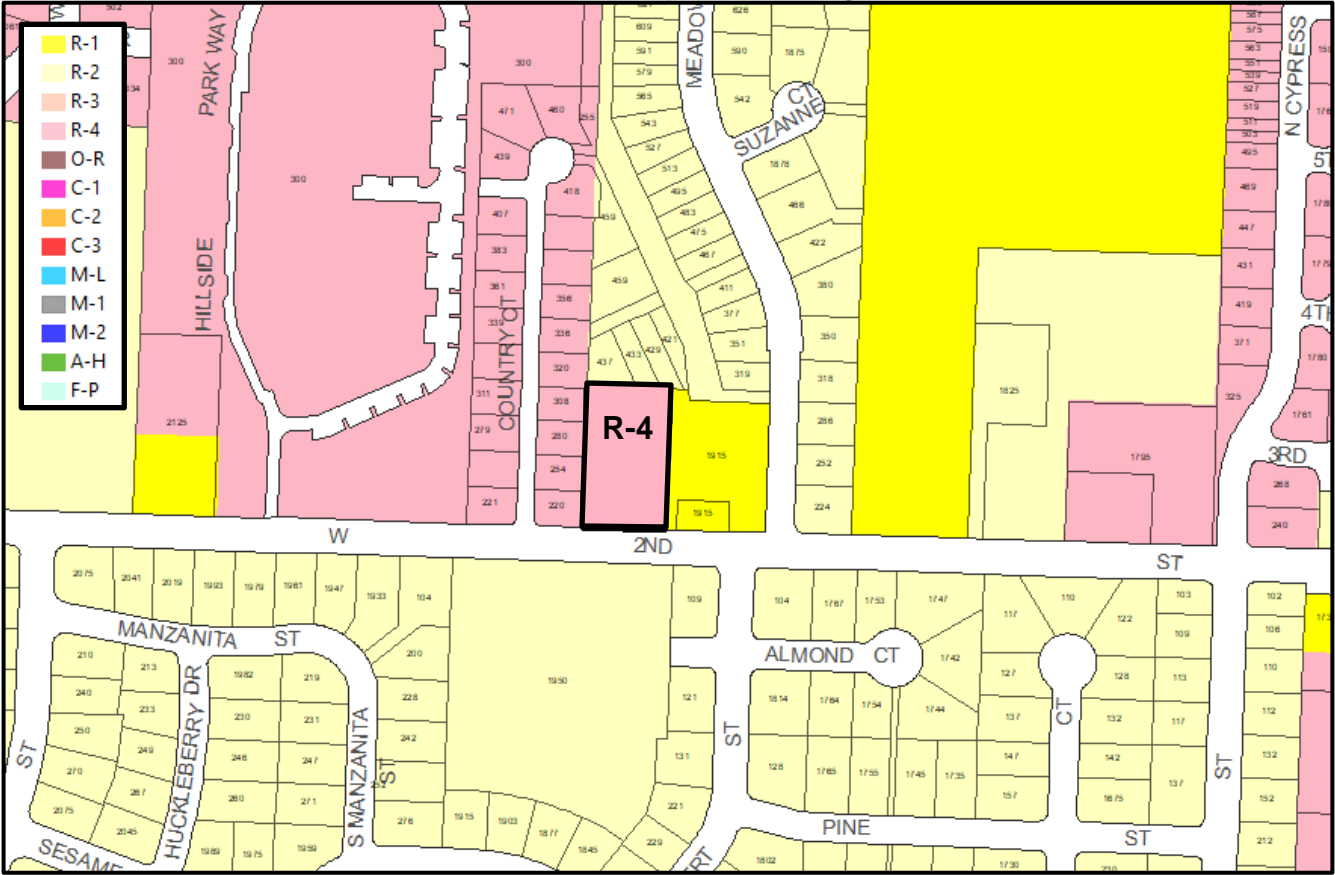
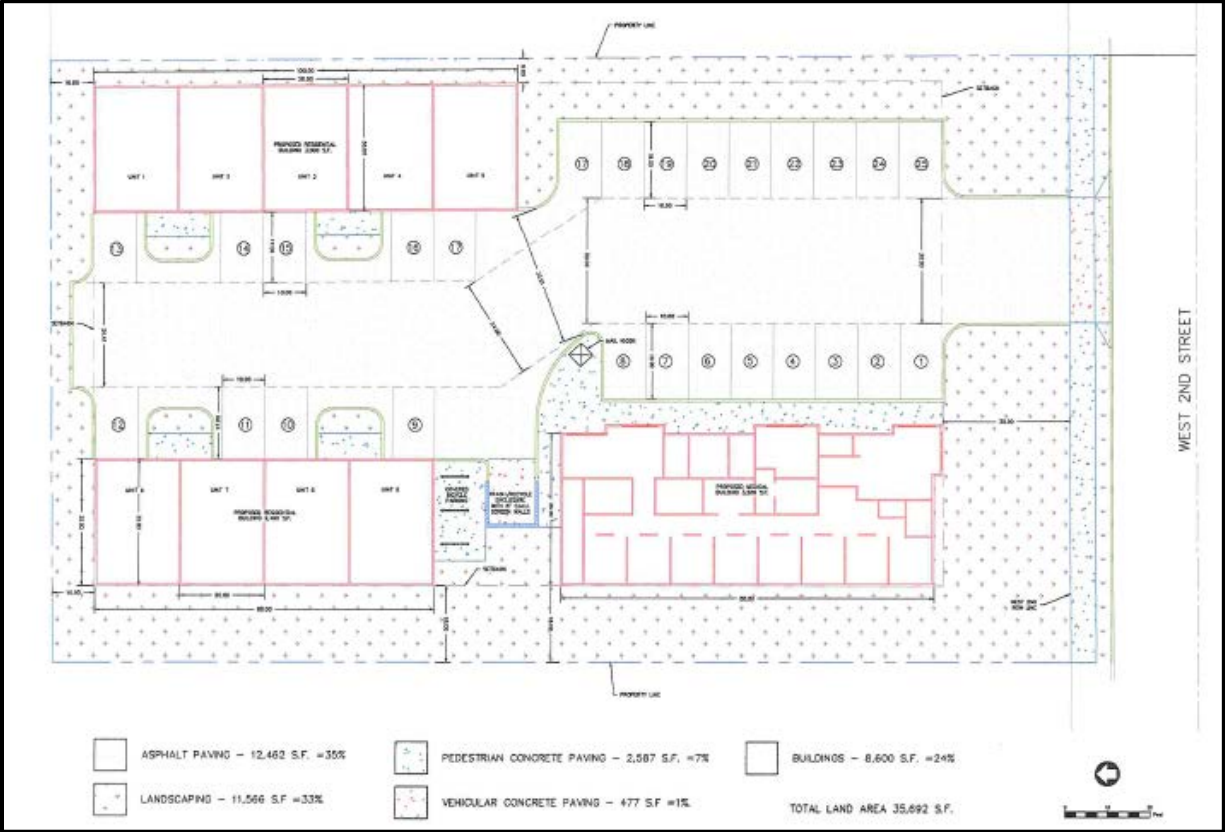


Exhibit 4: Proposed Preliminary Site Plan



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

The application (ZC 1-19) is subject to Zone Change review criteria in Section 17.74.020 of the McMinnville Municipal Code (MMC). Requests to amend the Zoning Map are processed in accordance with Section 17.72.120. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Zone Change requests in Section 17.74.020 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- 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.

The applicant has provided findings to support the request for a Zone Change. These will be discussed in detail in Section VII (Conclusionary Findings) below.

### **II. CONDITIONS:**

- 1. That until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit Fixture Units, the flow assigned the site in the Sanitary Sewer Conveyance System Plan from October, 2008.
- 2. That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the use(s) allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.
- 3. That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.
- 4. That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree from the site greater than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of buildings, driveways or parking lots, utilities, or other improvements. The inventory and report shall be provided prior to the issuance of construction or building permits.

5. That prior to the issuance of building permits, the applicant shall dedicate additional right-of-way such that the total right-of-way is 38' wide north of the centerline for 2nd Street.
6. That prior to the issuance of building permits, the applicant shall dedicate a 10 (ten) foot public utility easement along the site's NW 2<sup>nd</sup> Street frontage.
7. That driveway and sidewalk improvements within the site and adjacent to the site shall be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG).
8. That yard setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.
9. That a dedicated 10 foot landscaped area be provided along the entire north property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single-family uses and the multiple-family site. No improvements shall encroach on the dedicated landscaped area. Proposed plant material and fencing to provide required buffering shall be included on a landscape plan for the site that shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of building permits.
10. That an additional area equivalent to seven (7) percent of the gross area of the site committed to multiple-family residential development shall be reserved for usable open space for residents of the multiple-family development. The usable open space area shall be in addition to the required landscape area along the north property line. The usable open space area shall also be a contiguous area with no dimension less than 10 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.
11. That five (5) foot wide sidewalks and six (6) foot wide planter strips are provided along the property frontage in compliance with McMinnville's Transportation System Plan Complete Street Standards.
12. That the applicant shall plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the right-of-way as possible. 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. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. 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. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the sidewalk 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.

13. That the applicant shall submit a landscape plan and Landscape Plan Review application to the McMinnville Landscape Review Committee for their review and approval prior to the issuance of building permits. All landscaping shall be installed as approved by the Landscape Review Committee prior to final building permit inspections being completed.

### **III. ATTACHMENTS:**

1. ZC 4-19 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. In addition, notice was provided to the Oregon Department of Land Conservation and Development. The following comments were received:

- McMinnville Engineering Department

Good morning – We have reviewed proposed ZC 4-19 and CU 4-19, and noted that neither application included any discussion re: the expected increase in traffic due to the proposals. Therefore, the applications should be considered incomplete, and they should be denied.

Other comments re: the proposals include:

- 2nd Street is classified as a minor arterial in the City's Transportation System Plan (TSP). The existing right-of-way width for 2nd Street is 60', and the TSP identifies a right-of-way width of 76' for minor arterials. Prior to this issuance of building permits for the project, the applicant will need to dedicate additional right-of-way such that the total right-of-way is 38' wide north of the centerline for 2nd Street.
- Prior to the issuance of building permits, the applicant shall also dedicate a 10' wide public utility easement along the property's 2nd Street frontage.
- As part of the development of the subject site, the applicant shall construct sidewalks meeting the TSP standard of 10-12' wide for commercial uses abutting a minor arterial.
- The City's adopted Sanitary Sewer Conveyance System Master plan (October 2008) was prepared anticipating that the subject site would be developed as R-1 zoning at a density of 3.5 dwelling units per acre. The proposed upzoning of the site was analyzed using the City's conveyance system model, and it was determined that there is insufficient system capacity downstream of the subject site. The applicant was notified of the downstream capacity issues on April 5, 2019 (see attached). There are no current plans to address the identified downstream capacity issues. Thus, as noted in the applicant's materials, until such time as the downstream sanitary sewer capacity issues are addressed, the development of the site will be limited to the flows assigned in the Sanitary Sewer Conveyance System Master plan: 3.29 equivalent dwelling units (0.94 acres x 3.5 equivalent dwelling units per acre).
- The site plan does not reflect the existing 15' wide storm drainage easement along the site's west boundary.

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*Attachments:*

Attachment 1 - Application and Attachments

- The City's Storm Drainage Master Plan indicates that there are pipeline capacity issues downstream of the subject site. The City does not have identified funding to address storm system capacity issues. Thus, the development of the subject site will require the installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

Good morning – The following information is in addition to the comments previously provided via email on October 21, 2019.

The revised materials related to traffic generation do not seem to be accurate. No technical information / data was provided with the materials, the narrative simply states the estimated average daily trips generated by the development will be 30.

The 10th Edition of the Institute of Traffic Engineers' "*Trip Generation Manual*" provides the following information for trip generation for the proposed uses:

- Multi-family housing (ITE code 220): Average rate for daily vehicle trip generation is 7.32 daily trips per dwelling unit; and
- Medical-Dental Office Building (ITE code 720): Average rate for daily vehicle trip generation is 34.80 daily trips per 1,000 square feet of gross floor area.

Thus the expected daily trip generation for the proposed development will be 177 vehicle trips:

- 7.32 trips per dwelling unit x 9 units = 66 daily trips for the residential use; and
- 34.80 trips per 1,000 sq ft x 3.2 = 111 daily trips for the dental office.

Given the lack of data to support the estimated daily trip number (30) provided by the applicant, and the lack of evidence to support that the transportation network will handle the actual estimated trip generation of 177 vehicle trips per day, the applications should be considered incomplete and they should be denied.

*NOTE: A Trip Generation Memorandum was submitted on November 27, 2019, and after review, McMinnville Engineering had no further comments regarding the traffic impact.*

- McMinnville Water & Light  
No issues with Conditional Use. Developer, contact MWL to further discuss outlined section of attached PDF regarding power supply as well as water for phases I & II.
- Department of State Lands  
Please refer to the Statewide Wetlands Inventory (for you still the NWI for a few more months) and submit a wetland land use notice (WLUN) to the Department of State Lands if wetlands or waters are mapped near the project area. If construction will be delayed from the zone change and the applicant is still working on design the WLUN may be delayed. However, if aquatic resources are on site, then the sooner the identification of resource boundaries is done, then the applicant can have more surety in design etc. No time like the present. For more information about WLUN see <https://www.oregon.gov/dsl/WW/Pages/WetlandConservation.aspx> , or contact me. If it has been determined that no aquatic resources are within the project area, or you have already submitted a WLUN, please disregard this message.  
I have provided this notice to our proprietary program, they will comment separately if needed.

## 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, December 10, 2019. As of the date of the Planning Commission public hearing on December 19, 2019, no public testimony had been received by the Planning Department.

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*Attachments:*

Attachment 1 - Application and Attachments

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

1. The applicant, Doug Egan of MD Builders, Inc., held a neighborhood meeting on July 29, 2019.
2. The applicant submitted the Zone Change application (ZC 4-19) was submitted on August 23, 2019.
3. The application was deemed incomplete on September 19, 2019. The applicant submitted revised application materials on October 2, 2019.
4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.
5. 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. In addition, notice was provided to the Oregon Department of Land Conservation and Development. Comments received from agencies are addressed in the Decision Document.
6. Notice of the application and the December 19, 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 on Wednesday, November 27, 2019.
6. Notice of the application and the December 19, 2019 Planning Commission public hearing was published in the News Register on Tuesday, December 10, 2019, in accordance with Section 17.72.120 of the Zoning Ordinance. Notice of the application was also provided to the Department of Land Conservation and Development on October 17, 2019.
7. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
8. On December 19, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

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

1. **Location:** 1945 NW 2<sup>nd</sup> Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.):
2. **Size:** 0.82 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** Current: R-1, Requested: R-4

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*Attachments:*

Attachment 1 - Application and Attachments



5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Single-family Residence
7. **Inventoried Significant Resources:**
  - a. **Natural Resources:** None
  - b. **Other:** None Identified
8. **Other Features:** Generally level site slightly sloping north to south towards 2<sup>nd</sup> Street. A stormwater easement runs along the west property line.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the property. Northwest Natural Gas and Comcast are both available to serve the site. Overhead utilities are present along the property frontage on 2<sup>nd</sup> Street.
10. **Transportation:** 2<sup>nd</sup> Street is identified as a Minor Arterial in the 2010 McMinnville Transportation System Plan (TSP). 2<sup>nd</sup> Street currently has a right-of-way width of 60 feet along the property frontage, which is improved with two (2) vehicular travel lanes, a dedicated bicycle lane on the north side of the street, shoulders, curb and gutter, and curb-tight sidewalks. The TSP identifies a right-of-way width of 76 feet for minor arterials. Transit is available on 2<sup>nd</sup> Street, with nearby stops at Meadows Street and Hillside Park Way.
11. **Parks & Public Facilities:** Access from Meadows Drive to the Westside Bicycle/Pedestrian Greenway is an approximately 500 foot walk from the site. West McMinnville Linear Park is located south of 2<sup>nd</sup> Street, approximately 1000 feet from the site. Undeveloped Quarry Park is approximately 500 feet east of the site.

## **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.

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

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

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*Attachments:*

Attachment 1 - Application and Attachments

*Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.*

**APPLICANT’S RESPONSE:** (58.00) The proposed development is a creative approach to land utilization in the city’s urban service area and the density will be consistent with neighboring developments. (59.00 [...]) The development concept adds to the mix of housing types available that are in high demand. The city has also identified a particular need for multiple- family housing options that this development will help to satisfy by offering smaller, townhouse style, individual two-story attached housing units for tenant and owner-occupied options.

**FINDING: SATISFIED.** Approval of the Zone Change request from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential) will allow for the opportunity to develop the property and increase the variety of housing types and densities in this area. Higher density residential development is consistent with the surrounding development pattern, as surrounding properties are zoned R-2 (Single-Family Residential) and R-4 (Multiple-Family Residential). Findings for residential policies regarding locational factors are provided in more detail below.

**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.**

*Policy 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.*

*Policy 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.*

*Policy 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.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The proposal to rezone this land as requested is encouraged by the existing Residential designation of the site on the Comprehensive Plan Map. In addition, rezoning of this site to allow higher residential density encourages more efficient residential development in an area where urban services are already available before committing alternate areas to residential development. Rezoning the property to R-4 (Multi-Family Residential) would provide additional supply of land planned and zoned for multi-family housing, a needed housing type identified in McMinnville’s 2001 Residential Land Needs Analysis.

*Policy 71.07 The R-1 Zoning Designation shall be applied to limited areas within the McMinnville urban growth boundary. These include:*

1. *The steeply sloped portions of the West Hills;*

2. *Neighborhoods and properties within the current urban growth boundary that are developed or have been approved for such densities (Michelbook, for example);*
3. *Fox Ridge Road area;*
4. *Redmond Hill Road area;*
5. *Residential lands adjacent to existing or planned industrial areas.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is not in one of the limited areas that is to be committed to low density development. The property is not in the steeply sloped portion of the West Hills, Fox Ridge Road Area, Redmond Hill Road area, nor is it adjacent to existing or planned industrial areas. The site is currently zoned R-1 and developed to R-1 density, but the site is isolated and not in a neighborhood or group of properties approved for and developed to R-1 density, as exemplified in the above policy. Surrounding properties are zoned R-2 and R-4, with the exception of the adjacent power substation and the undeveloped Quarry Park site further east. Both of those sites are zoned R-1 and are not intended to develop residentially, but rather as public facilities. Therefore, the subject site is not committed to low density development as described in the above policy.

*Policy 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 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. 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.*

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.*

**APPLICANT’S RESPONSE:** The development will be high-density residential units with nine townhouse style dwellings units per acre. The current zoning of the site is lower density; however, the surrounding uses are electric power substation, multiple-family residential, residential, and religious services. The development is buffered by a collector/arterial street. The site is flat, with sufficient utilities to serve the construction of the first phase dental office. Additional sewer capacity is needed to complete the second phase multiple family housing units. The dental office and housing units are on a major street with direct access to public transit. The development is within one-quarter mile to commercial services and one and one-half miles to downtown McMinnville. Open space is located directly east of the site at Calvary Chapel and West McMinnville Linear Park is roughly one-quarter mile away.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2, #8, and #9.** The subject site is not committed to low density residential, as described in more detail in the finding for Policy 71.07 above. The site is accessed from 2<sup>nd</sup> Street, classified as a Minor Arterial in the 2010 McMinnville Transportation System Plan. A public transportation route is located along 2<sup>nd</sup> Street, and there are bus stops immediately east and west of the site at Meadows Drive and

Hillcrest Parkway. Both stops are within one-quarter mile of the site. There are no identified limitations to development based on the physical characteristics of the site.

As a minor arterial, 2<sup>nd</sup> Street is designed to accommodate 20,000 average daily trips (ADT) and to be adjacent to medium to high intensity development. A Trip Generation Memorandum dated November 27, 2019, evaluated potential traffic impacts associated with the zone change request concluded that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips, an increase of 159 ADT and 13 PM Peak Hour trips. Although the City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, the City evaluated standards in six comparable nearby cities and finds that the estimated trip generation created by the applicant's request does not warrant a more detailed traffic impact analysis, since the most conservative standard of comparable cities was that any development generating more than 200 ADT or 20 PM Peak Hour trips may have an effect on the transportation system and needs to conduct a Traffic Impact Analysis. The City finds that the trip increase due to the proposed development would not have significant effect on the existing transportation facilities and that there is capacity for the proposed development. To ensure that the future development of the site does not significantly effect the surrounding transportation network, a condition of approval has been included limiting uses on the site to those that generate trip increases of less than 200 ADT and 20 PM Peak Hour unless a Traffic Impact Analysis is completed and accepted by the City.

The final factor to be considered in the designation of an area for higher density residential use is that the site can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas. The areas immediately adjacent to the subject site to the north are established low density, single-family residential areas. Based on the orientation of the subject site and its access onto 2<sup>nd</sup> Street, the front yard of the site would be along the south property line. This would result in the north property line being treated as the rear yard. The rear yard setback in the R-4 zone is 20 feet. While this will provide space between the adjacent single family uses and the multiple-family residential uses that would be allowed on the site, there still could be adverse impacts of multiple-family development on the adjacent single family uses. One of those impacts could be additional vehicular traffic, noise, and headlight glare, as drive aisles and parking spaces do not require any specific setback in the R-4 zone.

To mitigate this, and to meet the Comprehensive Plan policy that requires buffering from low density residential areas, a condition of approval is included to require a dedicated 10 foot landscaped area along the entire north property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single family uses and the multiple-family development site. The exact species and type of fencing shall be approved by the Landscape Review Committee during the review of the landscape plan for any future development of the site.

In addition, a condition of approval is included to increase required setbacks if the maximum building height normally allowed in lower density residential zones is exceeded to better buffer the multiple-family development site from the adjacent low density residential areas. Currently the R-4 (Multiple-Family Residential) zone states all yards shall be increased over the requirements of the R-4 section by one (1) foot for each two (2) feet of building height over 35 (thirty-five) feet (Section 17.21.040). Since the subject site is adjacent to existing single family residential development, it is recommended that the language for increasing the yard setbacks relative to building height over 35 (thirty-five) feet be increased to one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet (which is the maximum building height in the adjacent R-2 zone).

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*Attachments:*

Attachment 1 - Application and Attachments

**CONDITION FOR FINDING:** That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the use(s) allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.

That yard setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.

That a dedicated 10 foot landscaped area be provided along the entire north property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single family uses and the multiple-family site. No improvements shall encroach on the dedicated landscaped area.

*Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development:*

1. *Areas which are not committed to low or medium density development;*
2. *Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential areas;*
3. *Areas which have direct access from a major collector or arterial street;*
4. *Areas which are not subject to development limitations;*
5. *Areas where the existing facilities have the capacity for additional development;*
6. *Areas within a one-half mile wide corridor centered on existing or planned public transit routes;*
7. *Areas within one-quarter mile from neighborhood and general commercial shopping centers; and*
8. *Areas adjacent to either private or public permanent open space.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2, #8, #9, AND #10.** The subject site is currently zoned for low-density residential development. However, the site better meets the locational criteria for high-density residential development. As discussed in findings above, the site is not committed to low or medium density development as described in the Comprehensive Plan.

The subject site can be buffered by landscaping from adjacent lower density residential areas immediately to the north. A condition of approval is included to require landscaping as buffering along the northern property line to maximize the privacy of established lower density residential areas adjacent to the site. The condition of approval also requires that a landscape plan be submitted for review, at which time the Landscape Review Committee would ensure that any proposed landscaping is achieving the required buffering effect.

In addition, because the request is to rezone a property with a lower residential density to a higher residential density that has adjacency to existing single family development, a condition of approval is included to increase required setbacks if the maximum building height normally allowed in lower density residential zones is exceeded. Currently the R-4 (Multiple Family Residential) zone states that a front yard shall not be less than 15 feet, a side yard shall not be less than six (6) feet, an exterior side yard shall not be less than 15 feet, and a rear yard shall not be less than 20 feet. Also, all yards shall be increased over the requirements of this section,

one (1) foot for each two (2) feet of building height over 35 (thirty-five) feet (Section 17.21.040). Since the subject site is adjacent to existing single family residential development, a condition of approval is included to require that yards be increased by one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet. Because there are no specific architectural plans associated with the applicant's request, this condition of approval will ensure that adequate spacing and buffering is provided.

Lower density residential areas south of the site are buffered by 2<sup>nd</sup> Street, which is identified as a minor arterial in the 2010 McMinnville Transportation System Plan. The minor arterial 2<sup>nd</sup> Street provides direct access to the property.

The site is not subject to development limitations, as the site has just a gentle slope from north to south and does not contain any significant natural or topographic features that would reduce or limit the developable area of the property.

The subject site is accessed and served by 2<sup>nd</sup> Street, identified as a minor arterial in the 2010 McMinnville Transportation System Plan. Minor arterials are designed to accommodate 20,000 Average Daily Trips and are intended to have medium to high density adjacent uses. An evaluation of proposed development's potential traffic impacts was completed by the applicant. On the applicant's behalf, DKS Associates provided a Trip Generation Memorandum dated November 27, 2019 concluding that the increase in trips generated as a result of the proposed development following the concurrent zone change and conditional use permit requests would not contribute a significant effect on 2<sup>nd</sup> Street and the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate 188 average daily trips (ADT) and 16 PM Peak Hour trips, an increase of 159 ADT and 13 PM Peak Hour trips. See Table 5 from the Memorandum below:

**Table 5: Proposed Development Trip Generation**

Land Use (ITE Code)	Size	Weekday Trip Generation		
		Daily	AM Peak Hour	PM Peak Hour
Multifamily Housing (Low-Rise)	9 DU <sup>a</sup>	66	4	5
Clinic (630)	3.2 KSF <sup>b</sup>	122	12	11
<b>Total Trips Generated (Proposed Development)</b>		<b>188</b>	<b>16</b>	<b>16</b>
<b>Total Trips Generated (Existing R-1 Zoning)</b>		<b>29</b>	<b>3</b>	<b>3</b>
<b>Net New Trips (Proposed Development – R-1 Zoning)</b>		<b>159</b>	<b>13</b>	<b>13</b>

<sup>a</sup> DU = Dwelling Unit

<sup>b</sup> KSF = 1,000 square-feet

The Memorandum did not provide a Traffic Impact Analysis (TIA) of the proposed development on the surrounding transportation network. A TIA would typically study Average Intersection Delay, Intersection Level of Service, and Volume-to-Capacity Ratio to determine the impact of the proposed development and if mitigation was necessary. However, the Memorandum concluded that a TIA was not necessary because the increase in trips generated by the proposed development would not contribute to a significant effect on the transportation system and would be consistent with the statewide Transportation Planning Rule Goal 12 requirements.

The City of McMinnville does not currently have standards that specify when a Traffic Impact Analysis is required. To determine what was considered to be a "significant effect" DKS Associates considered thresholds from other sources to quantify what is significant. Below is a table of other comparable municipalities and their thresholds for requiring a TIA:

Municipality	Trip Generation Increase Requiring Traffic Impact Analysis	
	Average Daily Trips	PM Peak Hour

*Attachments:*

Attachment 1 - Application and Attachments

Redmond, OR	200	20
Independence, OR	200	20
Grants Pass, OR	500 <sup>1</sup>	25 <sup>1</sup>
Newberg, OR	n/a	40
Albany, OR	n/a	50
Newport, OR	n/a	100
Salem, OR	1000 <sup>1</sup>	n/a
Salem, OR	200 <sup>2</sup>	n/a

<sup>1</sup> Arterial or Collector streets only

<sup>2</sup> Local streets only

The strictest standards for requiring a TIA are trip generation increases of 200 or more average daily trips or 20 or more PM Peak Hour trips (Redmond, OR and Independence, OR). Given that the proposed development would generate an increase of 159 ADT and 13 PM Peak Hour trips, both below the most conservative comparable standards for requiring a TIA, the Trip Generation Memorandum concludes that the applicant's requests does not warrant a more detailed traffic impact analysis. The City finds that the trip increase due to the proposed development would not have significant effect on the existing transportation facilities and that there is capacity for the proposed development.

The City concurs that the conservative standards of trip generation increases of 200 or more ADT or 20 or more PM Peak Hour trips are appropriate thresholds for determining significant effect on transportation systems, thereby requiring a Traffic Impact Analysis for a proposed development. To ensure that the future development of the site does not contribute significant effect to the surrounding transportation network by this standard, a condition of approval has been included limiting uses on the site to those that generate trip increases of less than 200 ADT and 20 PM Peak Hour unless a Traffic Impact Analysis is completed and accepted by the City.

Public transit is available adjacent to the property on 2<sup>nd</sup> Street. Yamhill County Transit Route 4 (McMinnville West Loop) has hourly stops immediately east and west of the site at Hillside Parkway and Meadows Drive during the service period Monday through Friday. **See Exhibit 5: Yamhill County Transit Route Map.** The site is located less than one-quarter mile from commercially zoned areas near the intersection of Hill Road and 2<sup>nd</sup> Street. **See Exhibit 6: Commercial Areas Within ¼ Mile Radius.**

The final criteria for determining areas appropriate for high-density residential development is adjacency of the site to public or private open space. The subject site is centrally located between several nearby parks and open spaces. Within a ¼ mile radius of the site are the Westside Bicycle/Pedestrian Greenway, Linear Park, and the undeveloped Quarry Park site. **See Exhibit 7: Public Parks Within ¼ Mile Radius.** However, despite its proximity to public open space, the subject site is not adjacent to public or private open space. The applicant has indicated that usable open space will be provided on-site for residents of the future multiple-family development. Therefore, a condition of approval is included to require seven (7) percent of the gross area of the site committed to multiple-family residential development be reserved for usable open space. Also included in the condition are minimum dimensional requirements to ensure the usability of the open space.



Exhibit 5: Yamhill County Transit Route Map

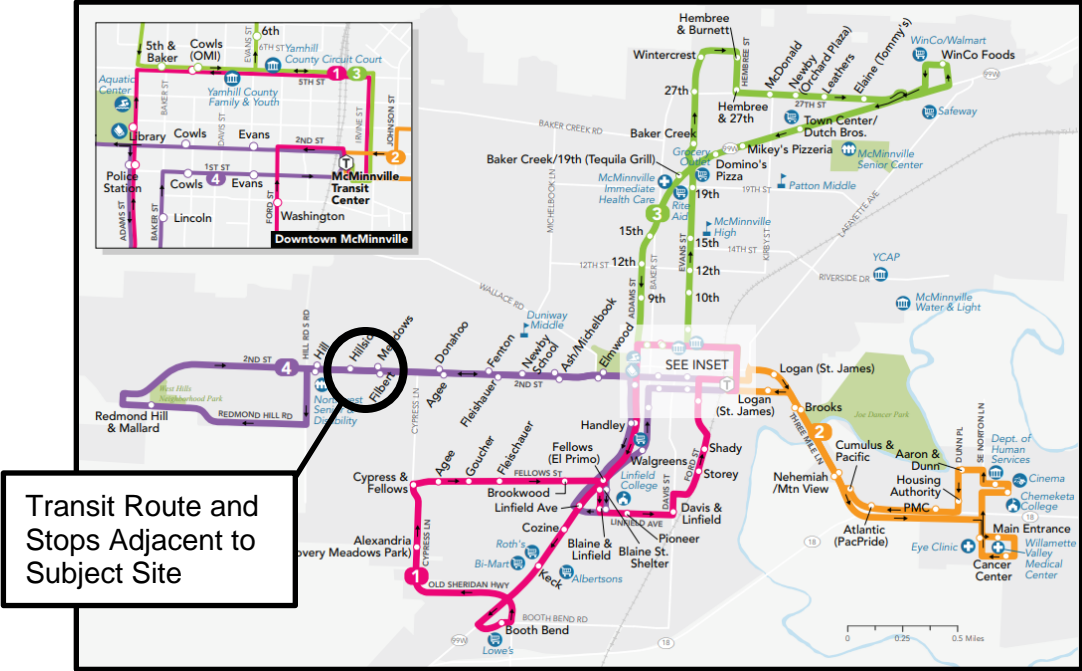
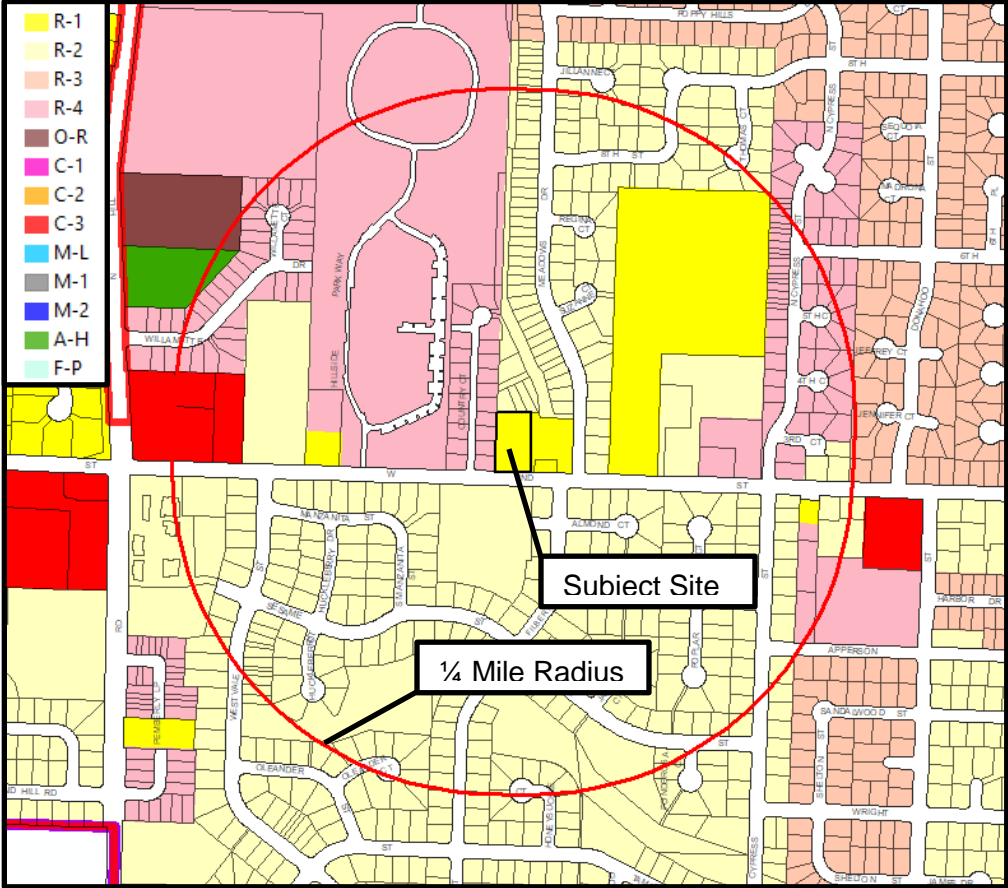
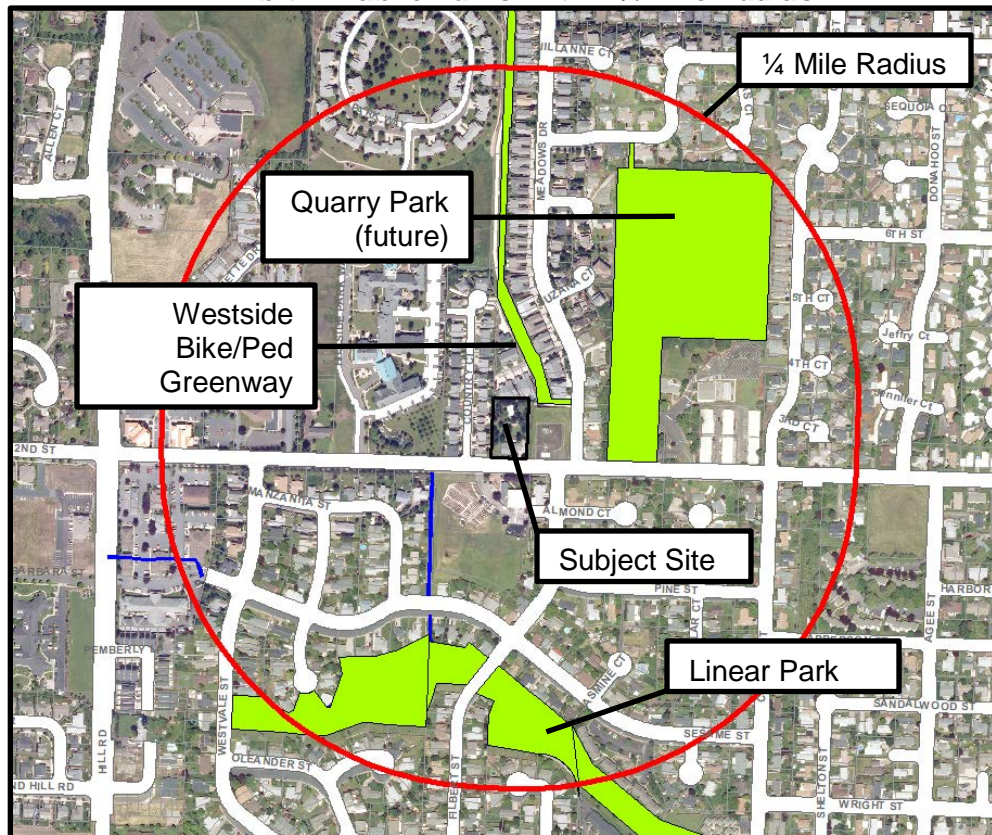


Exhibit 6: Commercial Areas Within ¼ Mile Radius



**Exhibit 7: Public Parks Within ¼ Mile Radius**

**CONDITIONS FOR FINDING:** That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the use(s) allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.

That yard setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.

That a dedicated 10 foot landscaped area be provided along the entire north property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single family uses and the multiple-family site. No improvements shall encroach on the dedicated landscaped area. Proposed plant material and fencing to provide required buffering shall be included on a landscape plan for the site that shall be submitted to the Landscape Review Committee for review and approval prior to the issuance of building permits.

That an additional area equivalent to seven (7) percent of the gross area of the site committed to multiple-family residential development shall be reserved for usable open space for residents of the multiple-family development. The usable open space area shall be in addition to the required landscape area along the north property line. The usable open space area shall also be a contiguous area with no dimension less than 10 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

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**Attachments:**

Attachment 1 - Application and Attachments

*Policy 86.00 Dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the City to avoid a concentration of people, traffic congestion, and noise. The dispersal policy will not apply to areas on the fringes of the downtown "core," and surrounding Linfield College where multiple-family developments shall still be allowed in properly designated areas.*

**APPLICANT'S RESPONSE:** The development meets the dispersal requirement with its location along a major street and surrounding residential housing units of varying densities.

**FINDING: SATISFIED.** The proposed zone change will allow for multiple-family housing in an area of the city that is not predominately high density residential housing. This disperses the density of the city throughout the community, but still does not result in an inundation of high density housing in the area of the subject site. The only other high density residential area in proximity to the subject site is a senior living community located immediately to the west. The other areas in proximity to the subject site are zoned for lower density residential uses, and the potential impacts of the proposed zone change and allowance for higher density residential uses on the subject site will be mitigated through the conditions of approval described in more detail above.

*Policy 89.00 Zoning standards shall require that all multiple-family housing developments provide landscaped grounds.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #13.** Landscaping is required for development in the R-4 zone, and a landscape plan will be required to be submitted for review and approval by the Landscape Review Committee prior to issuance of building permits for the site.

**CONDITION FOR FINDING:** That the applicant shall submit a landscape plan and Landscape Plan Review application to the McMinnville Landscape Review Committee for their review and approval prior to the issuance of building permits. All landscaping shall be installed as approved by the Landscape Review Committee prior to final building permit inspections being completed.

*Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes.*

*Policy 91.00 Multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development.*

*Policy 92.00 High-density housing developments shall be encouraged to locate along existing or potential public transit routes.*

**APPLICANT'S RESPONSE:** Located on SW 2<sup>nd</sup> Street, there is direct access to public transit resources and commercial amenities are located about one-quarter mile west and downtown McMinnville is one and a half miles east.

**FINDING: SATISFIED.** The subject site is accessed from 2<sup>nd</sup> Street, which is classified as a Minor Arterial in the 2010 McMinnville Transportation System Plan. An existing Yamhill County Transit Route is located on 2<sup>nd</sup> Street with stops immediately east and west of the subject site at Meadows Drive and Hillside Parkway. The site is within one-quarter mile of the commercially zoned area at the intersection of 2<sup>nd</sup> Street and Hill Road. **See Exhibit 5: Yamhill County**

***Transit Route Map (above) and Exhibit 6: Commercial Areas Within ¼ Mile Radius (above).***

An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant, concluding that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, established standards in nearby cities suggest that estimated trip generation created by the applicant's requests does not warrant a more detailed traffic impact analysis.

*Policy 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.*

**APPLICANT'S RESPONSE:** The proposed development is surrounded by compatible uses and is not near undesirable places or uses. The power generation substation on R1 zoned land directly east of the site is screened. Plant material will be used to further enhance the site and buffer the uses.

**FINDING: SATISFIED.** Staff concurs with the applicant's findings. All land adjacent to the subject site is designated as Residential on the Comprehensive Plan Map, indicating the adjacent uses are compatible. The site is adjacent to a McMinnville Water and Light electric substation that is currently screened by a privacy fence. The applicant notes that plant material will be used to buffer the uses. Landscaping is a requirement for development in the R-4 zone, and could be used to further screen and buffer the adjacent substation. A landscape plan for the proposed development would be required to be submitted for review and approval by the McMinnville Landscape Review Committee prior to the issuance of building permits.

*Policy 92.02 High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation.*

**APPLICANT'S RESPONSE:** The first phase dental office and second phase high density multiple-family residential are ideally situated for easy access to public transportation, shopping, schools, and parks.

**FINDING: SATISFIED.** The subject property is located approximately 2,800 feet (0.54 miles) west of Newby Elementary School and Duniway Middle School, and approximately 1,000 feet (0.20 miles) east of the commercially zoned area at the intersection of 2<sup>nd</sup> Street and Hill Road. Access from Meadows Drive to the Westside Bicycle/Pedestrian Greenway is an approximately 500 foot (0.10 mile) walk from the site. West McMinnville Linear Park is located south of 2<sup>nd</sup> Street, approximately 1,000 feet from the site. Undeveloped Quarry Park is approximately 500 feet east of the site. Public transportation is available on 2<sup>nd</sup> Street, with nearby bus stops at Meadows Drive and Hillside Parkway. ***See Exhibit 5: Yamhill County Transit Route Map (above), Exhibit 6: Commercial Areas Within ¼ Mile Radius (above), and Exhibit 7: Public Parks Within ¼ Mile Radius (above).***

*Policy 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).*

**APPLICANT’S RESPONSE:** All utilities are available to accommodate the construction of the first phase dental office. Additional sewer capacity is needed for the second phase multiple-family residential. The construction of the second phase will be timed with the upgrade to the city sewer service.

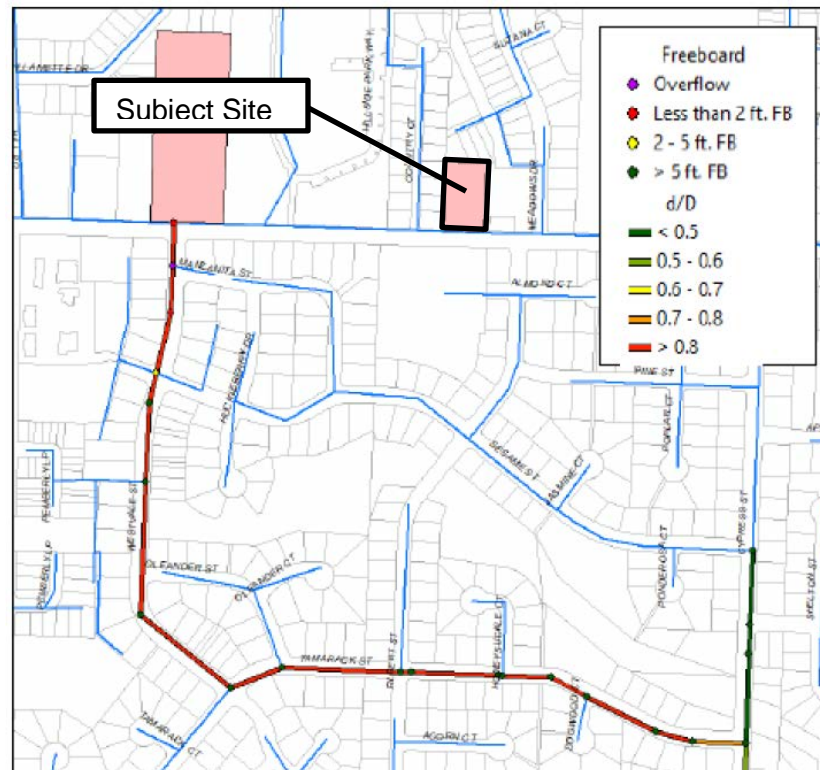
**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 AND #3.** Urban services, including sanitary sewer collection and disposal lines, storm sewer and drainage lines, improved streets, and municipal water distribution facilities and water supplies, currently are available to the property and adequately serve the current use, a single-family residence and zoning, R-1 (Single Family Residential). If approved, the request to rezone the property from R-1 to R-4 (Multiple-Family Residential) along with the concurrent conditional use permit request would allow more intense development of the site.

McMinnville Water and Light reviewed the application, and did not express concern about the provision of adequate water and electric services to serve the proposed uses in the proposed R-4 zone.

The Engineering Department reviewed the application, and provided comments that the current sanitary sewer and storm water conveyance systems would not support the more intense development allowed by the change to the R-4 zone. The City’s adopted Sanitary Sewer Conveyance System Master Plan from October, 2008 was prepared anticipating that the subject site would be developed as R-1 zoning at a density of 3.5 dwelling units per acre, illustrated by the adequate service to the existing use. The proposed upzone to R-4 was analyzed using the City’s conveyance system model, and it was determined that there is insufficient capacity downstream of the subject site for full development at densities allowed in the R-4 zone. Currently, the City has no plan in place to address the identified downstream capacity issues. **See Exhibit 8: Sanitary Sewer Capacity Analysis.**



### Exhibit 8: Sanitary Sewer Capacity Analysis



Pipe is full under future conditions.  
No available freeboard for additional flow.

Therefore, a condition of approval is included to require that the development of the site shall be limited to the flows assigned in the Sanitary Sewer Conveyance System Master Plan, 48 Equivalent Dwelling Unit Fixture Units, until such time as the downstream sanitary sewer capacity issues are addressed.

The calculation to determine the Equivalent Dwelling Unit (EDU) fixture units currently allowed for the site that are accommodated by the Sanitary Sewer Conveyance System Master Plan is shown below:

$$\begin{aligned} 48 \text{ EDU Fixture Units} &= [0.82 \text{ acres} \times 3.5 \text{ EDU/acre}] \times 16 \text{ Fixture Units/EDU} \\ &= 3 \text{ EDU (approx.)} \times 16 \text{ Fixture Units/EDU} \end{aligned}$$

Additionally, the Engineering Department provided comments that the City's Storm Drainage Master Plan indicates that there are pipeline capacity issues downstream of the subject site. Currently, the City has no plan in place to address storm system capacity issues. Therefore, a condition of approval is included to require that development of the site will require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan. These conditions will ensure that development on the subject site will not overburden the sanitary sewer and storm drainage conveyance systems downstream from the property. As the capacity of those systems are increased, more intense development as allowed by the R-4 zone would be permitted.

The subject site is accessed by NW 2<sup>nd</sup> Street, classified as a minor arterial in the 2010 McMinnville Transportation System Plan (TSP). The right-of-way width adjacent to the property is 60 feet, and the right-of-way is improved with two (2) travel lanes, a bike lane on the north side of the road, shoulders, curb and gutter, and a curb-tight sidewalks. The TSP indicates that the Complete Street cross section for a Minor Arterial includes five (5) foot wide sidewalks and

six (6) foot wide planter strips. Any necessary or required street improvements shall be required at the time of development of the subject site.

**CONDITIONS FOR FINDING:** That until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit Fixture Units, the flow assigned in the Sanitary Sewer Conveyance System Plan from October, 2008.

That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

**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*

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

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

*Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.*

**APPLICANT'S RESPONSE:** None.

**FINDING: FINDING: SATISFIED WITH CONDITION OF APPROVAL #2.** An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant and is described in more detail below. The conclusion was that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips, an increase of 159 ADT and 13 PM Peak Hour trips. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, but established standards in nearby cities suggest that the estimated trip generation created by the applicant's requests does not warrant a more detailed traffic impact analysis. To ensure that the roadway network continues to provide safe and easy access to the subject site and surrounding parcels, and that safe access flows are maintained, a condition of approval is included to limit the development of the site to uses that generate an increase of less than 200 ADT or 20 PM Peak Hour Trips unless a Traffic Impact Analysis is performed and accepted by the City.

**CONDITION FOR FINDING:** That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the uses allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.

*Policy 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.*



**APPLICANT’S RESPONSE:** Direct access from SW 2<sup>nd</sup> Street will serve eight to nine housing units and a dental office and adequate off-street parking has been provided to avoid on-street parking. Bicycle parking is also provided.

**FINDING: SATISFIED.** The subject property is directly accessed via 2<sup>nd</sup> Street, which is classified as a minor arterial. The property is not adjacent to another right-of-way to gain access from. Approval of the Zone Change Application would rezone the property from R-1 (Single-Family Residential) to R-4 (Multi-Family Residential). This would encourage redevelopment of the site from the existing small scale residential development (one single-family residence) to a larger scale residential development (eight to nine multi-family units). The multi-family residential development would occur during a second phase of development.

*Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications: [in part]*

1. *Major, minor arterials.*
  - *Access should be controlled, especially on heavy traffic-generating developments.*
  - *Designs should minimize impacts on existing neighborhoods.*
  - *Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*
  - *On-street parking should be limited wherever necessary.*
  - *Landscaping should be required along public rights-of-way.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #5.** An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant, concluding that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic following the rezone would generate an estimated 188 daily trips. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, but established standards in nearby cities suggest that the estimated trip generation created by the applicant’s requests does not warrant a more detailed traffic impact analysis. Therefore, controlled access would not be required, because the development following the rezone would not be considered heavy traffic-generating.

2<sup>nd</sup> Street is classified as a minor arterial in the City’s Transportation System Plan (TSP). The right-of-way width for 2<sup>nd</sup> Street adjacent to the property is 60 feet, however, the TSP identifies a right-of-way width of 76 feet for minor arterials. Therefore, prior to issuance of building permits for development on the site, the property owner will be required to dedicate additional right-of-way such that the total right-of-way is 38 feet wide north of the centerline for 2<sup>nd</sup> Street.

Currently, there is no on-street parking adjacent to the subject property, and on-street parking is not proposed.

Street trees are required in the public right-of-way for all new multi-family and commercial development with a dedicated planter strip or planting islands. Required street tree planting will be included on the landscape plan for the site to be reviewed and approved by the Landscape Review Committee prior to the issuance of building permits.

**CONDITIONS FOR FINDING:** That prior to the issuance of building permits, the applicant shall dedicate additional right-of-way such that the total right-of-way is 38’ wide north of the centerline for 2nd Street.

## Parking

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

*Policy 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.*

**APPLICANT’S RESPONSE:** Direct access from NW 2<sup>nd</sup> Street will serve eight to nine housing units and a dental office and adequate off-street parking has been provided to avoid on-street parking. Bicycle parking is also provided.

**FINDING: SATISFIED.** Staff concurs with the applicant’s finding. The proposed site plan, though not binding, indicates the incorporation of adequate off-street parking to meet the requirements of the intended uses. Off-street parking will be required based on the type of development and uses proposed and allowed on the subject site.

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

*Policy 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.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is adjacent to NW 2<sup>nd</sup> Street, which incorporates a dedicated bicycle lane that connects to nearby activity areas. If existing public sidewalks adjacent to the property are determined to be insufficient at the time of development, they will be required to be upgraded to Public Right-of-Way Accessibility Guidelines (PROWAG) as a condition of building permit approval.

## Complete Streets

*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:*
  - a. *Narrower traffic lanes;*
  - b. *Median refuges and raised medians;*
  - c. *Curb extensions (“bulb-outs”);*
  - d. *Count-down and audible pedestrian signals;*
  - e. *Wider sidewalks;*
  - f. *Bicycle lanes; and*
  - g. *Street furniture, street trees, and landscaping.*

**APPLICANT’S RESPONSE:** None.

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## Attachments:

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**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #7, #11, AND #12.** Currently, the street frontage adjacent to the subject site is improved with a curb-tight sidewalk. The 2010 McMinnville Transportation System Plan standards for minor arterials adjacent to residential areas include a five (5) foot wide sidewalk and a six (6) foot wide planter strip. Therefore, a condition to require the provision of new planter strip and sidewalk meeting Complete Streets standards is included. The addition of the planter strip along 2<sup>nd</sup> Street will allow for the addition of street trees in the right-of-way, and a condition requiring street trees is included as well.

**CONDITIONS FOR FINDING:** That driveway and sidewalk improvements within the site and adjacent to the site shall be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG).

That five (5) foot wide sidewalks and six (6) foot wide planter strips are provided along the property frontage in compliance with McMinnville's Transportation System Plan Complete Street Standards.

That the applicant shall plant street trees within curbside planting strips in accordance with a street tree plan to be prepared by the applicant and submitted to the Landscape Review Committee for their review and approval. The street tree plan shall identify the locations of all street lights, fire hydrants, utility vaults, transformers, and other public and private utilities. The placement of those utilities shall be strategic to allow for as many street trees to be planted within the right-of-way as possible. 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. In planting areas that may be constrained, additional consideration shall be given to the tree species and other planting techniques, as determined by the Landscape Review Committee, may be required to allow for the planting of street trees without compromising adjacent infrastructure. 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. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the sidewalk 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.

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

- 1. Sufficient municipal treatment 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.*

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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.*

*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 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 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.*

*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.*

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*Attachments:*

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**APPLICANT’S RESPONSE:** The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the first phase dental office. The construction of the second phase multiple family R4 density development will be coordinated with the City of McMinnville to align with their installation of added sewer capacity.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1 AND #3.** Based on comments received, adequate levels of 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.

The Engineering Department reviewed the application, and provided comments that the current sanitary sewer and storm water conveyance systems would not support the more intense development allowed by the change to the R-4 zone. The City’s adopted Sanitary Sewer Conveyance System Master Plan from October, 2008 was prepared anticipating that the subject site would be developed as R-1 zoning at a density of 3.5 dwelling units per acre, illustrated by the adequate service to the existing use. The proposed upzone to R-4 was analyzed using the City’s conveyance system model, and it was determined that there is insufficient capacity downstream of the subject site for full development at densities allowed in the R-4 zone. Currently, the City has no plan in place to address the identified downstream capacity issues. **See Exhibit 8: Sanitary Sewer Capacity Analysis (above).**

Therefore, a condition of approval is included to require that until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit Fixture Units, the flow assigned the site in the Sanitary Sewer Conveyance System Plan from October, 2008.

Additionally, the Engineering Department provided comments that the City’s Storm Drainage Master Plan indicates that there are pipeline capacity issues downstream of the subject site. Currently, the City has no plan in place to address storm system capacity issues. Therefore, a condition of approval is included to require that development of the site will require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

These conditions will ensure that development on the subject site will not overburden the sanitary sewer and storm drainage conveyance systems downstream from the property. As the capacity of those systems are increased, more intense development as allowed by the R-4 zone would be permitted.

**CONDITIONS FOR FINDING:** That until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit Fixture Units, the flow assigned the site in the Sanitary Sewer Conveyance System Plan from October, 2008.

That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

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

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*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.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** Emergency service departments were provided the opportunity to review and comment regarding this proposal, and their comments have been incorporated into this decision document.

**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.**

*Policy 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.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

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

*Policy 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.*

*Policy 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.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** McMinnville Water and Light and Northwest Natural Gas were provided the opportunity to review and comment regarding this proposal, and their comments have been incorporated into this decision document.

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

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** This proposal would amend the current zoning designation of the subject from R-1 (Single-Family Residential) to R-4 (Multi-Family Residential) to allow for future development of multiple-family housing products, thereby achieving a more compact form of urban development and energy conservation than would have been achieved otherwise.

**GREAT NEIGHBORHOOD PRINCIPLES**

*Policy 187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places*

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*include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

*Policy 187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.*

*Policy 187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

*Policy 187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.*

*Policy 187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.*

- 1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*
  - a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*
- 2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.*
  - a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*
- 3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*
  - a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
  - b. Central parks and plazas shall be used to create public gathering spaces where appropriate.*
  - c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*
- 4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*
  - a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of*



- reasons including, but not limited to, health, transportation, recreation, and social interaction.*
- b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*
- 5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*
- a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
- b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*
- 6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*
- a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
- b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*
- 7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*
- a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
- b. Design practices should strive for best practices and not minimum practices.*
- 8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
- a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
- b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
- c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*
- 9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*

- a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
  - b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
  - c. *Neighborhoods are designed such that owning a vehicle can be optional.*
10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*
- a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*
11. *Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*
- a. *A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*
12. *Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*
- a. *Neighborhoods shall have several different housing types.*
  - b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*
13. *Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*
- a. *Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*
  - b. *Opportunities for public art provided in private and public spaces.*
  - c. *Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood. (Ord 5066 §2, April 9, 2019)*

**APPLICANT’S RESPONSE:** There are not significant natural features, wetlands, wooded areas, or landmark trees on the site. Mature trees conflict with the development plan and will be replaced with landscape elements that enhance the site and fit the location. West McMinnville Linear Park is about one-quarter mile from the location and the owner will work with the City of McMinnville to possibly reduce the number of dwelling units by one unit to include an open space or gathering space for the benefit of the residents. Sidewalks and pedestrian connections will link the residents and dental office to SW 2nd Street to access transit, bicycle, and pedestrian resources to commercial centers, parks, schools, and downtown McMinnville. The dental office and housing units will be well designed and will create a small-scale neighborhood feeling. Landscape elements will also be used to enhance the space and make it inviting for people to dwell and actively use the site. Lighting will also be included for safety and to create visual interest. The accessibility and geographical nature of the location is ideal to permit easy access by transit, bicycle, walking, or vehicular transportation for the residents and employees. The number and size of dwelling units will increase the housing variety in McMinnville as well as the pricing for the housing.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #4 AND #10.** The City concurs with the applicant's finding. The application indicates that several of the Great Neighborhood Principles have been incorporated into the proposal to better integrate future development of the site into the surrounding neighborhood and to provide amenities to potential residents, employers, employees, and visitors that help create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens. The following Great Neighborhood Principles can be found in the concurrent zone change and conditional use requests:

*Natural Feature Preservation.* The applicant intends to preserve existing mature trees on the site where possible. A concern that was addressed at the Neighborhood Meeting was the balance between thinning trees for safety purposes, and retaining enough trees to offer privacy to existing adjacent neighborhoods. To ensure that mature trees are thoughtfully considered for removal or retention, a condition of approval is included to require a tree inventory and arborist's report be submitted to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH).

*Parks and Open Spaces.* The subject site is centrally located between several nearby parks and open spaces. Within a ¼ mile radius of the site are the Westside Bicycle/Pedestrian Greenway, Linear Park, and the undeveloped Quarry Park site. The applicant has indicated that usable open space will be provided on-site for residents of the future multiple-family development. A condition of approval is included to require seven (7) percent of the gross area of the site committed to multiple-family residential development be reserved for usable open space. Also included in the condition are minimum dimensional requirements to ensure the usability of the open space.

*Pedestrian Friendly & Bike Friendly.* The site will be connected and integrated to existing neighborhoods through existing sidewalks and bike lanes. The proximity to the Westside Bicycle/Pedestrian Greenway and Linear Park trails will encourage pedestrian and bicycle use. Other amenities such as commercial areas and schools are within walking and bicycling distance of the site.

*Human Scale Design.* A development concept discussed at the Neighborhood Meeting for the application was a multi-story mixed use building with residential and clinic uses. However, after hearing concerns from the neighbors above the potential height of future development, the concept was abandoned for a single story dental clinic building that will have a size, form, and proportionality more in scale with the adjacent properties and existing uses.

*Mix of Activities.* The concurrent applications for a zone change to allow multiple-family residential development and a conditional use permit to allow a dental clinic on the site would provide easy and convenient access to a local service that residents use on a daily basis.

*Housing for Diverse Incomes and Generations.* The proposed townhouse-style multiple-family residential housing development would add to the range of housing forms and types in the neighborhood to provide for housing choice at different income levels and for different generations.

*Housing Variety.* The proposed development includes a variety of building forms and architectural variety to avoid monoculture design. It adds a different housing type to the existing housing in the surrounding area to increase the overall variety available in the neighborhood.

**CONDITIONS FOR FINDING:** That a tree inventory and arborist's report be provided to the Planning Director for review and approval prior to the removal of any tree from the site greater

than nine (9) inches in diameter at breast height (DBH) measured 4.5 feet above ground. The inventory and report shall include trees at least nine (9) inches DBH in areas of the site which may be impacted by the construction of buildings, driveways or parking lots, utilities, or other improvements. The inventory and report shall be provided prior to the issuance of construction or building permits.

That an additional area equivalent to seven (7) percent of the gross area of the site committed to multiple-family residential development shall be reserved for usable open space for residents of the multiple-family development. The usable open space area shall be in addition to the required landscape area along the north property line. The usable open space area shall also be a contiguous area with no dimension less than 10 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

**GOAL X1: 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.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of 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:

**Chapter 17.74. Review Criteria**

**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:

**17.74.020(A).** *The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;*

**APPLICANT’S RESPONSE:** The zone change is consistent with the surrounding land uses. Neighboring properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across SW 2nd Street where Salvation Army is located, and R-4 multi-family residential to the west.

**Volume II Goals and Policies**

Preserve Quality of Air, Water, and Land Resources within the Planning Area 11:01.12 city 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.

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**Attachments:**

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**Air, Water, and Land Resources Preservation II Response:**

Residential and dental office uses will be compatible to the surrounding residential, power generation, and religious service uses. The dental office will operate normal business hours and will not emit loud, disturbing, or unnecessary noise. Plant material will be used to separate the land uses and to buffer the development from the traffic along SW 2nd St; in accordance with safe and visible access into the site and as required by development code.

Employment Diversification IV: 21.02 city shall encourage and support expansion or relocation of high-wage businesses in McMinnville; 21-03 city shall support existing businesses and the establishment of locally owned businesses; 27.00 neighborhood commercial uses will consist of neighborhood oriented businesses located on collector or arterial streets; 28.00 commercial planned development should be encouraged in the proximity of intersection of Hill Road and 2nd Street to service the needs of people in western McMinnville.

**Employment Diversification IV Response:**

As part of a conditional use, the dental office will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2nd Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial land use encouraged for sites near Hill Road and SW 2nd Street.

Housing V: 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities; 59.00 opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City; 68.00 McMinnville shall encourage compact urban development in the urban service area; 69.00 McMinnville shall explore the utilization of innovative land use regulatory ordinances to integrate the functions of housing, commercial, and industrial developments in a compatible framework; 70.00 McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives for a variety of housing types, densities, and price ranges to meet present and future community needs; 71.07 R-1 zoning designation applied to limited areas; 71.08 R-2, R-3, and R-4 permitted on lands exhibiting services and facilities capacity, within one mile of transit, lower sloped areas in West Hills, direct access from collector or arterial streets; 71.09 high density residential development (8-30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments: 1) areas not committed to low density, 2) areas with direct access from collector or arterial streets, 3) areas not subject to development limitations, 4) where existing facilities have the capacity for development, 5) areas within one-quarter mile of existing or planned public transportation, 6) areas buffered from low density residential areas to maximize privacy of established low density areas; 71.13 criteria determining areas appropriate for high-density residential development: 1) areas not committed to low or medium density development, 2) areas buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential, 3) areas with direct access from a major collector or arterial street, 4) areas not subject to development limitations, 5) areas where existing facilities have the capacity for additional development, 6) areas within one-half mile wide corridor centered on existing or planned public transit routes, 7) areas within one-quarter mile from neighborhood and general commercial shopping centers, and 8) areas adjacent to either private or public permanent open space; 86.00 dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the city to avoid a concentration of people, traffic congestion, and noise; 90.00 greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide

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**Attachments:**

Attachment 1 - Application and Attachments

corridor centered on existing or planned public transit routes; 91.00 multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined to have sufficient traffic carrying capacities; 92.00 high-density housing developments shall be encouraged to locate along existing or potential public transit routes; 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; 92.02 high-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation; 99.00 adequate level of urban services, 1) sanitary sewer, 2) storm sewer, 3) streets, 4) water; {121.00} discourage direct access of small-scale residential developments onto major/minor arterial streets and major collector streets; {126.00} adequate off-street parking and loading facilities; {187.50} McMinnville Great Neighborhood Principles, 1) natural feature preservation, 3) parks and open space, 4) pedestrian friendly, 5) bike friendly, 8) human scale design, 9) mix of activities, 11} housing for diverse incomes and generations, 12} housing variety.

#### Housing V Response:

(58.00) The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. (59.00, 68.00, 69.00, 70.00) The development concept adds to the mix of housing types available that are in high demand. The city has also identified a particular need for multiple-family housing options that this development will help to satisfy by offering smaller, townhouse style, individual two-story attached housing units for tenant and owner-occupied options. (71.08) The site is fully served by public and private utilities; with transportation access from SW 2nd Street. The zone change from R-1 to R-4 will help meet the city's objective for higher density on flat sites with access from collector or arterial streets and one mile from area transit. (71.09) The development will be high-density residential units with nine townhouse style dwelling units per acre. The current zoning of the site is lower density; however, the surrounding uses are electric power substation, multiple-family residential, residential, and religious services. The development is buffered by a collector/arterial street. The site is flat, with sufficient utilities to serve the construction of the first phase dental office. Additional sewer capacity is needed to complete the second phase multiple-family housing units. The dental office and housing units are on a major street with direct access to public transit. The development is within one-quarter mile to commercial services and one and one-half miles to downtown McMinnville. Open space is located directly east of the site at Calvary Chapel and West McMinnville Linear Park is roughly one-quarter mile away. (86.00) The development meets the dispersal requirement with its location along a major street and surrounding residential housing units of varying densities. (90.00, 91.00, 92.00) Located on SW 2nd Street, there is direct access to public transit resources and commercial amenities are located about one-quarter mile west and downtown McMinnville is one and a half miles east. (92.01) The proposed development is surrounded by compatible uses and is not near undesirable places or uses. The power generation substation on RI zoned land directly east of the site is screened. Plant materials will be used to further enhance the site and buffer the uses. (92.02, 99.00) The first phase dental office and second phase high density multiple-family residential are ideally situated for easy access to public transportation, shopping, schools, and parks. All utilities are available to accommodate the construction of the first phase dental office. Additional sewer capacity is needed for the second phase multiple-family residential. The construction of the second phase will be timed with the upgrade to the city sewer service. (121.00, 126.00) Direct access from SW 2nd Street will serve eight to nine housing units and a dental office and adequate off-street parking has been provided to avoid on-street parking. Bicycle parking is also provided. (187.50) There are not significant natural features, wetlands, wooded areas, or landmark trees on the site. Mature trees conflict with the development plan and will be replaced with landscape elements that enhance the site and fit the location. West McMinnville Linear Park is about one-quarter mile from the location and the owner will work with

the City of McMinnville to possibly reduce the number of dwelling units by one unit to include an open space or gathering space for the benefit of the residents. Sidewalks and pedestrian connections will link the residents and dental office to SW 2nd Street to access transit, bicycle, and pedestrian resources to commercial centers, parks, schools, and downtown McMinnville. The dental office and housing units will be well designed and will create a small-scale neighborhood feeling. Landscape elements will also be used to enhance the space and make it inviting for people to dwell and actively use the site. Lighting will also be included for safety and to create visual interest. The accessibility and geographical nature of the location is ideal to permit easy access by transit, bicycle, walking, or vehicular transportation for the residents and employees. The number and size of dwelling units will increase the housing variety in McMinnville as well as the pricing for the housing.

**FINDING: SATISFIED.** The proposed zone change is consistent with the goals and policies of the McMinnville Comprehensive Plan, as described on more detail above in the specific findings for each Comprehensive Plan goal and policy.

**17.74.020(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;*

**APPLICANT'S RESPONSE:** Surrounding properties are fully developed with similar uses. The zone change from R-1 to R-4 is timely because McMinnville has identified a need for multi-family housing options.

Surrounding zones are higher density R-2 and R-4.

**FINDING: SATISFIED.** The proposed zone change is orderly and timely, based on the pattern of development in the surrounding area. The development pattern in the surrounding area is varying. Within a quarter mile of the subject site, several different residential zones and housing types. To the west of the subject site are two (2) developments zoned R-4 (Multiple-Family Residential), the Country Crossings subdivision, and Hillside, a continuing care retirement community. Country Crossings features single family residences, and Hillside is a senior living facility featuring a campus with apartments, cottages, and a variety of accessory uses and services, including medical care. North of the site is low density single-family housing in the form of single-family dwellings and duplexes in the R-2 zoned (Single-Family Residential) Barclay Heights First Addition subdivision. Across 2<sup>nd</sup> Street from the subject site are the Westvale and Jandina subdivisions, also zoned R-2, are primarily single family residences with some duplexes. Also located across 2<sup>nd</sup> Street is the Salvation Army, a social services facility. East of the site is an electric substation, undeveloped park property, a church, and an apartment complex. The established development pattern for the larger surrounding area is clearly a mix of residential housing types and uses.

The subject site is the only parcel in the immediate vicinity that is zoned R-1 and developed with a single-family residence. The adjacent electric substation and nearby Quarry Park property are also zoned R-1, but are not developed with single-family residences. Therefore, the rezoning of the site to R-4 would be consistent with the zoning of other properties immediately adjacent to the site, and also would be consistent with the overall development pattern of the area. The rezoning of the property to R-4 will allow for more efficient and orderly development of land in this area of the city. Together with the adjacent land uses and pattern of development in the surrounding area, the subject site better meets the locational policies for higher density residential development.

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

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*Attachments:*

Attachment 1 - Application and Attachments



**APPLICANT’S RESPONSE:** The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the proposed development.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #1, #2, AND #3.** As described in findings above, utilities and services currently are available to the site and serve the property adequately for the existing use, a single family residence, and zoning, R-1 (Single Family Residential). If approved, the request to rezone the property from R-1 to R-4 (Multiple-Family Residential) along with the concurrent conditional use permit request would allow more intense development of the site.

McMinnville Water and Light reviewed the application, and did not express concern about the provision of adequate water and electric services to serve the proposed uses in the proposed R-4 zone.

The Engineering Department has identified downstream pipeline capacity issues for both the sanitary sewer system and the stormwater drainage system to accommodate full development of the site at densities allowed in the R-4 zone. Therefore, a condition of approval is included to require that the development of the site shall be limited to the flows assigned in the Sanitary Sewer Conveyance System Master Plan, 48 Equivalent Dwelling Unit Fixture Units, until such time as the downstream sanitary sewer capacity issues are addressed. Additionally, a condition of approval is included to require that development of the site will require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

These conditions will ensure that development on the subject site will not overburden the sanitary sewer and storm drainage conveyance systems downstream from the property. As the capacity of those systems are increased, more intense development as allowed by the R-4 zone would be permitted.

An evaluation of potential traffic impacts associated with the zone change request was completed by the applicant and is described in more detail in finding above. The conclusion was that the increase in trips generated as a result of the request to rezone the property would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips, an increase of 159 ADT and 13 PM Peak Hour trips over trips generated by full development at R-1 densities. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, but established standards in nearby cities suggest that the estimated trip generation created by the applicant’s requests does not warrant a more detailed traffic impact analysis and that the transportation facilities have the capacity for the additional proposed development.

The City concurs that the conservative standards of trip generation increases of 200 or more ADT or 20 or more PM Peak Hour trips identified in the applicant’s evaluation are appropriate thresholds for determining significant effect on transportation systems, thereby requiring a Traffic Impact Analysis for a proposed development. To ensure that the future development of the site does not contribute significant effect to the surrounding transportation network by this standard, a condition of approval has been included limiting uses on the site to those that generate less than 200 ADT and 20 PM Peak Hour trips unless a Traffic Impact Analysis is submitted and the conclusions are accepted by the City.

**CONDITIONS FOR FINDING:** That until such time that downstream sanitary sewer capacity issues are addressed, development of the site shall be limited to 48 Equivalent Dwelling Unit

Fixture Units, the flow assigned the site in the Sanitary Sewer Conveyance System Plan from October, 2008.

That, based on the analysis provided in the submitted Trip Generation Memorandum (November 27, 2019) prepared for the applicant by DKS Associates, the uses allowed on the site shall be limited to those which generate a net increase of less than 200 average daily trips or a net increase of less than 20 PM peak hour trips unless a Traffic Impact Analysis is submitted by the applicant and the conclusions of which are found to be acceptable to the City.

That development of the site shall require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

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.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** As addressed above, 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.

JF



**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 CONDITIONAL USE PERMIT FOR A DENTAL CLINIC AT 1945 NW 2<sup>nd</sup> STREET**

**DOCKET:** CU 4-19 (Zone Change)

**REQUEST:** Application for a Conditional Use Permit to allow the development of a dental clinic

**LOCATION:** 1945 NW 2<sup>nd</sup> Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.)

**ZONING:** R-4 (Multiple-Family Residential)

**APPLICANT:** Doug Egan, MD Builders, Inc., on behalf of Melinda Judd, property owner

**STAFF:** Jamie Fleckenstein, Associate Planner

**DATE DEEMED  
COMPLETE:** October 11, 2019

**DECISION MAKING  
BODY & ACTION:** The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

**DECISION DATE  
& LOCATION:** December 19, 2019, Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.

**PROCEDURE:** A concurrent application for a Conditional Use Permit is processed in accordance with the procedures in Section 17.72.070 and 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 Conditional Use Permit are specified in Section 17.74.030 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.

**APPEAL:** As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including

resolution of any local appeal. The deadline for the 120 day processing timeline is February 8, 2020.

**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 Conditional Use Permit (CU 4-19) to the McMinnville City Council **subject to the conditions of approval provided in this document.**

////////////////////////////////////  
**RECOMMENDATION: APPROVAL WITH CONDITIONS**  
 //////////////////////////////////////

City Council: \_\_\_\_\_  
 Scott Hill, Mayor of McMinnville

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

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

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

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

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

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*Attachments:*

Attachment 1 - Application and Attachments

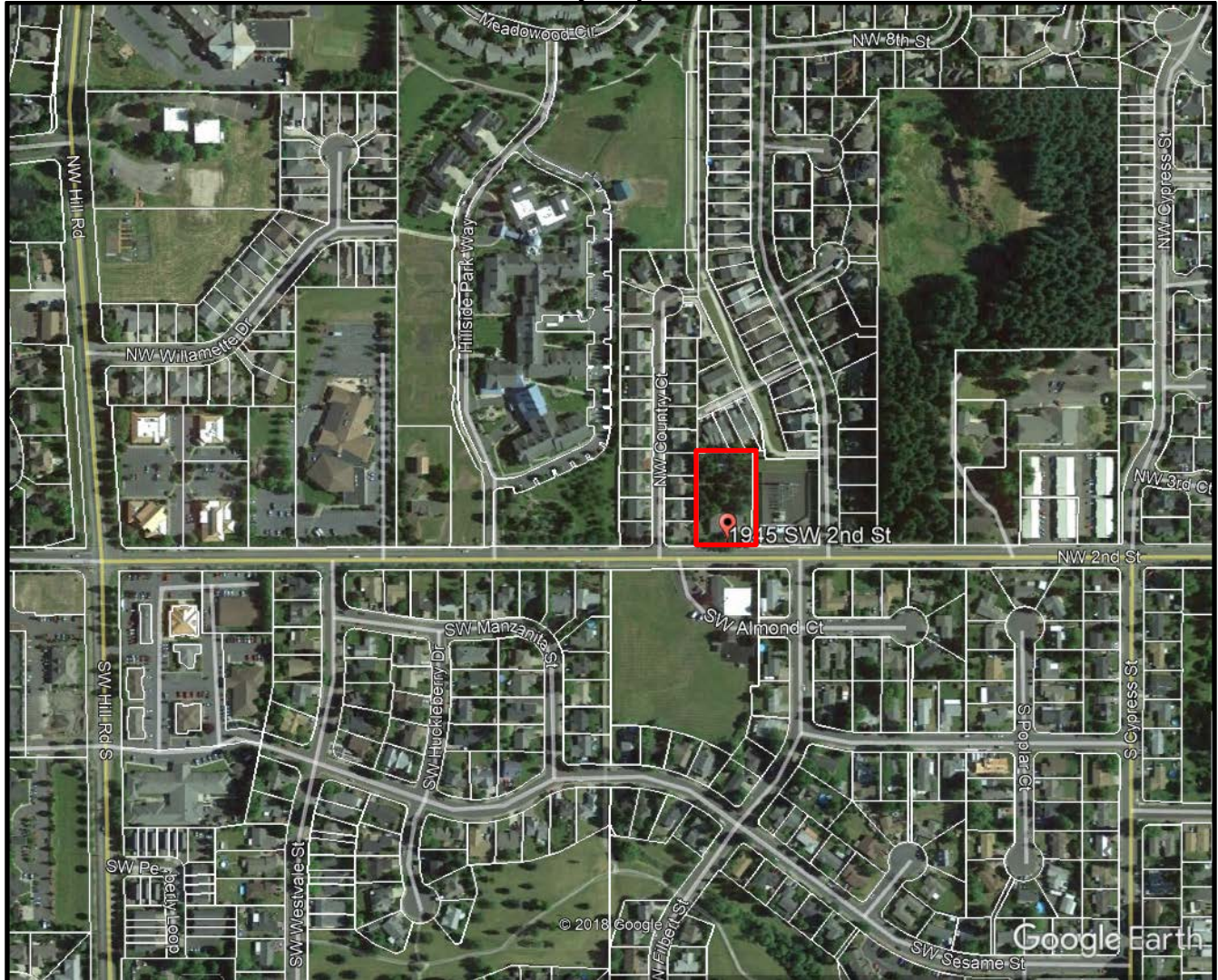
## **I. APPLICATION SUMMARY:**

The proposal is an application for Conditional Use Permit (CU 4-19) to allow for the construction of a new dental clinic. The application was submitted concurrently with an application for a Zone Change to rezone the subject property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential). Clinic is a conditional use in the R-4 zone.

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

The subject property is a 0.82 acre parcel located at 1945 NW 2<sup>nd</sup> Street, on the north side of NW 2<sup>nd</sup> Street between Meadows Drive and Hill Road. **See Exhibit 1: Vicinity Map & Aerial Photo.**

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



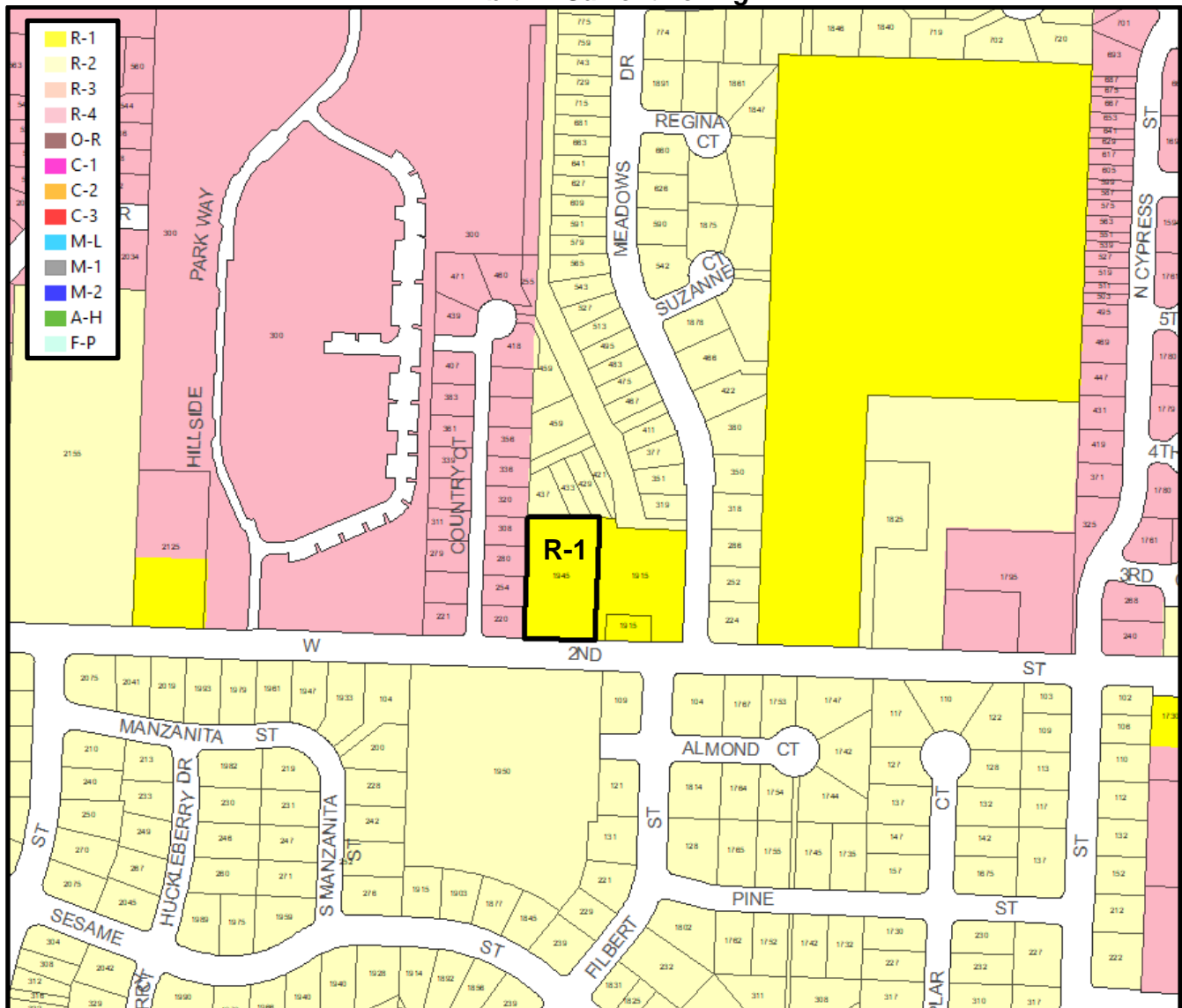
The subject property and property to the east are zoned R-1. Properties to the north and south are zoned R-2, and property to the west is zoned R-4. **See Exhibit 2: Current Zoning.** Predominant surrounding uses are single-family homes to the north and west, an electric sub-station to the east, and the Salvation Army McMinnville Corps Community Center is across 2<sup>nd</sup> Street to the south. The subject property is developed with a single-family residence and accessory structures, and mature trees provide substantial tree cover as shown in the aerial photo. Curb, gutter, and sidewalk are present along the property frontage on NW 2<sup>nd</sup> Street.

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#### ***Attachments:***

Attachment 1 - Application and Attachments

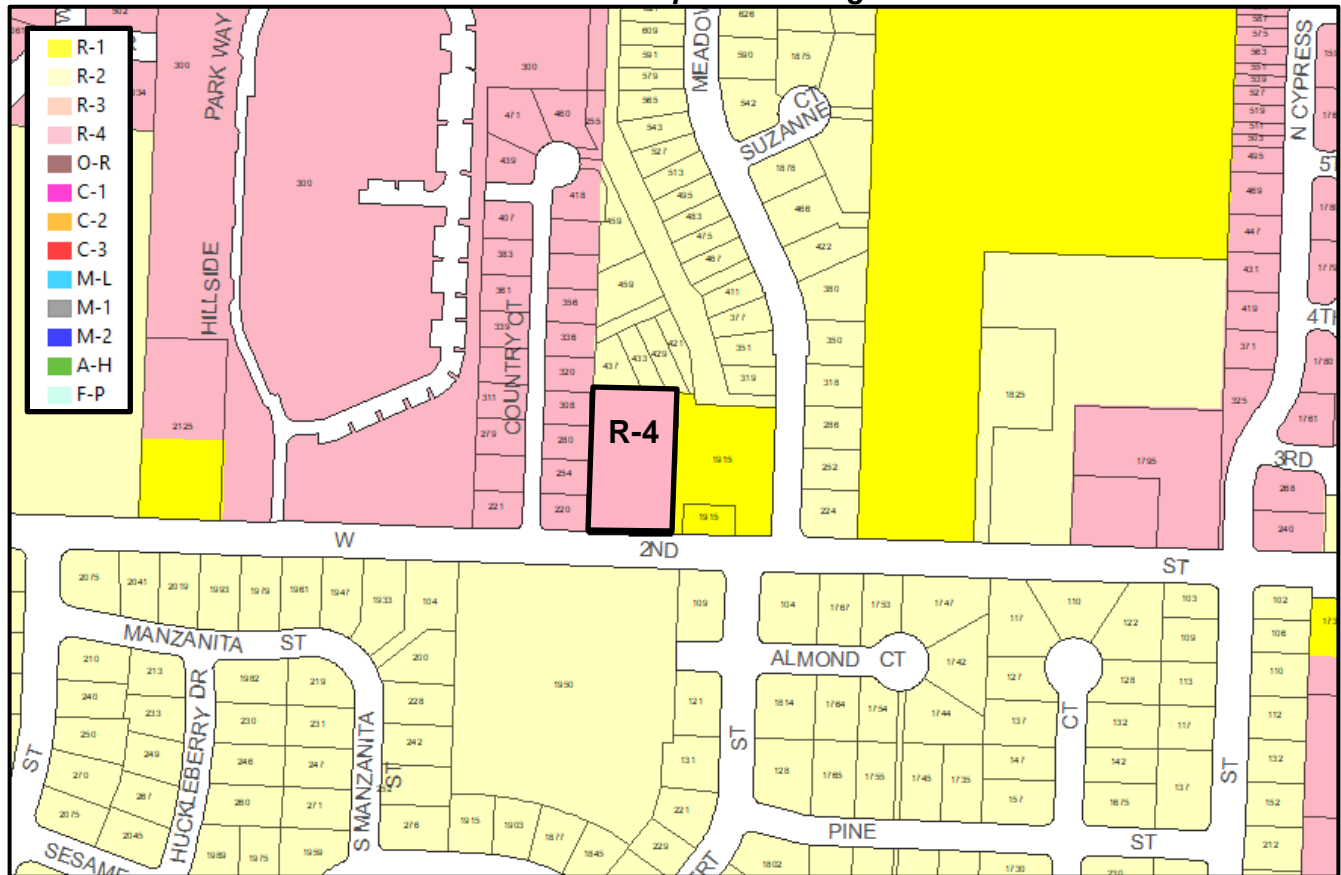
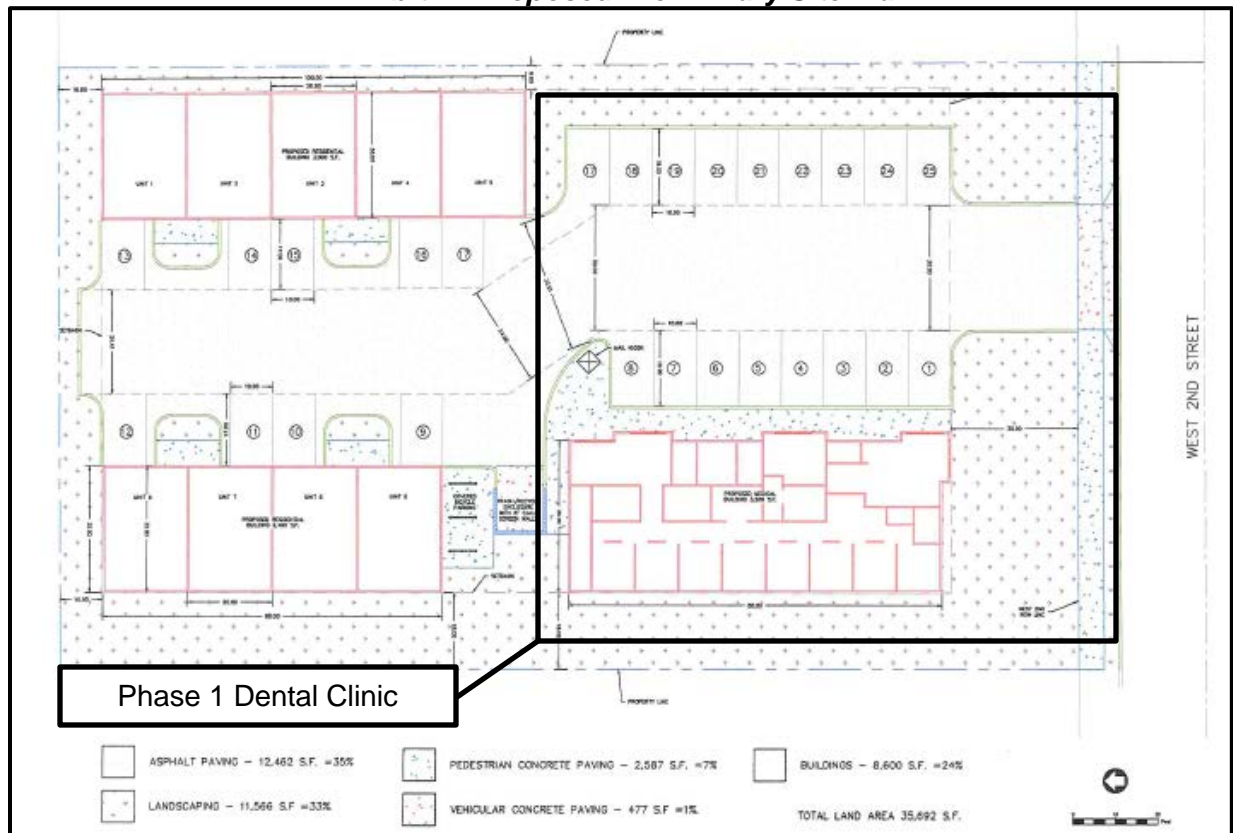


**Exhibit 2: Current Zoning**

The concurrent requests would rezone the property from R-1 to R-4 to allow multiple-family residential housing and approve the development of dental clinic on the site as a conditional use. **See Exhibit 3: Proposed Zoning.** The proposal would be developed in two phases: the first phase would include the approximately 3,200 square foot dental clinic and associated off-street parking on the south side of the lot, accessed from NW 2<sup>nd</sup> Street, and a future phase of development would include up to nine (9) townhouse-style multiple-family dwelling units on the northern half of the property. **Exhibit 4: Proposed Preliminary Site Plan** is provided for reference.

**Attachments:**

Attachment 1 - Application and Attachments

**Exhibit 3: Proposed Zoning****Exhibit 4: Proposed Preliminary Site Plan****Attachments:**

Attachment 1 - Application and Attachments



## **Summary of Criteria & Issues**

The application is subject to Conditional Use criteria in Section 17.74.030 of the Zoning Ordinance, which are intended to “weigh the 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 proposed location.” The Planning Commission may impose conditions 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.” The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The predominant issues with a conditional use of this scale relate to the interest of the surrounding area, often related to compatibility with nearby residential uses. Typical concerns associated with conditional uses in residential areas include compatibility with residential character, privacy, noise, parking, and traffic.

The specific review criteria for Conditional Uses in Section 17.74.030 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

- 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.

The applicant has provided findings to support the request for a Conditional Use. These will be discussed in detail in Section VII (Conclusionary Findings) below.

## **II. CONDITIONS:**

- 1. That the decision for approval of the Conditional Use Permit (CU 4-19) is not rendered, and does not take effect, until and unless the concurrent Zone Change (ZC 4-19) request is approved by City Council. All applicable conditions from Docket Number ZC 4-19 shall be satisfied.
- 2. That the structure housing the dental clinic shall be no more than thirty-five feet in height.

3. That sight-obscuring fencing be provided along the entire western property line, outside of the required front yard.
4. That lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to light on the intended target, and not result in skyward glare.
5. That the dental clinic's hours of operation shall be restricted to between 7:00 AM and 8:00 PM.

### **III. ATTACHMENTS:**

1. CU 4-19 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, Oregon Department of State Lands, Bonneville Power Administration, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments were received:

- McMinnville Engineering Department

Good morning – We have reviewed proposed ZC 4-19 and CU 4-19, and noted that neither application included any discussion re: the expected increase in traffic due to the proposals. Therefore, the applications should be considered incomplete, and they should be denied.

Other comments re: the proposals include:

- 2nd Street is classified as a minor arterial in the City's Transportation System Plan (TSP). The existing right-of-way width for 2nd Street is 60', and the TSP identifies a right-of-way width of 76' for minor arterials. Prior to this issuance of building permits for the project, the applicant will need to dedicate additional right-of-way such that the total right-of-way is 38' wide north of the centerline for 2nd Street.
- Prior to the issuance of building permits, the applicant shall also dedicate a 10' wide public utility easement along the property's 2nd Street frontage.
- As part of the development of the subject site, the applicant shall construct sidewalks meeting the TSP standard of 10-12' wide for commercial uses abutting a minor arterial.
- The City's adopted Sanitary Sewer Conveyance System Master plan (October 2008) was prepared anticipating that the subject site would be developed as R-1 zoning at a density of 3.5 dwelling units per acre. The proposed upzoning of the site was analyzed using the City's conveyance system model, and it was determined that there is insufficient system capacity downstream of the subject site. The applicant was notified of the downstream capacity issues on April 5, 2019 (see attached). There are no current plans to address the identified downstream capacity issues. Thus, as noted in the applicant's materials, until such time as the downstream sanitary sewer capacity issues are addressed, the development of the site will be limited to the flows assigned in the Sanitary Sewer Conveyance System Master plan: 3.29 equivalent dwelling units (0.94 acres x 3.5 equivalent dwelling units per acre).

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*Attachments:*

Attachment 1 - Application and Attachments

- The site plan does not reflect the existing 15' wide storm drainage easement along the site's west boundary.
- The City's Storm Drainage Master Plan indicates that there are pipeline capacity issues downstream of the subject site. The City does not have identified funding to address storm system capacity issues. Thus, the development of the subject site will require the installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

Good morning – The following information is in addition to the comments previously provided via email on October 21, 2019.

The revised materials related to traffic generation do not seem to be accurate. No technical information / data was provided with the materials, the narrative simply states the estimated average daily trips generated by the development will be 30.

The 10th Edition of the Institute of Traffic Engineers' "*Trip Generation Manual*" provides the following information for trip generation for the proposed uses:

- Multi-family housing (ITE code 220): Average rate for daily vehicle trip generation is 7.32 daily trips per dwelling unit; and
- Medical-Dental Office Building (ITE code 720): Average rate for daily vehicle trip generation is 34.80 daily trips per 1,000 square feet of gross floor area.

Thus the expected daily trip generation for the proposed development will be 177 vehicle trips:

- 7.32 trips per dwelling unit x 9 units = 66 daily trips for the residential use; and
- 34.80 trips per 1,000 sq ft x 3.2 = 111 daily trips for the dental office.

Given the lack of data to support the estimated daily trip number (30) provided by the applicant, and the lack of evidence to support that the transportation network will handle the actual estimated trip generation of 177 vehicle trips per day, the applications should be considered incomplete and they should be denied.

*NOTE: A trip generation memorandum was submitted on November 27, 2019, and after review, McMinnville Engineering had no further comments regarding the traffic impact.*

- McMinnville Water & Light  
No issues with Conditional Use. Developer, contact MWL to further discuss outlined section of attached PDF regarding power supply as well as water for phases I & II.
- Department of State Lands  
Please refer to the Statewide Wetlands Inventory (for you still the NWI for a few more months) and submit a wetland land use notice (WLUN) to the Department of State Lands if wetlands or waters are mapped near the project area. If construction will be delayed from the zone change and the applicant is still working on design the WLUN may be delayed. However, if aquatic resources are on site, then the sooner the identification of resource boundaries is done, then the applicant can have more surety in design etc. No time like the present. For more information about WLUN see <https://www.oregon.gov/dsl/WW/Pages/WetlandConservation.aspx> , or contact me. If it has been determined that no aquatic resources are within the project area, or you have already submitted a WLUN, please disregard this message.  
I have provided this notice to our proprietary program, they will comment separately if needed.

## Public Comments

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*Attachments:*

Attachment 1 - Application and Attachments

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, December 10, 2019. As of the date of the Planning Commission public hearing on December 19, 2019, no public testimony had been received by the Planning Department.

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

1. The applicant, Doug Egan of MD Builders, Inc., held a neighborhood meeting on July 29, 2019.
2. The applicant submitted the Conditional Use Permit application (CU 4-19) was submitted on August 23, 2019, concurrent with the Zone Change (ZC 4-19) application.
3. The application was deemed incomplete on September 19, 2019. The applicant submitted revised application materials on October 2, 2019.
4. Based on the revised application submittal, the application was deemed complete on October 11, 2019. Based on that date, the 120 day land use decision time limit expires on February 8, 2020.
5. 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.
6. Notice of the application and the December 19, 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 on Wednesday, November 27, 2019.
6. Notice of the application and the December 19, 2019 Planning Commission public hearing was published in the News Register on Tuesday, December 19, 2019 in accordance with Section 17.72.120 of the Zoning Ordinance. Notice of the application was also provided to the Department of Land Conservation and Development on October 17, 2019.
7. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.
8. On December 19, 2019, the Planning Commission held a duly noticed public hearing to consider the request.

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

1. **Location:** 1945 NW 2<sup>nd</sup> Street (Tax Lot 1500, Section 19AD, T. 4 S., R. 4 W., W.M.):
2. **Size:** 0.82 acres
3. **Comprehensive Plan Map Designation:** Residential

4. **Zoning:** R-4
5. **Overlay Zones/Special Districts:** None
6. **Current Use:** Single-family Residence
7. **Inventoried Significant Resources:**
  - a. **Natural Resources:** None
  - b. **Other:** None Identified
8. **Other Features:**
  - a. **Topography:** Generally level site slightly sloping north to south towards 2<sup>nd</sup> Street.
  - b. **Easements:** A stormwater easement runs along the west property line.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the property. Northwest Natural Gas and Comcast are both available to serve the site. Overhead utilities are present along the property frontage on 2<sup>nd</sup> Street.
10. **Transportation:** 2<sup>nd</sup> Street is identified as a Minor Arterial in the 2010 McMinnville Transportation System Plan (TSP). 2<sup>nd</sup> Street currently has a right-of-way width of 60 feet along the property frontage, which is improved with two (2) vehicular travel lanes, a dedicated bicycle lane on the north side of the street, shoulders, curb and gutter, and a curb-tight sidewalk. The TSP identifies a right-of-way width of 76 feet for minor arterials. Transit is available on 2<sup>nd</sup> Street, with nearby stops at Meadows Street and Hillside Park Way.
11. **Parks & Public Facilities:** Access from Meadows Drive to the Westside Bicycle/Pedestrian Greenway is an approximately 500 foot walk from the site. West McMinnville Linear Park is located south of 2<sup>nd</sup> Street, approximately 1000 feet from the site. Undeveloped Quarry Park is approximately 500 feet east of the site.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Conditional Use are specified in Section 17.74.030 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.

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

The following Goals and Policies 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.

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*Attachments:*

Attachment 1 - Application and Attachments

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.**

*Noise*

*Policy 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.*

**APPLICANT’S RESPONSE:** Residential and dental office uses will be compatible to the surrounding residential, power generation, and religious service uses. The dental office will operate normal business hours and will not emit loud, disturbing, or unnecessary noise. Plant material will be used to separate the land uses and to buffer the development from the traffic along SW 2nd St; in accordance with safe and visible access into the site and as required by development code.

**FINDING: SATISFIED.** The City concurs with the applicant’s finding, and adds that a landscape plan is required to be submitted for review and approval prior to the issuance of building permits. The landscape plan shall include buffering along the north property line as required by Condition of Approval #9 in Docket ZC 4-19.

**GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE’S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.**

**GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.**

*Policy 21.02 The City shall encourage and support the start up, expansion or relocation of high-wage businesses to McMinnville.*

*Policy 21.03 The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses. (Ord.4796, October 14, 2003)*

*Policy 27.00 Neighborhood commercial uses will be allowed in residential areas. These commercial uses will consist only of neighborhood oriented businesses and will be located on collector or arterial streets. More intensive, large commercial uses will not be considered compatible with or be allowed in neighborhood commercial centers.*

**APPLICANT’S RESPONSE:** As part of a conditional use, the dental office will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2nd Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial land use encouraged for sites near Hill Road and SW 2nd Street.

**FINDING: SATISFIED.** The City concurs with the applicant’s finding, and adds that 2<sup>nd</sup> Street, which would serve and provide access to the dental clinic, is classified as a minor arterial in the 2010 McMinnville Transportation System Plan.

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**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*

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

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

*Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The subject site is accessed and served by 2<sup>nd</sup> Street, identified as a minor arterial in the 2010 McMinnville Transportation System Plan. Minor arterials are designed to accommodate 20,000 Average Daily Trips and are intended to have medium to high density adjacent uses. A Trip Generation Evaluation of proposed development’s potential traffic impacts was completed by the applicant on November 27, 2019 concluding that proposed development, including the conditional use permit request, would not contribute a significant effect on 2<sup>nd</sup> Street and the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate 188 average daily trips (ADT) and 16 PM Peak Hour trips, an increase of 159 ADT and 13 PM Peak Hour trips over full development at R-1 densities. Condition of Approval #2 in Docket ZC 4-19 limits the increase in trips generated by development on the site, including the proposed dental clinic, to less than 200 ADT or 20 PM Peak Hour trips unless a Traffic Impact Analysis (TIA) is conducted and the results are accepted by the City. This will help ensure that the transportation network provides safe and easy access to every parcel and safe access flows through the network.

*Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications: [in part]*

1. *Major, minor arterials.*
  - *Access should be controlled, especially on heavy traffic-generating developments.*
  - *Designs should minimize impacts on existing neighborhoods.*
  - *Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*
  - *On-street parking should be limited wherever necessary.*
  - *Landscaping should be required along public rights-of-way.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** As discussed above, a Trip Generation evaluation of potential traffic impacts associated with the concurrent zone change and conditional use permit requests was completed by the applicant on November 27, 2019, concluding that the increase in trips generated as a result of the requests would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips, an increase of 159 ADT and 13 PM Peak Hour trips. The City of McMinnville does not currently have adopted standards that specify a trip generation threshold for a Traffic Impact Analysis, but has reviewed

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established standards in six comparable nearby cities suggest that the estimated trip generation created by the applicant's requests does not warrant a more detailed traffic impact analysis, with the most conservative standard being any development generating more than 200 ADT or 20 PM Peak Hour trips may have an effect on the transportation system and needs to conduct a Traffic Impact Analysis. Therefore, controlled access would not be required, because the development as proposed, including the dental clinic, would not be considered heavy traffic-generating.

2<sup>nd</sup> Street is classified as a minor arterial in the City's 2010 Transportation System Plan (TSP). The right-of-way width for 2<sup>nd</sup> Street adjacent to the property is 60 feet, however, the TSP identifies a right-of-way width of 76 feet for minor arterials. Therefore, prior to issuance of building permits for development on the site, the property owner will be required to dedicate additional right-of-way such that the total right-of-way is 38 feet wide north of the centerline for 2<sup>nd</sup> Street, as required by Condition of Approval #5 in Docket ZC 4-19.

Currently, there is no on-street parking adjacent to the subject property, and on-street parking is not proposed.

Street trees are required in the public right-of-way for all new multi-family and commercial development with a dedicated planter strip or planting islands. Required street tree planting will be included on the landscape plan for the site to be reviewed and approved by the Landscape Review Committee prior to the issuance of building permits.

### *Parking*

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

*Policy 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.*

**APPLICANT'S RESPONSE:** Direct access from NW 2<sup>nd</sup> Street will serve eight to nine housing units and a dental office and adequate off-street parking has been provided to avoid on-street parking. Bicycle parking is also provided.

**FINDING: SATISFIED.** Staff concurs with the applicant's finding. The City of McMinnville Zoning Ordinance requires off-street parking in the amount of "One space per 200 square feet of floor area" for "Medical or dental office, including clinic". A 3,200 square foot dental clinic as proposed would require 16 parking spaces. The proposed site plan, though not binding, indicates the incorporation of 17 off-street parking in the parking lot adjacent to the proposed clinic to meet the requirements of the intended uses. Additional off-street parking will be required based on the type of development and uses proposed and allowed on the subject site.

### *Complete Streets*

*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 Complete Streets policy is implemented: [in part]*

- 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:*

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- a. Narrower traffic lanes;
- b. Median refuges and raised medians;
- c. Curb extensions (“bulb-outs”);
- d. Count-down and audible pedestrian signals;
- e. Wider sidewalks;
- f. Bicycle lanes; and
- g. Street furniture, street trees, and landscaping.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** Right-of-way improvements consistent with applicable Complete Street Standards in the McMinnville Transportation System Plan are required through Conditions of Approval #7, #11, and #12 in Docket ZC 4-19, including compliance with Public Right-Of-Way Accessibility Guidelines, and the provision of sidewalks, planter strips, and street trees.

**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*

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

- 1. Sufficient municipal treatment 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*

*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.*

#### *Water System*

*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.*

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*Policy 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 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.*

*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.*

**APPLICANT'S RESPONSE:** The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the first phase dental office. The construction of the second phase multiple family R4 density development will be coordinated with the City of McMinnville to align with their installation of added sewer capacity.

**FINDING: SATISFIED.** Urban services, including sanitary sewer collection and disposal lines, storm sewer and drainage lines, improved streets, and municipal water distribution facilities and water supplies, currently are available to the property and adequately serve the current use, a single-family residence and zoning, R-1 (Single Family Residential). The concurrent requests to rezone the property from R-1 to R-4 (Multiple-Family Residential) and the conditional use permit request would allow more intense development of the site.

McMinnville Water and Light reviewed the application, and did not express concern about the provision of adequate water and electric services to serve the proposed uses in the proposed R-4 zone, including the dental clinic.

The Engineering Department has identified downstream pipeline capacity issues for both the sanitary sewer system and the stormwater drainage system to accommodate full development of the site at densities allowed in the R-4 zone, including the dental clinic. Therefore, a Conditions of Approval #1 and #3 in Docket ZC 4-19 require that the development of the site shall be limited to the flows assigned in the Sanitary Sewer Conveyance System Master Plan, 48 Equivalent Dwelling Unit Fixture Units, until such time as the downstream sanitary sewer capacity issues are addressed and that that development of the site will require installation of storm drainage detention facilities meeting the requirements of the Storm Drainage Master Plan.

These conditions in Docket ZC 4-19 will ensure that development on the subject site will not overburden the sanitary sewer and storm drainage conveyance systems downstream from the property. As the capacity of those systems are increased, more intense development as allowed by the R-4 zone would be permitted.

#### *Police and Fire Protection*

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

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*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.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** Emergency service departments were provided the opportunity to review and comment regarding this proposal, and their comments have been incorporated into this decision document.

**GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMinnville Comprehensive Plan**

**GREAT NEIGHBORHOOD PRINCIPLES**

*Policy 187.10 The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

*Policy 187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today’s technology and infrastructure, and can accommodate future technology and infrastructure.*

*Policy 187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

*Policy 187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.*

*Policy 187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.*

*1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*

*a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

*2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.*

- a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*
- 3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*
  - a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
  - b. Central parks and plazas shall be used to create public gathering spaces where appropriate.*
  - c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*
- 4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*
  - a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
  - b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*
- 5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*
  - a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
  - b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*
- 6. Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*
  - a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
  - b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*
- 7. Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*
  - a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
  - b. Design practices should strive for best practices and not minimum practices.*

8. *Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
  - a. *The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
  - b. *Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
  - c. *Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*
9. *Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*
  - a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
  - b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
  - c. *Neighborhoods are designed such that owning a vehicle can be optional.*
10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*
  - a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*
11. *Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*
  - a. *A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*
12. *Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*
  - a. *Neighborhoods shall have several different housing types.*
  - b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*
13. *Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*
  - a. *Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*
  - b. *Opportunities for public art provided in private and public spaces.*
  - c. *Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved*

*surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood. (Ord 5066 §2, April 9, 2019)*

**APPLICANT'S RESPONSE:** There are not significant natural features, wetlands, wooded areas, or landmark trees on the site. Mature trees conflict with the development plan and will be replaced with landscape elements that enhance the site and fit the location. West McMinnville Linear Park is about one-quarter mile from the location and the owner will work with the City of McMinnville to possibly reduce the number of dwelling units by one unit to include an open space or gathering space for the benefit of the residents. Sidewalks and pedestrian connections will link the residents and dental office to SW 2nd Street to access transit, bicycle, and pedestrian resources to commercial centers, parks, schools, and downtown McMinnville. The dental office and housing units will be well designed and will create a small-scale neighborhood feeling. Landscape elements will also be used to enhance the space and make it inviting for people to dwell and actively use the site. Lighting will also be included for safety and to create visual interest. The accessibility and geographical nature of the location is ideal to permit easy access by transit, bicycle, walking, or vehicular transportation for the residents and employees. The number and size of dwelling units will increase the housing variety in McMinnville as well as the pricing for the housing.

**FINDING: SATISFIED WITH CONDITIONS OF APPROVAL #2.** The City concurs with the applicant's finding. The application indicates that several of the Great Neighborhood Principles have been incorporated into the proposal to better integrate future development of the site into the surrounding neighborhood and to provide amenities to potential residents, employers, employees, and visitors that help create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens. The following Great Neighborhood Principles can be found in the conditional use request:

*Natural Feature Preservation.* The applicant intends to preserve existing mature trees on the site where possible. A concern that was addressed at the Neighborhood Meeting was the balance between thinning trees for safety purposes, and retaining enough trees to offer privacy to existing adjacent neighborhoods. A tree inventory and arborist's report be submitted to the Planning Director for review and approval prior to the removal of any tree greater than nine (9) inches in diameter at breast height (DBH) is required by Condition of Approval #4 in Docket ZC 4-19.

*Pedestrian Friendly & Bike Friendly.* The site will be connected and integrated to existing neighborhoods through existing sidewalks and bike lanes. The proximity to the Westside Bicycle/Pedestrian Greenway and Linear Park trails will encourage pedestrian and bicycle use. Other amenities such as commercial areas and schools are within walking and bicycling distance of the site.

*Human Scale Design.* A development concept discussed at the Neighborhood Meeting for the application was a multi-story mixed use building with residential and clinic uses. However, after hearing concerns from the neighbors about the potential height of future development, the concept was abandoned for a single story dental clinic building that does not include residential dwelling units that will have a size, form, and proportionality more in scale with the adjacent properties and existing uses. A condition of approval is included to limit the dental clinic structure to no more than thirty-five in height, the maximum height of the R-1 zone.

*Mix of Activities.* The concurrent applications for a zone change to allow multiple-family residential development and a conditional use permit to allow a dental clinic on the site would allow multiple uses on the site and provide easy and convenient access to a local service that residents use on a daily basis.



**CONDITIONS FOR FINDING:** That the structure housing the dental clinic shall be no more than thirty-five feet in height.

**GOAL X1: 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.*

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of 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:

**Chapter 17.03. General Provisions**

**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.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

**Chapter 17.21 Multiple-Family Residential Zone**

**17.21.020 Conditional Uses.** In an R-4 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74.030:: [...]

J. Hospital and clinic;

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The applicant has submitted a concurrent application to rezone the subject site from R-1 (Single Family Residential) to R-4 (Multiple Family Residential). The R-4 zoning district would allow for the intended dental clinic use of the property as a conditional use. A dental clinic is consistent with the definition of “Clinic” in Section 17.06.015 of the McMinnville Municipal Code, which is “A medical facility for the treatment and examination of outpatients, conducted by a group of physicians, dentists and other licensed practitioners.”

**Chapter 17.57 Landscaping**

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**17.57.030 Zones where required.** Landscaping shall be required in the following zones except as otherwise noted:

A. R-4 (Multiple-Family Residential zone, except the construction of Single-Family or Two-Family Residential unit);

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The applicant has stated in the request that landscaping will be used to buffer and enhance the site. A landscape plan is required to be submitted for review and approval by the Landscape Review Committee prior to the issuance of building permits.

## Chapter 17.58 Trees

**17.58.080 Street Tree Planting—When Required.** All new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots fronting on a public roadway which has a designated curb-side planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section 17.58.090.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** Following the provision of planter strips as required in Condition of Approval # 11 in Docket ZC 4-19, street trees are required to be planted within the planter strips adjacent to the subject site. A street tree planting plan shall be included in the landscape plan required to be reviewed and approved by the Landscape Review Committee prior to the issuance of building permits.

## Chapter 17.74 Review Criteria

### **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:** The health clinic/dental office use is consistent with the surrounding land uses. Neighboring properties are single-family residential R-2 to the north, R-1 on the property to the east, where a power substation is the present use, R-2 to the south across SW 2nd Street where Salvation Army is located, and R-4 multi-family residential to the west.

### Volume II Goals and Policies

Employment Diversification IV: 21.02 city shall encourage and support expansion or relocation of high-wage businesses in McMinnville: 21-03 city shall support existing businesses and the establishment of locally owned businesses: 27.00 neighborhood commercial uses will consist of neighborhood oriented businesses located on collector or arterial streets: 28.00 commercial

planned development should be encouraged in the proximity of intersection of Hill Road and 2nd Street to service the needs of people in western McMinnville.

**Employment Diversification IV Response:**

The health clinic/dental office building will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2<sup>nd</sup> Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial/and use encouraged for sites near Hill Road and SW 2nd Street.

Housing V: 68.00 McMinnville shall encourage compact urban development in the urban service area; 69. 00 McMinnville shall explore the utilization of innovative land use regulatory ordinances to integrate the functions of housing, commercial, and industrial developments in a compatible framework; 70.00 McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives for a variety of housing types, densities, and price ranges to meet present and future community needs; 71.07 R-1 zoning designation applied to limited areas; 71.08 R-2, R-3, and R-4 permitted on lands exhibiting services and facilities capacity, within one mile of transit, lower sloped areas in West Hills, direct access from collector or arterial streets.

**Housing V Response:**

The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. The concept provides a variety of housing types that are in high demand in the community. The site is fully served by public and private utilities; with transportation access from SW 2<sup>nd</sup> Street. The zone change from R-1 to R-4 and planned development overlay will help meet the city's objective for higher density and mixed-uses on flat sites with access from collector or arterial streets and one mile from area transit.

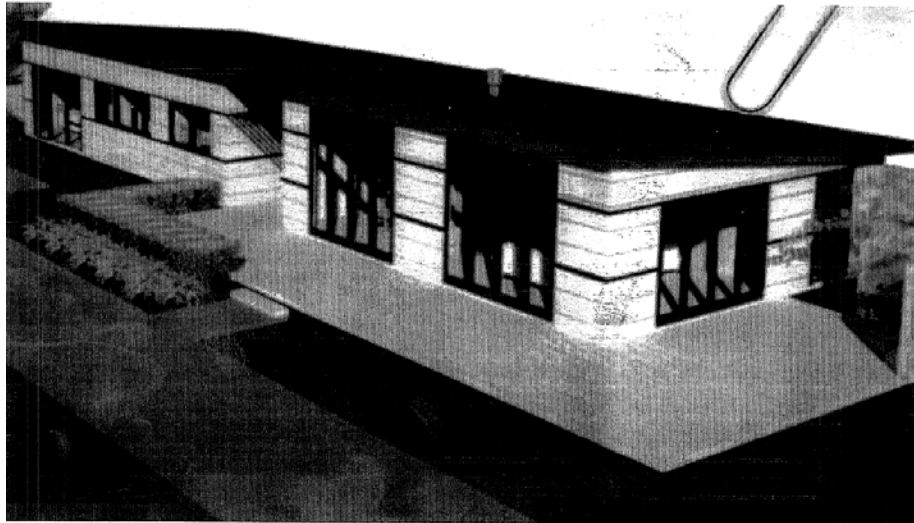
**FINDING: SATISFIED.** The City concurs with the applicant's findings, but notes that the Housing policies referred to in the applicant's response are not applicable to the Conditional Use Permit request to allow a dental clinic. More specific findings are provided for the applicable Comprehensive Plan goals and policies in Section VII (Conclusionary Findings) above.

**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:** The size, design, and operating characteristics are compatible with the neighboring properties. The dental office use is consistent with the surrounding land uses. Abutting properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across SW 2nd Street where Salvation Army is located, and R-4 multi-family residential to the west. The scale and density of the proposed development will be varied; with a single story professional health clinic/dental practice as an accessory to the adjacent multi-family building. The uses fit in the context of the surrounding uses and provide additional services and housing options to the community and will be consistent with the feel of the area. The proposed development will be complimentary to the neighborhood and will be adequately served by established public infrastructure.

**FINDING: SATISFIED WITH CONDITION #3, AND #4.** The City concurs with the applicant's findings, and further adds that the details of the proposed dental clinic as outlined in the application would have minimal impact on the livability or development of abutting properties or the surrounding neighborhood. The dental clinic is proposed to be located adjacent to 2<sup>nd</sup> Street, where required off-street parking would easily be accessed from. The building itself is oriented to the east on the site plan, with the front façade and activity associated with the front entrance facing away from the adjacent single family residences west of the site. While specific architectural plans of the clinic were not included in the application, a conceptual image was presented at the neighborhood meeting. The clinic is proposed to be a single-story building, consistent with those residences closest to the proposed location. Between the proposed clinic and adjacent homes to the west is a storm drainage easement with many mature trees and a privacy fence along the western property line. At the neighborhood meeting, a concern from neighbors was the condition of the existing fencing between the properties. Neighboring property owners indicated that the fence should be revamped or replaced to provide a higher level of privacy and buffering of the uses. Therefore, a condition of approval is included to require the provision of sight-obscuring fencing along the entire western property line of the subject site, outside of the required front yard where fence height is restricted to three (3) feet or less. The retention of mature trees and fence will screen and buffer the proposed clinic from adjacent properties, limiting the impact of the conditional use on the neighboring properties.

**Dental Clinic Concept Image**



To accommodate employees and patients, the dental clinic will have an associated off street parking lot. A concern of neighbors expressed at the neighborhood meeting was that sufficient lighting be provided in the parking lot for safety and security purposes. Care should be taken to ensure that the majority of exterior lighting of the dental clinic and parking lot reaches its intended target and reduces vertical and lateral glare that may impact neighboring properties. Therefore, a condition is included to require that lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to light on the intended target, and not result in skyward glare.

The dental clinic is proposed to be 3,200 square feet, which is not out of scale with nearby buildings and uses. Across 2<sup>nd</sup> Street from the subject site to the south is the Salvation Army facility, and further west of the site is the Hillside facility, both of which are larger in scale and site coverage than the proposed clinic.

As a professional dental clinic, the operating characteristics would have minimal impact on surrounding properties. The typical business hours of the clinic would be compatible with the

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*Attachments:*

Attachment 1 - Application and Attachments

surrounding neighborhood. Business activity, noise, and traffic would be limited to within normal business hours during the week.

As discussed in findings above, an identified sanitary sewer capacity issue downstream from the subject site requires the clinic to be restricted in the number of fixture units that can be installed, limiting the flow to the sewer system so as not to overburden it. Similarly, the development of the proposed dental clinic would be required to include storm water detention on-site to mitigate identified downstream pipe capacity issues. This would assure the proposed development does not overburden the storm water system. These requirements help ensure that the proposed development would not unduly impact nearby properties or limit their development potential.

An evaluation of potential traffic impacts associated with the concurrent zone change and conditional use permit requests was completed by the applicant, concluding that the increase in trips generated as a result of the requests would not contribute a significant effect on the surrounding transportation network. The study found that the proposed development of nine (9) townhomes and a 3,200 square foot dental clinic would generate an estimated 188 daily trips, an increase of 159 ADT and 13 PM Peak Hour trips. The City of McMinnville does not currently have standards that specify a trip generation threshold for a Traffic Impact Analysis, but established standards in nearby cities suggest that the estimated trip generation created by the applicant's requests is less than the most conservative standards and does not warrant a more detailed traffic impact analysis. If the proposed development were to generate more trips than those conservative standards used in the evaluation, a full Traffic Impact Analysis would be required to measure the impact on the surrounding street network and to recommend mitigation, if necessary.

**CONDITIONS FOR FINDING:** That sight-obscuring fencing be provided along the entire western property line, outside of the required front yard.

That lighting of parking and landscaped areas shall be directed into or on the site and away from property lines. Building accent lighting shall be directed and/or shielded to light on the intended target, and not result in skyward glare.

**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:** Abutting properties house conditional uses that include electrical power generation and church services. The health clinic/dental service will fit with the neighborhood and it is less of an impact visually and to public infrastructure than the higher density building development permitted in the R- 4 zone.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that the location, site, design, and operations of the substation facility will not cause any significant adverse impact on the livability, value, or appropriate development of abutting properties, based on the description of the location, site, design, and operations and the additional conditions of approval described in the finding for 17.74.030(B) above.

**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:** The design, placement, and variety of buildings fit the nature of the setting and will complement the area. The health clinic and multi-family buildings will be in an urban area located off SW 2<sup>nd</sup> Street which is a major arterial street classification. The project will help the City of McMinnville with its goal to expand high-wage business growth, locate health and housing options close to residents, and invest in urban infill along major street corridors.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that the location, site, design, and operations of the dental clinic will be as attractive as the nature of the use and its setting warrant, based on the description of the location, site, design, and operations and the additional conditions of approval described in the finding for 17.74.030(B) above. The City also notes that 2<sup>nd</sup> Street is classified as a minor arterial street.

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

**APPLICANT'S RESPONSE:** Not applicable; urban infill site that is flat and without unique environmental assets. Mature trees will be preserved to the extent possible.

**FINDING: SATISFIED.** The City concurs with the applicant's findings. As discussed in more detail above, existing mature trees on the site will be preserved where practical.

**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:** The intent is to provide a variety in development pattern and mixed uses for community benefit through an increase in housing options and access to health services.

**FINDING: SATISFIED.** The City concurs with the applicant's findings.

**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.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED WITH CONDITION OF APPROVAL #5.** Conditions of approval have been included as specified by this Ordinance to limit the size of the proposed dental clinic to one story, provide sight-obscuring fencing along the western property line, and to require the shielding of exterior lighting associated with the dental clinic.

An additional condition of approval is recommended to restrict the hours of operation of the dental clinic from 7:00 AM to 8:00 PM. These operating hours coincide with the nuisance noise code for businesses adjacent to residential zones.

These conditions help preserve the best interest of the surrounding area and community as a whole.

**CONDITION FOR FINDING:** That the dental clinic's hours of operation shall be restricted to between 7:00 AM and 8:00 PM.

JF



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

**PUBLIC HEARING NOTICE**  
**PLANNING COMMISSION REVIEW OF A**  
**ZONE CHANGE REQUEST & CONDITIONAL USE PERMIT**  
**1945 NW 2<sup>nd</sup> STREET (TAX LOT R4419AD01500)**

NOTICE IS HEREBY GIVEN that applications for a zone change and a conditional use permit 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 Jamie Fleckenstein with any questions at 503-474-4153, or [jamie.fleckenstein@mcminnvilleoregon.gov](mailto:jamie.fleckenstein@mcminnvilleoregon.gov).

**DOCKET NUMBER:** ZC 4-19 (Zone Change), CU 4-19 (Conditional Use Permit)

**REQUEST:** Approval to rezone the property from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential), and approval of a conditional use permit to allow for development of a dental clinic.

**APPLICANT:** Doug Egan of MD Builders, Inc., on behalf of Melinda Judd, property owner

**SITE LOCATION(S):** 1945 NW 2<sup>nd</sup> Street (see attached map)

**MAP & TAX LOT(S):** R4419AD01500

**ZONE(S):** Existing: R-1 (Single-Family Residential)  
Proposed: R-4 (Multiple-Family Residential)

**MMC REQUIREMENTS:** Zone Change: McMinnville Municipal Code (MMC) Section 17.74.020; Conditional Use Permit: MMC Section 17.74.030, MMC Chapter 17.21 (R-4 Multiple-Family Residential Zone), Comprehensive Plan Goals and Policies (see reverse side for specific review criteria)

**NOTICE DATE:** November 27, 2019

**PUBLIC HEARING DATE:** December 19, 2019 at 5:30 P.M.

**HEARING LOCATION:** McMinnville Civic Hall Building  
200 NE 2<sup>nd</sup> Street, McMinnville, OR, 97128

**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 [jamie.fleckenstein@mcminnvilleoregon.gov](mailto:jamie.fleckenstein@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 Conditional Use Permit:**

#### **MMC Section 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.

MMC Chapter 17.21 (R-4 Multiple-Family Residential Zone):

All applicable criteria in Chapter 17.21 apply to this request.

Comprehensive Plan Goals and Policies:

All applicable goals and policies apply to this request.

# Vicinity Map



Map No.	Tax Lot	Site Address	Owner	Attn	Mailing Address	City	State	Zip
1	R4419 01200	768 NW MEADOWOOD CIRCLE	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
2	R4419 01200	300 NW HILLSIDE PARK WY G13	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
3	R4419 01200	768 NW MEADOWOOD CIRCLE	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
4	R4419 01200	300 NW HILLSIDE PARK WY G13	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
5	R4419AC00204	407 NW COUNTRY CT	JAMES BELINDA G		407 NW COUNTRY CT	MCMINNVILLE	OR	97128
6	R4419AC00205	383 NW COUNTRY CT	KENOW LAURA J		383 NW COUNTRY CT	MCMINNVILLE	OR	97128
7	R4419AC00206	361 NW COUNTRY CT	BARAINCA ALATZNE		361 NW COUNTRY CT	MCMINNVILLE	OR	97128
8	R4419AC00207	339 NW COUNTRY CT	GORDON JAMES G	GORDON JOSEPHINE A	339 NW COUNTRY CT	MCMINNVILLE	OR	97128
9	R4419AC00208	325 NW COUNTRY CT	GRAHAM MITCHELL R	BIERLY JESSICA M	325 NW COUNTRY CT	MCMINNVILLE	OR	97128
10	R4419AC00209	311 NW COUNTRY CT	RUSSELL ERIC D	RUSSELL CARMEN E	748 NW MORNING VIEW CT	MCMINNVILLE	OR	97128
11	R4419AC00210	279 NW COUNTRY CT	ABBOTT STEVEN L	ABBOTT BARBARA S	1214 SW APPERSON ST	MCMINNVILLE	OR	97128
12	R4419AC00211	255 NW COUNTRY CT	ADAMS JANET A G		255 NW COUNTRY CT	MCMINNVILLE	OR	97128
13	R4419AC00212	221 NW COUNTRY CT	ADAMS JANET A G		255 NW COUNTRY CT	MCMINNVILLE	OR	97128
14	R4419AC00213	220 NW COUNTRY CT	WICKERSHEIM JON		220 NW COUNTRY CT	MCMINNVILLE	OR	97128
15	R4419AC00214	254 NW COUNTRY CT	HART PHYLLIS		254 NW COUNTRY CT	MCMINNVILLE	OR	97128
16	R4419AC00215	280 NW COUNTRY CT	ANDERSON NICOLE L		280 NW COUNTRY CT	MCMINNVILLE	OR	97128
17	R4419AC00216	308 NW COUNTRY CT	SAUNDERS DALENA M		308 NW COUNTRY CT	MCMINNVILLE	OR	97128
18	R4419AC00217	320 NW COUNTRY CT	EFRAIMSON DANIEL		3627 NW 27TH CIRCLE	CAMAS	WA	98607
19	R4419AC00218	336 NW COUNTRY CT	BAUTISTA MANUEL	GARCIA ALMA D ALVAREZ	336 NW COUNTRY CT	MCMINNVILLE	OR	97128
20	R4419AC00219	356 NW COUNTRY CT	BIERLY PHILIP S		356 NW COUNTRY CT	MCMINNVILLE	OR	97128
21	R4419AC00220	380 NW COUNTRY CT	NEFF-DOUGLAS JOANNE L		380 NW COUNTRY CT	MCMINNVILLE	OR	97128
22	R4419AC00221	400 NW COUNTRY CT	SHULMIRE RAYMOND &	SHULMIRE CRYSTAL	400 NW COUNTRY CT	MCMINNVILLE	OR	97128
23	R4419AC00222	418 NW COUNTRY CT	BROWNRIDGE RAY &	BROWNRIDGE SANDRA	418 NW COUNTRY CT	MCMINNVILLE	OR	97128
24	R4419AD01300	1915 NW 2ND ST	MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
25	R4419AD01300	1915 NW 2ND ST	MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
26	R4419AD01400		MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
27	R4419AD01400		MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
29	R4419AD01500	1945 NW 2ND ST	JUDD MELINDA		815 NW 18TH PL	MCMINNVILLE	OR	97128
30	R4419AD01600	437 NW MEADOWS DR	WIXOM JOYCE A TRUSTEE	WIXOM RICHARD & JOYCE TRUST	775 NE 27TH ST APT 219	MCMINNVILLE	OR	97128
31	R4419AD01601	433 NW MEADOWS DR	WIXOM JOYCE A TRUSTEE	WIXOM RICHARD & JOYCE TRUST	775 NE 27TH ST APT 219	MCMINNVILLE	OR	97128
32	R4419AD01700	429 NW MEADOWS DR	LOYA BRENDA J		429 NW MEADOWS DR	MCMINNVILLE	OR	97128
33	R4419AD01701	421 NW MEADOWS DR	BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	PO BOX 1235	MCMINNVILLE	OR	97128
34	R4419AD01800		BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	3079 NE KAREN CT	MCMINNVILLE	OR	97128
35	R4419AD02000	446 NW COUNTRY CT	NORTH MAC PROPERTIES LLC		PO BOX 594	MCMINNVILLE	OR	97128
36	R4419AD02001	459 NW MEADOWS DR	NORTH MAC PROPERTIES LLC		PO BOX 594	MCMINNVILLE	OR	97128

Date Sent 11/27/19  
Sent By SA

Map No.	Tax Lot	Site Address	Owner	Attn	Mailing Address	City	State	Zip
37	R4419AD02100		THE PUBLIC		535 NE 5TH ST	MCMINNVILLE	OR	97128
38	R4419AD04000	495 NW MEADOWS DR	KLINGLER BRIAN		495 NW MEADOWS DR	MCMINNVILLE	OR	97128
39	R4419AD04100	483 NW MEADOWS DR	FLORA VIRGINIA L TRUSTEE	FLORA FAMILY TRUST	14925 SW HIDDEN HILLS RD	MCMINNVILLE	OR	97128
40	R4419AD04200	475 NW MEADOWS DR	BRYANT NANCY L		78685 MORNING STAR	PALM DESERT	CA	92211
41	R4419AD04300	467 NW MEADOWS DR	EQUITY TRUST COMPANY CUSTODIAN FBO	VOLKMAN JAMES IRA 18% &	21385 PARKVIEW TER	WEST LINN	OR	97068
42	R4419AD04400		BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	3079 NE KAREN CT	MCMINNVILLE	OR	97128
43	R4419AD04500	411 NW MEADOWS DR	BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	PO BOX 1235	MCMINNVILLE	OR	97128
44	R4419AD04600	377 NW MEADOWS DR	HOUSTON MICHA J &	HOUSTON DARCY	377 NW MEADOWS DR	MCMINNVILLE	OR	97128
45	R4419AD04700	351 NW MEADOWS DR	KNORR JAMES R		28155 SW CANYON CREEK RD S	WILSONVILLE	OR	97070
46	R4419AD04800	319 NW MEADOWS DR	ARMSTRONG RANDALL D	ARMSTRONG BETTY A	6704 SE 50TH AVE	PORTLAND	OR	97206
47	R4419AD04900	224 NW MEADOWS DR	MABRY DANIEL		224 NW MEADOWS DR	MCMINNVILLE	OR	97128
48	R4419AD05000	252 NW MEADOWS DR	KOSSMAN STEVEN E &	KOSSMAN LINDA C	252 NW MEADOWS DR	MCMINNVILLE	OR	97128
49	R4419AD05100	286 NW MEADOWS DR	FERGUS GOLDEN M &	FERGUS TEENA	286 NW MEADOWS DR	MCMINNVILLE	OR	97128
50	R4419AD05200	318 NW MEADOWS DR	NASSAR WALID P		1005 NW 2ND ST	MCMINNVILLE	OR	97128
51	R4419AD05300	350 NW MEADOWS DR	STAHL RICHARD J	STAHL ANNA M	350 NW MEADOWS DR	MCMINNVILLE	OR	97128
52	R4419AD05400	380 NW MEADOWS DR	CARLTON MARK R CO-TRUSTEE	CARLTON NANCY J CO-TRUSTEE	380 NW MEADOWS DR	MCMINNVILLE	OR	97128
53	R4419AD05500	422 NW MEADOWS DR	VANBUREN MICHAEL F &	VANBUREN ROBIN N	422 NW MEADOWS DR	MCMINNVILLE	OR	97128
54	R4419DA02800	1767 SW ALMOND CT	BELL GRACIELA		1173 JOELS PL	LAFAYETTE	OR	97127
55	R4419DA02900	104 SW FILBERT ST	PARKER WILLIAM M		104 SW FILBERT ST	MCMINNVILLE	OR	97128
56	R4419DA03000	1814 SW ALMOND CT	HERNANDEZ BONIFACIO SOLIS 1/2 &	MADRIGAL NOLASCO MELCHOR &	1814 SW ALMOND CT	MCMINNVILLE	OR	97128
57	R4419DA03600	109 SW FILBERT ST	CHASTAIN LYNN D	CHASTAIN K'LYNN J	109 SW FILBERT ST	MCMINNVILLE	OR	97128
58	R4419DA03700	121 SW FILBERT ST	DAVIDSON KENNETH A JR		121 SW FILBERT ST	MCMINNVILLE	OR	97128
59	R4419DA14900	1950 SW 2ND ST	SALVATION ARMY		PO BOX 8798	PORTLAND	OR	97208
60	R4419DB00119	104 SW MANZANITA ST	DORRELL JON D		104 SW MANZANITA ST	MCMINNVILLE	OR	97128
61	R4419DB00120	200 SW MANZANITA ST	BREWTON SHAWN M &	BREWTON ANGELA M	200 SW MANZANITA ST	MCMINNVILLE	OR	97128
Owner	R4419AD01500	1945 NW 2ND ST	JUDD MELINDA		815 NW 18TH PL	MCMINNVILLE	OR	97128
Applicant			DOUG EGAN	MD BUILDERS INC	PO BOX 175	MCMINNVILLE	OR	97128

Date Sent 11/27/19  
Sent By SL



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 [jamie.fleckenstein@mcminnvilleoregon.gov](mailto:jamie.fleckenstein@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 Conditional Use Permit:**

#### **MMC Section 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.

MMC Chapter 17.21 (R-4 Multiple-Family Residential Zone):

All applicable criteria in Chapter 17.21 apply to this request.

Comprehensive Plan Goals and Policies:

All applicable goals and policies apply to this request.



# Vicinity Map



**ZC 4-19/CU 4-19 - Time Change**

Map No.	Tax Lot	Site Address	Owner	Attn	Mailing Address	City	State	Zip
1	R4419 01200	768 NW MEADOWOOD CIRCLE	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
2	R4419 01200	300 NW HILLSIDE PARK WY G13	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
3	R4419 01200	768 NW MEADOWOOD CIRCLE	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
4	R4419 01200	300 NW HILLSIDE PARK WY G13	HCP SH ELP1 PROPERTIES LLC		6737 W WASHINGTON ST STE 2300	MILWAUKEE	WI	53214
5	R4419AC00204	407 NW COUNTRY CT	JAMES BELINDA G		407 NW COUNTRY CT	MCMINNVILLE	OR	97128
6	R4419AC00205	383 NW COUNTRY CT	KENOW LAURA J		383 NW COUNTRY CT	MCMINNVILLE	OR	97128
7	R4419AC00206	361 NW COUNTRY CT	BARAINCA ALATZNE		361 NW COUNTRY CT	MCMINNVILLE	OR	97128
8	R4419AC00207	339 NW COUNTRY CT	GORDON JAMES G	GORDON JOSEPHINE A	339 NW COUNTRY CT	MCMINNVILLE	OR	97128
9	R4419AC00208	325 NW COUNTRY CT	GRAHAM MITCHELL R	BIERLY JESSICA M	325 NW COUNTRY CT	MCMINNVILLE	OR	97128
10	R4419AC00209	311 NW COUNTRY CT	RUSSELL ERIC D	RUSSELL CARMEN E	748 NW MORNING VIEW CT	MCMINNVILLE	OR	97128
11	R4419AC00210	279 NW COUNTRY CT	ABBOTT STEVEN L	ABBOTT BARBARA S	1214 SW APPERSON ST	MCMINNVILLE	OR	97128
12	R4419AC00211	255 NW COUNTRY CT	ADAMS JANET A G		255 NW COUNTRY CT	MCMINNVILLE	OR	97128
13	R4419AC00212	221 NW COUNTRY CT	ADAMS JANET A G		255 NW COUNTRY CT	MCMINNVILLE	OR	97128
14	R4419AC00213	220 NW COUNTRY CT	WICKERSHEIM JON		220 NW COUNTRY CT	MCMINNVILLE	OR	97128
15	R4419AC00214	254 NW COUNTRY CT	HART PHYLLIS		254 NW COUNTRY CT	MCMINNVILLE	OR	97128
16	R4419AC00215	280 NW COUNTRY CT	ANDERSON NICOLE L		280 NW COUNTRY CT	MCMINNVILLE	OR	97128
17	R4419AC00216	308 NW COUNTRY CT	SAUNDERS DALENA M		308 NW COUNTRY CT	MCMINNVILLE	OR	97128
18	R4419AC00217	320 NW COUNTRY CT	EFRAIMSON DANIEL		3627 NW 27TH CIRCLE	CAMAS	WA	98607
19	R4419AC00218	336 NW COUNTRY CT	BAUTISTA MANUEL	GARCIA ALMA D ALVAREZ	336 NW COUNTRY CT	MCMINNVILLE	OR	97128
20	R4419AC00219	356 NW COUNTRY CT	BIERLY PHILIP S		356 NW COUNTRY CT	MCMINNVILLE	OR	97128
21	R4419AC00220	380 NW COUNTRY CT	NEFF-DOUGLAS JOANNE L		380 NW COUNTRY CT	MCMINNVILLE	OR	97128
22	R4419AC00221	400 NW COUNTRY CT	SHULMIRE RAYMOND &	SHULMIRE CRYSTAL	400 NW COUNTRY CT	MCMINNVILLE	OR	97128
23	R4419AC00222	418 NW COUNTRY CT	BROWNRIDGE RAY &	BROWNRIDGE SANDRA	418 NW COUNTRY CT	MCMINNVILLE	OR	97128
24	R4419AD01300	1915 NW 2ND ST	MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
25	R4419AD01300	1915 NW 2ND ST	MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
26	R4419AD01400		MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
27	R4419AD01400		MCMINNVILLE CITY OF		535 NE 5TH ST	MCMINNVILLE	OR	97128
29	R4419AD01500	1945 NW 2ND ST	JUDD MELINDA		815 NW 18TH PL	MCMINNVILLE	OR	97128
30	R4419AD01600	437 NW MEADOWS DR	WIXOM JOYCE A TRUSTEE	WIXOM RICHARD & JOYCE TRUST	775 NE 27TH ST APT 219	MCMINNVILLE	OR	97128
31	R4419AD01601	433 NW MEADOWS DR	WIXOM JOYCE A TRUSTEE	WIXOM RICHARD & JOYCE TRUST	775 NE 27TH ST APT 219	MCMINNVILLE	OR	97128
32	R4419AD01700	429 NW MEADOWS DR	LOYA BRENDA J		429 NW MEADOWS DR	MCMINNVILLE	OR	97128
33	R4419AD01701	421 NW MEADOWS DR	BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	PO BOX 1235	MCMINNVILLE	OR	97128
34	R4419AD01800		BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	3079 NE KAREN CT	MCMINNVILLE	OR	97128
35	R4419AD02000	446 NW COUNTRY CT	NORTH MAC PROPERTIES LLC		PO BOX 594	MCMINNVILLE	OR	97128
36	R4419AD02001	459 NW MEADOWS DR	NORTH MAC PROPERTIES LLC		PO BOX 594	MCMINNVILLE	OR	97128

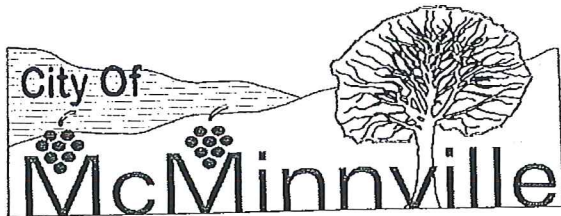
Date Sent 12/6/19

Sent By SPB

ZC 4-19/CU 4-19 - Time Change

Map No.	Tax Lot	Site Address	Owner	Attn	Mailing Address	City	State	Zip
37	R4419AD02100		THE PUBLIC		535 NE 5TH ST	MCMINNVILLE	OR	97128
38	R4419AD04000	495 NW MEADOWS DR	KLINGLER BRIAN		495 NW MEADOWS DR	MCMINNVILLE	OR	97128
39	R4419AD04100	483 NW MEADOWS DR	FLORA VIRGINIA L TRUSTEE	FLORA FAMILY TRUST	14925 SW HIDDEN HILLS RD	MCMINNVILLE	OR	97128
40	R4419AD04200	475 NW MEADOWS DR	BRYANT NANCY L		78685 MORNING STAR	PALM DESERT	CA	92211
41	R4419AD04300	467 NW MEADOWS DR	EQUITY TRUST COMPANY CUSTODIAN FBO	VOLKMAN JAMES IRA 18% &	21385 PARKVIEW TER	WEST LINN	OR	97068
42	R4419AD04400		BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	3079 NE KAREN CT	MCMINNVILLE	OR	97128
43	R4419AD04500	411 NW MEADOWS DR	BELL ANTHONY E & LILIAN A TRUSTEES FOR	BELL ANTHONY E & LILIAN A IRR LIV	PO BOX 1235	MCMINNVILLE	OR	97128
44	R4419AD04600	377 NW MEADOWS DR	HOUSTON MICHA J &	HOUSTON DARCY	377 NW MEADOWS DR	MCMINNVILLE	OR	97128
45	R4419AD04700	351 NW MEADOWS DR	KNORR JAMES R		28155 SW CANYON CREEK RD S	WILSONVILLE	OR	97070
46	R4419AD04800	319 NW MEADOWS DR	ARMSTRONG RANDALL D	ARMSTRONG BETTY A	6704 SE 50TH AVE	PORTLAND	OR	97206
47	R4419AD04900	224 NW MEADOWS DR	MABRY DANIEL		224 NW MEADOWS DR	MCMINNVILLE	OR	97128
48	R4419AD05000	252 NW MEADOWS DR	KOSSMAN STEVEN E &	KOSSMAN LINDA C	252 NW MEADOWS DR	MCMINNVILLE	OR	97128
49	R4419AD05100	286 NW MEADOWS DR	FERGUS GOLDEN M &	FERGUS TEENA	286 NW MEADOWS DR	MCMINNVILLE	OR	97128
50	R4419AD05200	318 NW MEADOWS DR	NASSAR WALID P		1005 NW 2ND ST	MCMINNVILLE	OR	97128
51	R4419AD05300	350 NW MEADOWS DR	STAHL RICHARD J	STAHL ANNA M	350 NW MEADOWS DR	MCMINNVILLE	OR	97128
52	R4419AD05400	380 NW MEADOWS DR	CARLTON MARK R CO-TRUSTEE	CARLTON NANCY J CO-TRUSTEE	380 NW MEADOWS DR	MCMINNVILLE	OR	97128
53	R4419AD05500	422 NW MEADOWS DR	VANBUREN MICHAEL F &	VANBUREN ROBIN N	422 NW MEADOWS DR	MCMINNVILLE	OR	97128
54	R4419DA02800	1767 SW ALMOND CT	BELL GRACIELA		1173 JOELS PL	LAFAYETTE	OR	97127
55	R4419DA02900	104 SW FILBERT ST	PARKER WILLIAM M		104 SW FILBERT ST	MCMINNVILLE	OR	97128
56	R4419DA03000	1814 SW ALMOND CT	HERNANDEZ BONIFACIO SOLIS 1/2 &	MADRIGAL NOLASCO MELCHOR &	1814 SW ALMOND CT	MCMINNVILLE	OR	97128
57	R4419DA03600	109 SW FILBERT ST	CHASTAIN LYNN D	CHASTAIN K'LYNN J	109 SW FILBERT ST	MCMINNVILLE	OR	97128
58	R4419DA03700	121 SW FILBERT ST	DAVIDSON KENNETH A JR		121 SW FILBERT ST	MCMINNVILLE	OR	97128
59	R4419DA14900	1950 SW 2ND ST	SALVATION ARMY		PO BOX 8798	PORTLAND	OR	97208
60	R4419DB00119	104 SW MANZANITA ST	DORRELL JON D		104 SW MANZANITA ST	MCMINNVILLE	OR	97128
61	R4419DB00120	200 SW MANZANITA ST	BREWTON SHAWN M &	BREWTON ANGELA M	200 SW MANZANITA ST	MCMINNVILLE	OR	97128
Owner	R4419AD01500	1945 NW 2ND ST	JUDD MELINDA		815 NW 18TH PL	MCMINNVILLE	OR	97128
Applicant			DOUG EGAN	MD BUILDERS INC	PO BOX 175	MCMINNVILLE	OR	97128

Date Sent 12/6/19  
Sent By SA



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

Attachment D

569-19-000519-Plng

Office Use Only:	
File No.	264-19
Date Received	8-23-19
Fee	3709.00
Receipt No.	201147
Received by	SP

## Comprehensive Plan Map Amendment/ Zone Change Application

### Applicant Information

Applicant is: ☐ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☒ Other CONTRACTOR

Applicant Name MD BUILDERS, INC Phone 971-241-7038

Contact Name DOUG EGAN Phone \_\_\_\_\_  
(If different than above)

Address PO BOX 175

City, State, Zip McMINNVILLE, OR 97128

Contact Email douglas@md-builders.com

### Property Owner Information

Property Owner Name MELINDA JUDD Phone 971-237-7377  
(If different than above)

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

Address 815 NW 18TH PLACE

City, State, Zip McMINNVILLE, OR 97128

Contact Email mindy.judd.00@gmail.com

### Site Location and Description

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

Property Address 1945 NW 2ND ST

Assessor Map No. R4419 - AD - 01500 Total Site Area 0.94 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. (ATTACHED)

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). (ATTACHED)

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. (ATTACHED)

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. (ATTACHED)

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

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6. Describe any changes in the neighborhood or surrounding area which might support or warrant the request. (ATTACHED)

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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

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

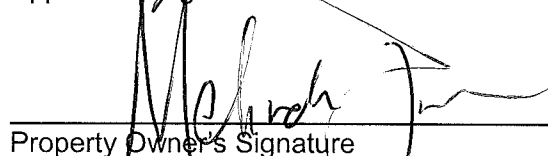
In addition to this completed application, the applicant must provide the following:

- ☐ 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.
- ☐ Compliance of Neighborhood Meeting Requirements.
- ☐ 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 President MDR Builders Inc

8-23-2019  
Date

  
Property Owner's Signature DMD

8/23/2019  
Date

## **Responses to Zone Change Application**

Proposed Change from R-1 Single Family Zone to R-4 Multi-Family and Conditional Use  
Developed in Two Phases

1945 SW 2<sup>nd</sup> Street  
Yamhill County Taxlot R4419AD-01500

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

*Zone change from single-family residential R-1 to multi-family residential R-4 with conditional use where the first phase will be a dental office as an accessory use and the second phase will be primary use of multi-family residential housing. The reason for the change is to maximize infill land uses and accommodate community need for a variety of housing types as and access to health services.*

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).

*The zone change is consistent with the surrounding land uses. Neighboring properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across 2<sup>nd</sup> Street SW where Salvation Army is located, and R-4 multi-family residential to the west.*

### **Volume II Goals and Policies**

*Employment Diversification IV: 21.02 city shall encourage and support expansion or relocation of high-wage businesses in McMinnville; 21-03 city shall support existing businesses and the establishment of locally owned businesses; 27.00 neighborhood commercial uses will consist of neighborhood oriented businesses located on collector or arterial streets; 28.00 commercial planned development should be encouraged in the proximity of intersection of Hill Road and 2<sup>nd</sup> Street to service the needs of people in western McMinnville.*

#### **Employment Diversification IV Response:**

*As part of a conditional use, the dental office will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2<sup>nd</sup> Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial land use encouraged for sites near Hill Road and SW 2<sup>nd</sup> Street.*

*Housing V: 68.00 McMinnville shall encourage compact urban development in the urban service area; 69.00 McMinnville shall explore the utilization of innovative land use*



*regulatory ordinances to integrate the functions of housing, commercial, and industrial developments in a compatible framework; 70.00 McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives for a variety of housing types, densities, and price ranges to meet present and future community needs; 71.07 R-1 zoning designation applied to limited areas; 71.08 R-2, R-3, and R-4 permitted on lands exhibiting services and facilities capacity, within one mile of transit, lower sloped areas in West Hills, direct access from collector or arterial streets.*

*Housing V Response:*

*The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. The concept provides a variety of housing types that are in high demand in the community. The site is fully served by public and private utilities; with transportation access from SW 2<sup>nd</sup> Street. The zone change from R-1 to R-4 will help meet the city's objective for higher density on flat sites with access from collector or arterial streets and one mile from area transit.*

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.

*NA.*

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.

*NA.*

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

*Surrounding properties are fully developed with similar uses. The zone change from R-1 to R-4 is timely because McMinnville has identified a need for multi-family housing options.*

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

*Surrounding zones are higher density R-2 and R-4.*

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.

*The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the proposed development.*

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

**EXHIBIT A**

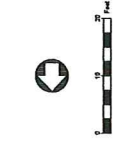
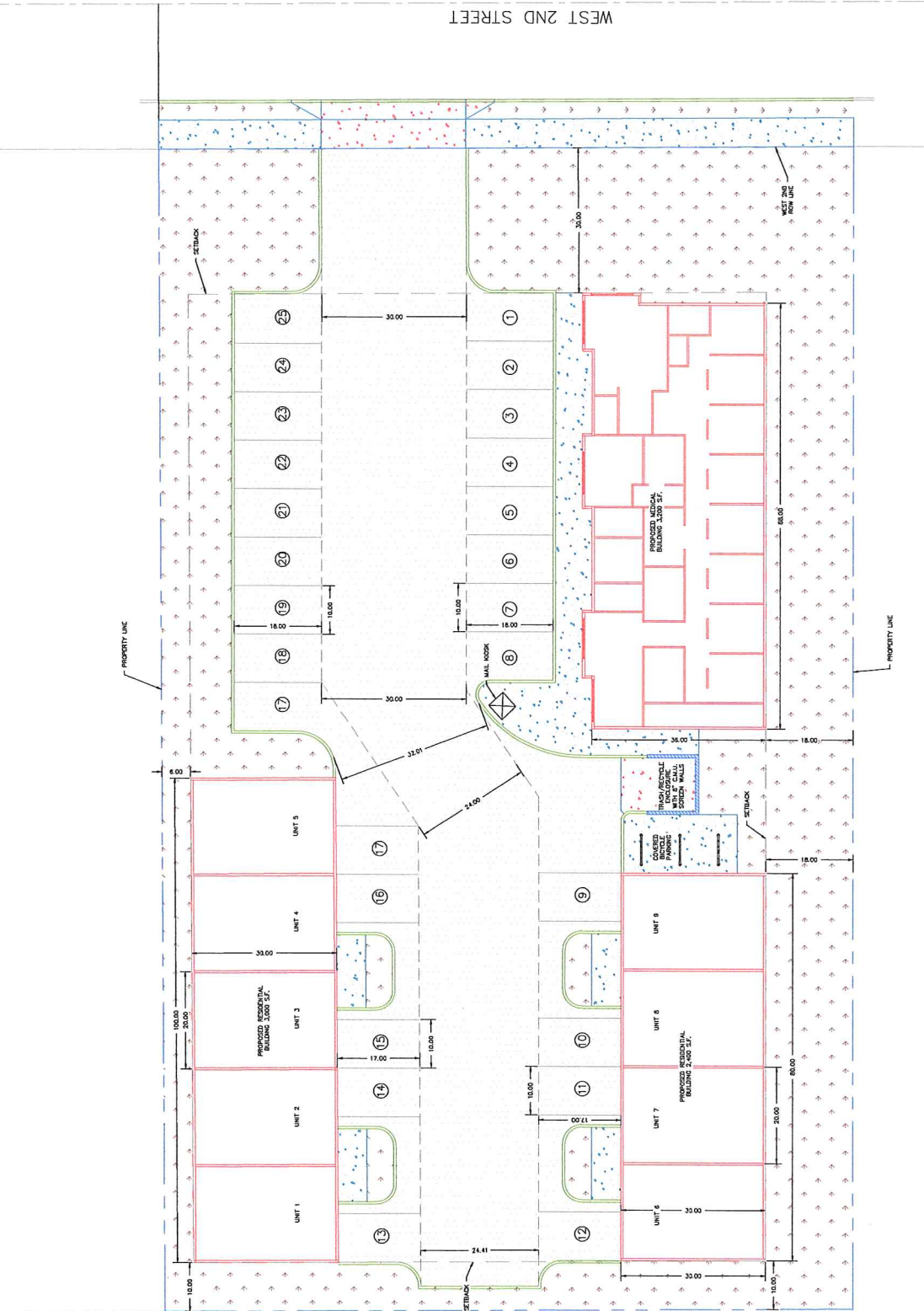
**LEGAL DESCRIPTION:** Real property in the County of Yamhill, State of Oregon, described as follows:






**Part of the Solomon Beary Donation Land Claim #54 in Section 19, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:**

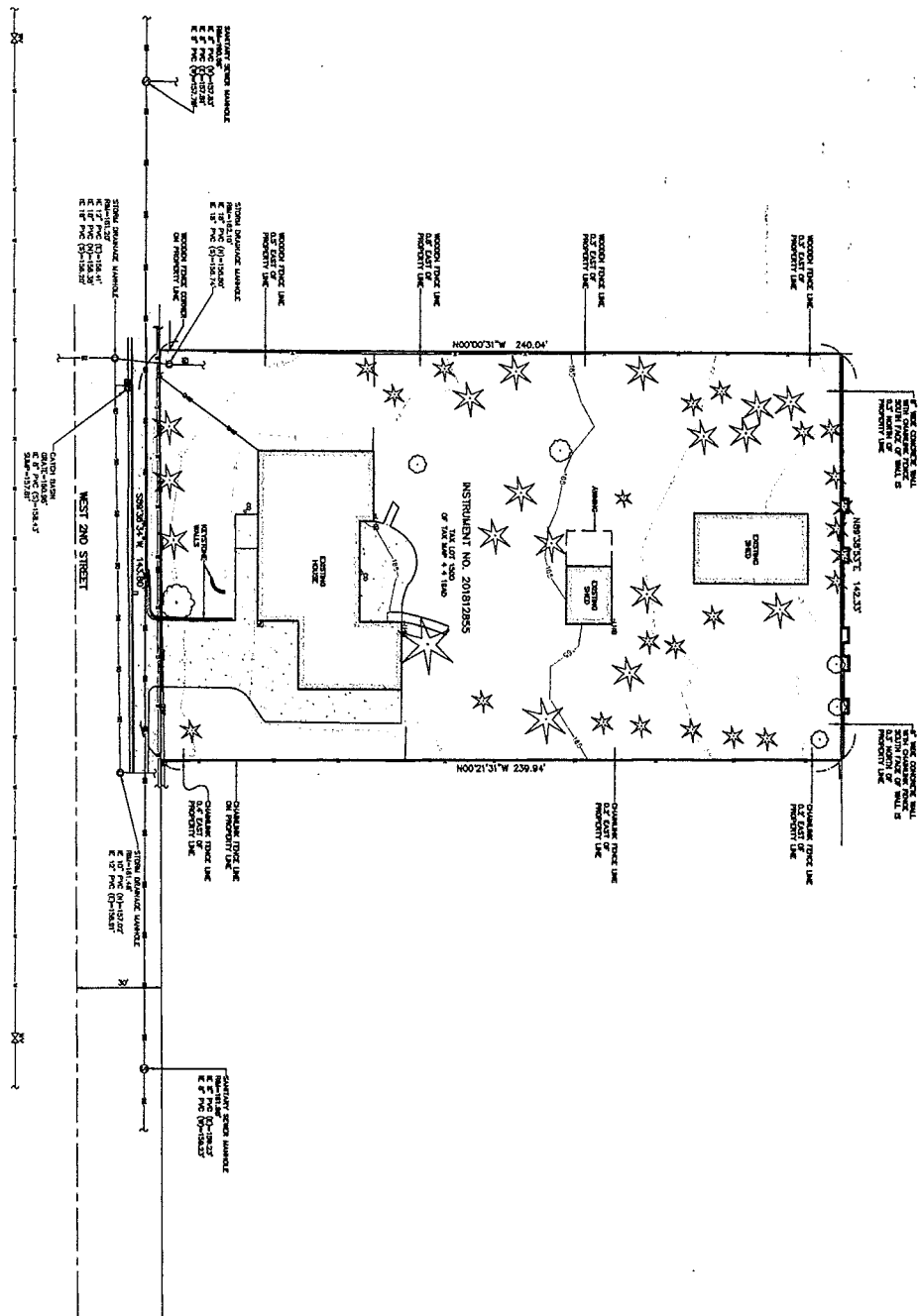
**BEGINNING** at a point in the center of the County Market Road #27, South 89° 39' West 1247.93 feet from the Northwest corner of the S.F. Staggs Donation Land Claim #55 in said Township and Range; thence North along the West line of a tract of land deeded to H.W. DEVLIN, et ux. by deed recorded May 31, 1960, in Deed and Mortgage, Film Volume 10, Page 940, to a point which is 270 feet North from the South line of said Donation Land Claim #54; thence South 88°17'10" East to the Northwest corner of that certain 0.80 acre tract conveyed by H.W. DEVLIN, et ux. to the UNITED STATES OF AMERICA by deed recorded March 9, 1965, in Film Volume 43, Page 778, Deed and Mortgage Records; thence South 1°42'50" West along the West line of said United States of America tract 270 feet to the South line of said Donation Land Claim #54; thence Westerly along said Donation Land Claim line in the center of the County Road to the place of beginning.



TerraCalc  
Land Surveying, Inc.  
1415 NE Miller St.  
West Palm Beach, FL 33411  
(561) 857-0735  
www.terra-calc.com


























	ASPHALT PAVING — 12,462 S.F. = 35%		PEDESTRIAN CONCRETE PAVING — 2,587 S.F. = 7%		BUILDINGS — 8,600 S.F. = 24%
	LANDSCAPING — 11,566 S.F. = 33%		VEHICULAR CONCRETE PAVING — 477 S.F. = 1%	TOTAL LAND AREA 35,692 S.F.	

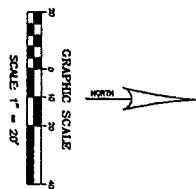


VERTICAL DATUM:  
PRODUCT DATUM: HAND AS  
OCCUPATION: PRODUCT ENGINEER ARE BASED ON RAMP STAGE CRY  
EXPERIENCES ON ALL BUT SURVEY CONTROL POINTS USING GEODES AND  
LOCAL ORDN STATION DATA.

### LEGEND

-  - DESIGN CONCEPT
-  - DESIGN ANALYSIS
-  - INTERPRETING STERN SYMBOLS LINK
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**UTILITY STATEMENT:**

[illegible]

DR. JUDD PROPERTY  
TOPOGRAPHIC SURVEY  
LOCATED IN THE NE 1/4 OF SECTION 19, T. 4 S., R. 4 W., W.M.  
MCMINNVILLE, OREGON  
FOR: DR. JUDD

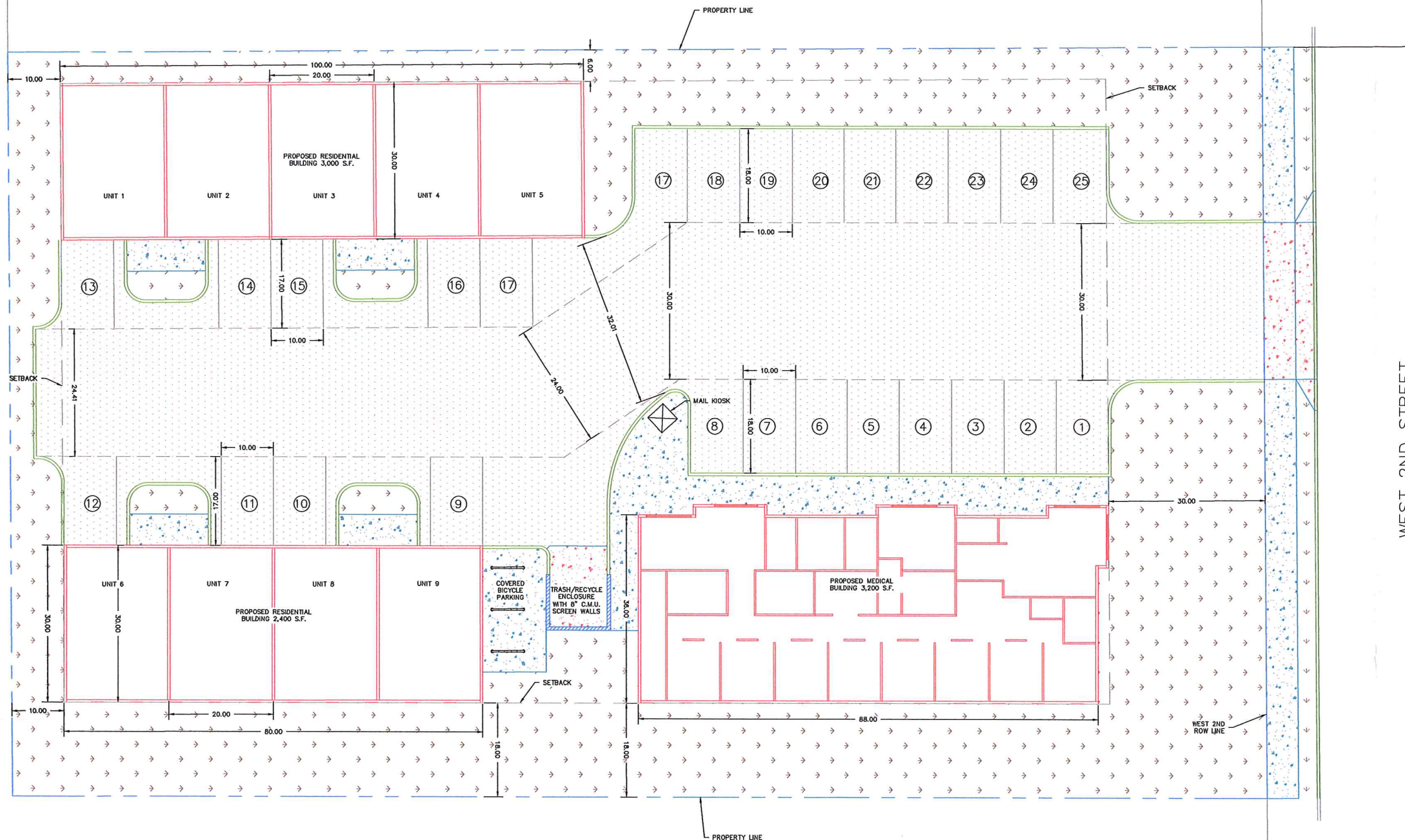
**TerraCalc**

Land Surveying -  
1615 NE Main St.  
Medford, OR 97531  
(503) 857-0953  
www.terra-calc.com

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OFFICIAL  
SPECIALTY  
COMPANY & MARK  
OF THE  
STATE OF OREGON

REGISTERED DATE: 1-30-13



ASPHALT PAVING - 12,462 S.F. = 35%

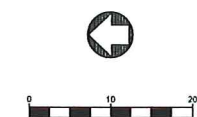
LANDSCAPING - 11,566 S.F. = 33%

PEDESTRIAN CONCRETE PAVING - 2,587 S.F. = 7%

VEHICULAR CONCRETE PAVING - 477 S.F. = 1%

BUILDINGS - 8,600 S.F. = 24%

TOTAL LAND AREA 35,692 S.F.



JUDD M/U DEVELOPMENT  
PRELIMINARY SITE PLAN



Land Surveying, Inc.  
1615 NE Miller St.  
McMinnville, OR 97128  
(503) 857-0935  
www.Terra-calc.com

REVISIONS:  
08/02/2019

DRAWN BY:  
K.J.P.





RECEIVED

OCT 02 2019

## Responses to Zone Change Application

COMMUNITY DEVELOPMENT  
CENTER

Proposed Change from R-1 Single Family Zone to R-4 Multi-Family and Conditional Use  
Developed in Two Phases

1945 SW 2<sup>nd</sup> Street  
Yamhill County Taxlot R4419AD-01500

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

Zone change from single-family residential R-1 to multi-family residential R-4 with conditional use where the first phase will be a dental office as an accessory use and the second phase will be primary use of multi-family residential housing. The reason for the change is to maximize infill land uses and accommodate community need for a variety of housing types as and access to health services.

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).*

The zone change is consistent with the surrounding land uses. Neighboring properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across SW 2<sup>nd</sup> Street where Salvation Army is located, and R-4 multi-family residential to the west.

### **Volume II Goals and Policies**

*Preserve Quality of Air, Water, and Land Resources within the Planning Area II:01.12 city 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.*

Air, Water, and Land Resources Preservation II Response:

Residential and dental office uses will be compatible to the surrounding residential, power generation, and religious service uses. The dental office will operate normal business hours and will not emit loud, disturbing, or unnecessary noise. Plant material will be used to separate the land uses and to buffer the development from the traffic along SW 2<sup>nd</sup> St; in accordance with safe and visible access into the site and as required by development code.

*Employment Diversification IV: 21.02 city shall encourage and support expansion or relocation of high-wage businesses in McMinnville; 21-03 city shall support existing businesses and the establishment of locally owned businesses; 27.00 neighborhood commercial uses will consist of neighborhood oriented businesses located on collector or arterial streets; 28.00 commercial planned development should be encouraged in the*



*proximity of intersection of Hill Road and 2<sup>nd</sup> Street to service the needs of people in western McMinnville.*

**Employment Diversification IV Response:**

As part of a conditional use, the dental office will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2<sup>nd</sup> Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial land use encouraged for sites near Hill Road and SW 2<sup>nd</sup> Street.

*Housing V: 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities; 59.00 opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City; 68.00 McMinnville shall encourage compact urban development in the urban service area; 69.00 McMinnville shall explore the utilization of innovative land use regulatory ordinances to integrate the functions of housing, commercial, and industrial developments in a compatible framework; 70.00 McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives for a variety of housing types, densities, and price ranges to meet present and future community needs; 71.07 R-1 zoning designation applied to limited areas; 71.08 R-2, R-3, and R-4 permitted on lands exhibiting services and facilities capacity, within one mile of transit, lower sloped areas in West Hills, direct access from collector or arterial streets; 71.09 high density residential development (8-30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments: 1) areas not committed to low density, 2) areas with direct access from collector or arterial streets, 3) areas not subject to development limitations, 4) where existing facilities have the capacity for development, 5) areas within one-quarter mile of existing or planned public transportation, 6) areas buffered from low density residential areas to maximize privacy of established low density areas; 71.13 criteria determining areas appropriate for high-density residential development: 1) areas not committed to low or medium density development, 2) areas buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential, 3) areas with direct access from a major collector or arterial street, 4) areas not subject to development limitations, 5) areas where existing facilities have the capacity for additional development, 6) areas within one-half mile wide corridor centered on existing or planned public transit routes, 7) areas within one-quarter mile from neighborhood and general commercial shopping centers, and 8) areas adjacent to either private or public permanent open space; 86.00 dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the city to avoid a concentration of people, traffic congestion, and noise; 90.00 greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from*

*neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes; 91.00 multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined to have sufficient traffic carrying capacities; 92.00 high-density housing developments shall be encouraged to locate along existing or potential public transit routes; 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; 92.02 high-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation; 99.00 adequate level of urban services, 1) sanitary sewer, 2) storm sewer, 3) streets, 4) water; (121.00) discourage direct access of small-scale residential developments onto major/minor arterial streets and major collector streets; (126.00) adequate off-street parking and loading facilities; (187.50) McMinnville Great Neighborhood Principles, 1) natural feature preservation, 3) parks and open space, 4) pedestrian friendly, 5) bike friendly, 8) human scale design, 9) mix of activities, 11) housing for diverse incomes and generations, 12) housing variety.*

**Housing V Response:**

(58.00) The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. (59.00, 68.00, 69.00, 70.00) The development concept adds to the mix of housing types available that are in high demand. The city has also identified a particular need for multiple-family housing options that this development will help to satisfy by offering smaller, townhouse style, individual two-story attached housing units for tenant and owner-occupied options. (71.08) The site is fully served by public and private utilities; with transportation access from SW 2<sup>nd</sup> Street. The zone change from R-1 to R-4 will help meet the city's objective for higher density on flat sites with access from collector or arterial streets and one mile from area transit. (71.09) The development will be high-density residential units with nine townhouse style dwelling units per acre. The current zoning of the site is lower density; however, the surrounding uses are electric power substation, multiple-family residential, residential, and religious services. The development is buffered by a collector/arterial street. The site is flat, with sufficient utilities to serve the construction of the first phase dental office. Additional sewer capacity is needed to complete the second phase multiple-family housing units. The dental office and housing units are on a major street with direct access to public transit. The development is within one-quarter mile to commercial services and one and one-half miles to downtown McMinnville. Open space is located directly east of the site at Calvary Chapel and West McMinnville Linear Park is roughly one-quarter mile away. (86.00) The development meets the dispersal requirement with its location along a major street and surrounding residential housing units of varying densities. (90.00, 91.00, 92.00) Located on SW 2<sup>nd</sup> Street, there is direct access to public transit resources and commercial amenities are located about one-quarter mile west and downtown McMinnville is one and a half miles east. (92.01) The proposed development is

surrounded by compatible uses and is not near undesirable places or uses. The power generation substation on R1 zoned land directly east of the site is screened. Plant materials will be used to further enhance the site and buffer the uses. (92.02, 99.00) The first phase dental office and second phase high density multiple-family residential are ideally situated for easy access to public transportation, shopping, schools, and parks. All utilities are available to accommodate the construction of the first phase dental office. Additional sewer capacity is needed for the second phase multiple-family residential. The construction of the second phase will be timed with the upgrade to the city sewer service. (121.00, 126.00) Direct access from SW 2<sup>nd</sup> Street will serve eight to nine housing units and a dental office and adequate off-street parking has been provided to avoid on-street parking. Bicycle parking is also provided. (187.50) There are not significant natural features, wetlands, wooded areas, or landmark trees on the site. Mature trees conflict with the development plan and will be replaced with landscape elements that enhance the site and fit the location. West McMinnville Linear Park is about one-quarter mile from the location and the owner will work with the City of McMinnville to possibly reduce the number of dwelling units by one unit to include an open space or gathering space for the benefit of the residents. Sidewalks and pedestrian connections will link the residents and dental office to SW 2<sup>nd</sup> Street to access transit, bicycle, and pedestrian resources to commercial centers, parks, schools, and downtown McMinnville. The dental office and housing units will be well designed and will create a small-scale neighborhood feeling. Landscape elements will also be used to enhance the space and make it inviting for people to dwell and actively use the site. Lighting will also be included for safety and to create visual interest. The accessibility and geographical nature of the location is ideal to permit easy access by transit, bicycle, walking, or vehicular transportation for the residents and employees. The number and size of dwelling units will increase the housing variety in McMinnville as well as the pricing for the housing.

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.*

NA.

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.*

NA.

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

Surrounding properties are fully developed with similar uses. The zone change from R-1 to R-4 is timely because McMinnville has identified a need for multi-family housing options.

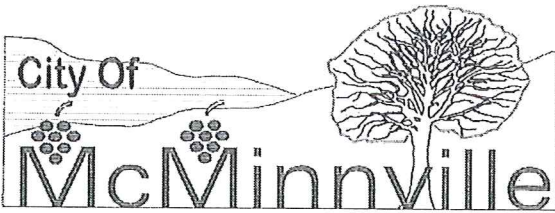
6. *Describe any changes in the neighborhood or surrounding area which might support or warrant the request.*

Surrounding zones are higher density R-2 and R-4.

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.*

The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the first phase dental office. The construction of the second phase multiple-family R4 density development will be coordinated with the City of McMinnville to align with their installation of added sewer capacity.

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



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

509-19-000520-111g

Office Use Only:	
File No.	CU 4-19
Date Received	8-23-19
Fee	\$325
Receipt No.	201118
Received by	SP

## Conditional Use Application

### Applicant Information

Applicant is: ☐ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☒ Other CONTRACTOR

Applicant Name MD BUILDERS, INC Phone 971-241-7038

Contact Name DOUG EGAN Phone \_\_\_\_\_  
(If different than above)

Address PO BOX 175

City, State, Zip McMINNVILLE, OR 97128

Contact Email douglas@md-builders.com

### Property Owner Information

Property Owner Name MEUNDA JUDD Phone 971-277-7377  
(If different than above)

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

Address 815 NW 18TH PLACE

City, State, Zip McMINNVILLE, OR 97128

Contact Email mindy.judd.00@gmail.com

### Site Location and Description

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

Property Address 1945 <sup>NW</sup> 2ND ST

Assessor Map No. R4 419 - AD - 01500 Total Site Area 0.94 ACRES

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

Comprehensive Plan Designation RESIDENTIAL Zoning Designation R-1

1. State nature of the request in detail: (ATTACHED)

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2. Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance: (ATTACHED)

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3. Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration 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: (ATTACHED)

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- This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

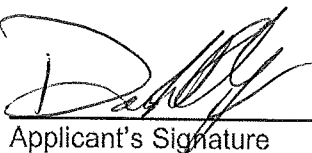
6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how? (ATTACHED)

7. Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: (ATTACHED)

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 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; structures and other proposed and existing improvements; north direction arrow; and significant features (slope, vegetation, adjacent development, drainage, etc.).
- ☐ A legal description of the property, preferably taken from deed.
- ☐ Compliance of Neighborhood Meeting Requirements.
- ☐ Payment of the applicable review fee, which can be found on the Planning Department web page.

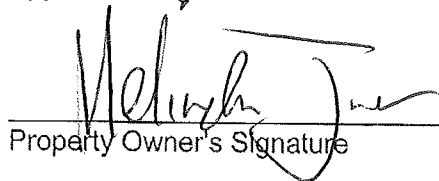
I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

  
Applicant's Signature

President MDB Builders INC

8-22-2019

Date

  
Property Owner's Signature

Aug. 22, 2019  
Date



Conditional Use Application for Health Clinic/Dental Office  
in R-4 Multi-Family Zone Developed in Two Phases  
1945 SW 2nd Street  
Yamhill County Taxlot R4419AD-01500

1. State nature of the request in detail:

*Assuming the request for zone change from R-1 to R-4 is approved, the conditional use will facilitate a health clinic/dental office as an accessory use to the primary use of multi-family residential in the R-4 zone. The reason for the change is to maximize infill land uses and accommodate community need for a variety of housing types and increased access to health services.*

2. Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance:

*The health clinic/dental office use is consistent with the surrounding land uses. Neighboring properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across SW 2nd Street where Salvation Army is located, and R-4 multi-family residential to the west.*

**Volume II Goals and Policies**

*Employment Diversification IV: 21.02 city shall encourage and support expansion or relocation of high-wage businesses in McMinnville; 21-03 city shall support existing businesses and the establishment of locally owned businesses; 27.00 neighborhood commercial uses will consist of neighborhood oriented businesses located on collector or arterial streets; 28.00 commercial planned development should be encouraged in the proximity of intersection of Hill Road and 2<sup>nd</sup> Street to service the needs of people in western McMinnville.*

*Employment Diversification IV Response:*

*The health clinic/dental office building will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2nd Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial/and use encouraged for sites near Hill Road and SW 2nd Street.*

*Housing V: 68.00 McMinnville shall encourage compact urban development in the urban service area; 69.00 McMinnville shall explore the utilization of innovative land use regulatory ordinances to integrate the functions of housing, commercial, and industrial developments in a compatible framework; 70.00 McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives for a variety of housing types, densities, and price ranges to meet present and future community needs; 71.07 R-1 zoning designation applied to limited areas; 71.08 R-2, R-3, and R-4 permitted on lands exhibiting services and facilities capacity, within one mile of transit, lower sloped areas in West Hills, direct access from collector or arterial streets.*

*Housing V Response:*

*The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments. The concept provides a variety of housing types that are in high demand in the community. The site is fully served by public and private*

utilities; with transportation access from SW 2<sup>nd</sup> Street. The zone change from R-1 to R-4 and planned development overlay will help meet the city's objective for higher density and mixed-uses on flat sites with access from collector or arterial streets and one mile from area transit.

3. Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration 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:

*The size, design, and operating characteristics are compatible with the neighboring properties. The dental office use is consistent with the surrounding land uses. Abutting properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across SW 2nd Street where Salvation Army is located, and R-4 multi-family residential to the west. The scale and density of the proposed development will be varied; with a single story professional health clinic/dental practice as an accessory to the adjacent multi-family building. The uses fit in the context of the surrounding uses and provide additional services and housing options to the community and will be consistent with the feel of the area. The proposed development will be complimentary to the neighborhood and will be adequately served by established public infrastructure.*

4. Describe what impact the proposed development may have on the livability, value, or appropriate development of abutting properties or the surrounding area when compared to the impact of permitted development that is not classified as conditional:

*Abutting properties house conditional uses that include electrical power generation and church services. The health clinic/dental service will fit with the neighborhood and it is less of an impact visually and to public infrastructure than the higher density building development permitted in the R-4 zone.*

5. Describe how 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:

*The design, placement, and variety of buildings fit the nature of the setting and will complement the area. The health clinic and multi-family buildings will be in an urban area located off SW 2<sup>nd</sup> Street which is a major arterial street classification. The project will help the City of McMinnville with its goal to expand high-wage business growth, locate health and housing options close to residents, and invest in urban infill along major street corridors.*

6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site?

*Not applicable; urban infill site that is flat and without unique environmental assets. Mature trees will be preserved to the extent possible.*

7. Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes:

*The intent is to provide a variety in development pattern and mixed uses for community benefit through an increase in housing options and access to health services.*

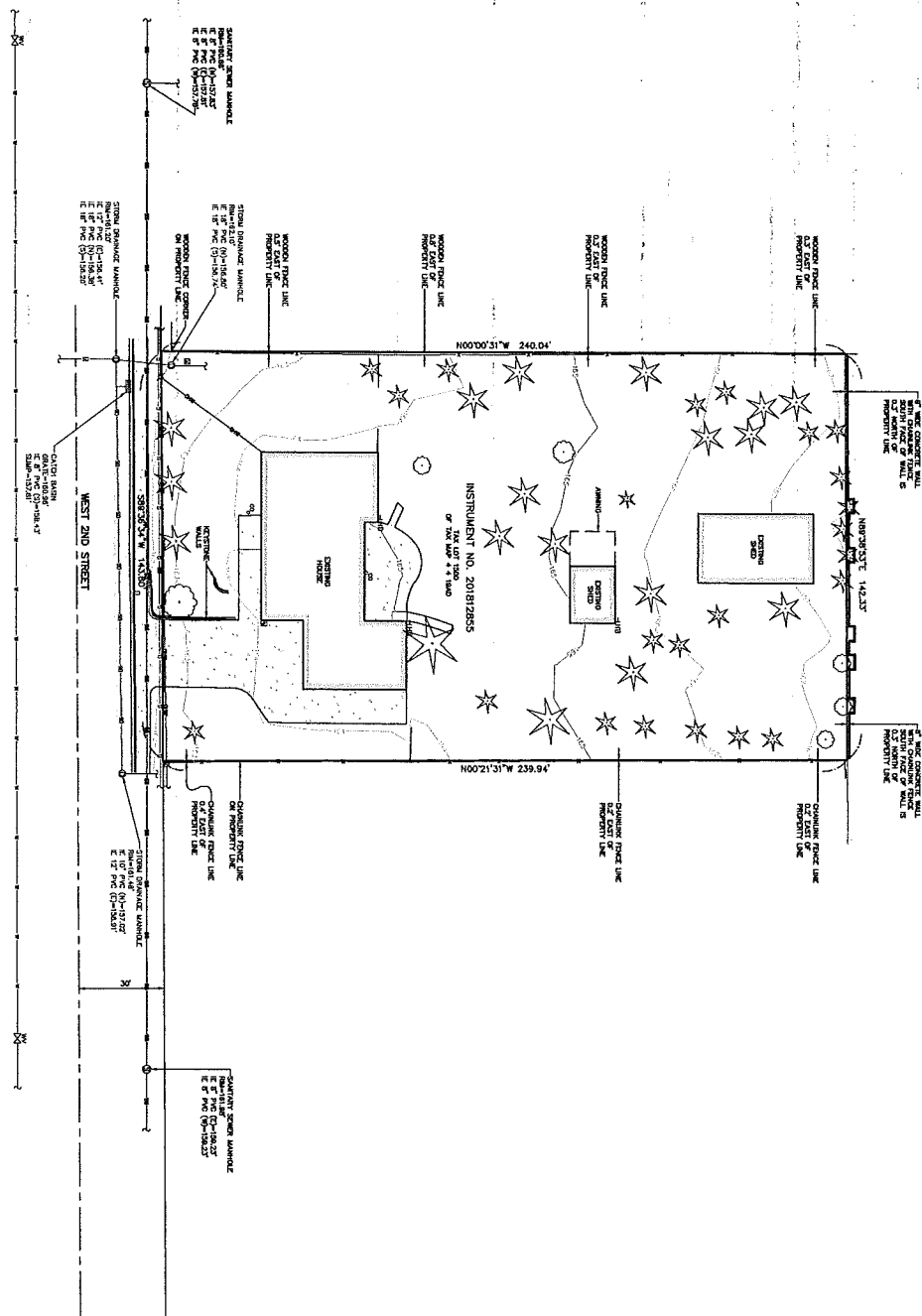
**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Yamhill, State of Oregon, described as follows:

**Part of the Solomon Beary Donation Land Claim #54 in Section 19, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:**

**BEGINNING** at a point in the center of the County Market Road #27, South 89° 39' West 1247.93 feet from the Northwest corner of the S.F. Staggs Donation Land Claim #55 in said Township and Range; thence North along the West line of a tract of land deeded to H.W. DEVLIN, et ux. by deed recorded May 31, 1960, in Deed and Mortgage, Film Volume 10, Page 940, to a point which is 270 feet North from the South line of said Donation Land Claim #54; thence South 88°17'10" East to the Northwest corner of that certain 0.80 acre tract conveyed by H.W. DEVLIN, et ux. to the UNITED STATES OF AMERICA by deed recorded March 9, 1965, in Film Volume 43, Page 778, Deed and Mortgage Records; thence South 1°42'50" West along the West line of said United States of America tract 270 feet to the South line of said Donation Land Claim #54; thence Westerly along said Donation Land Claim line in the center of the County Road to the place of beginning.





GRAPHIC SCALE  
SCALE 1" = 20'

VERTICAL DATUM:  
PROJECT DATUM: NAVD 83  
DESCRIPTION: PROJECT ELEVATIONS ARE BASED ON NAVD STATION GPS  
OBSERVATIONS ON BENCHMARK SURVEY CONTROL POINTS USING GEODESIC AND  
LOCAL ORION STATION DATA

**LEGEND:**

- [illegible]

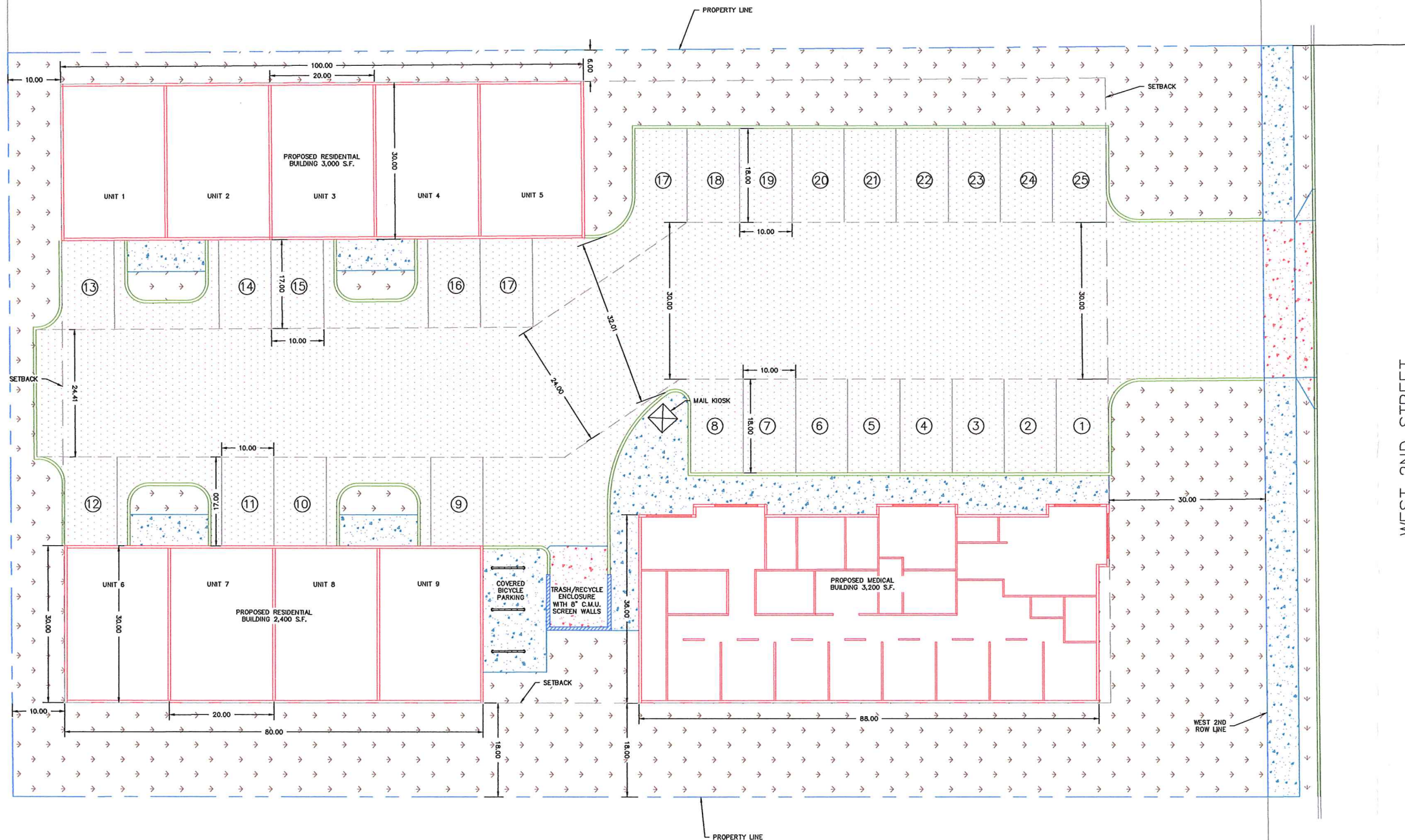
### UTILITY STATEMENTS:






UNIT LOCATION SHOULD BE VERIFIED BY CREW/ON OFFICER  
INFORMATION CENTER, ADVISES, PRIOR TO ANY COMMUNICATING  
THE INFORMATION TO THE INFORMATION CENTER.

DR. JUDD PROPERTY  
TOPOGRAPHIC SURVEY  
LOCATED IN THE NE 1/4 OF SECTION 19, T. 4 S., R. 4 W., W.M.  
MCMINNVILLE, OREGON  
FOR: DR. JUDD

DATE		REV.		DESCRIPTION	
DATE	5/7/78	REV.			
DESIGN	DSH				
DESIGNED BY	DSH				
CHECKED	DSH				
JOB NO.					
	DHP001				
DESIGN NAME					
TOPO					





	ASPHALT PAVING - 12,462 S.F. =35%		PEDESTRIAN CONCRETE PAVING - 2,587 S.F. =7%		BUILDINGS - 8,600 S.F. =24%
	LANDSCAPING - 11,566 S.F. =33%		VEHICULAR CONCRETE PAVING - 477 S.F. =1%	TOTAL LAND AREA 35,692 S.F.	

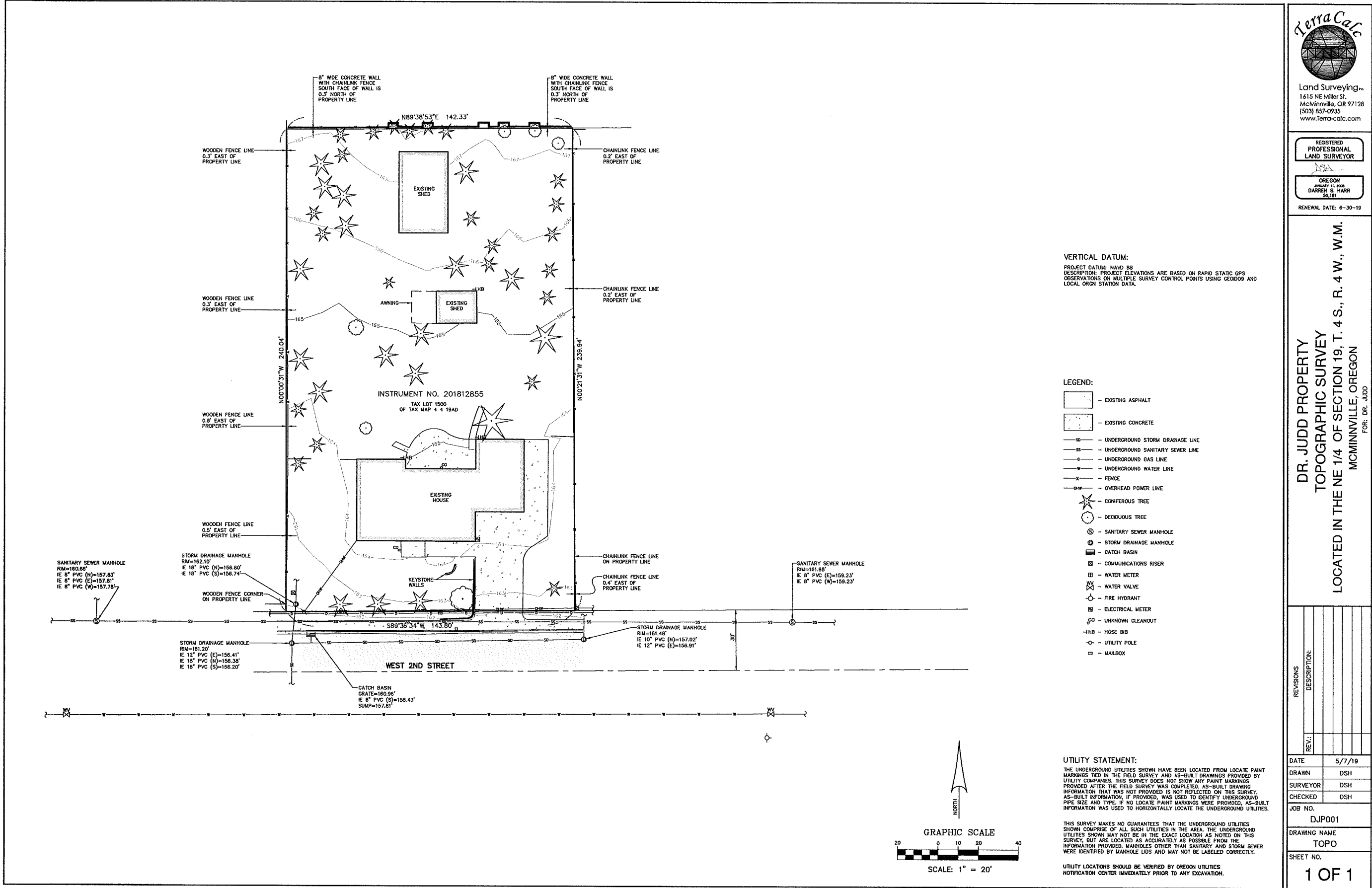


WEST 2ND STREET

JUDD M/U DEVELOPMENT  
PRELIMINARY SITE PLAN

**TerraCalc**  
Land Surveying, Inc.  
1615 NE Miller St.  
McMinnville, OR 97128  
(503) 857-0935  
www.Terra-calc.com

REVISIONS:  
08/22/2019  
DRAWN BY:  
K.J.P.





## NEIGHBORHOOD MEETING FOR:

1945 West 2nd Street  
McMinnville, OR 97128  
Tax Lot#R4419AD01500

**DATE:** July 29th, 2019

**TIME:** 6:00 PM

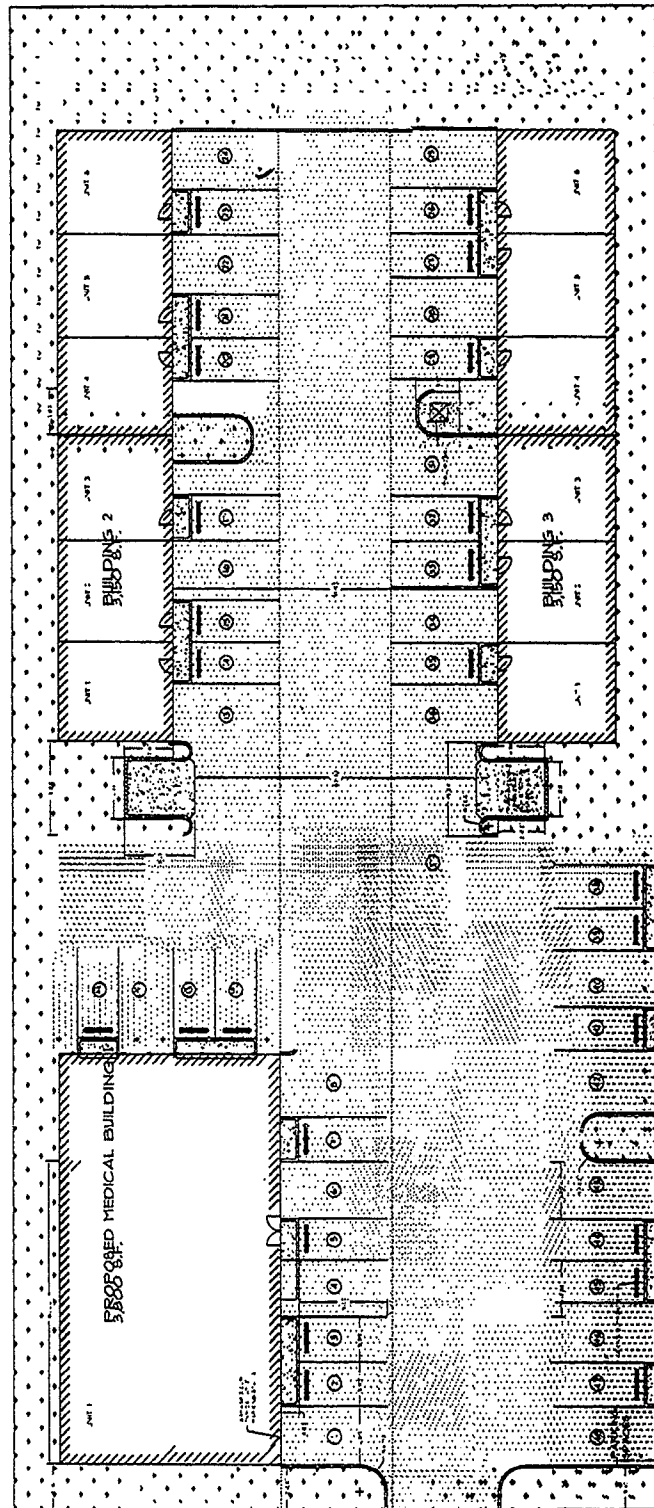
**LOCATION:** Laughing Bean Bistro  
2274 NW 2nd Street  
McMinnville, OR

This meeting will provide an opportunity for neighbors in the surrounding area to see and hear what will be proposed to the Planning Commission in the near future. Please come to this neighborhood meeting to receive information on the proposed development and to ask questions, provide input and voice any concerns that may arise.

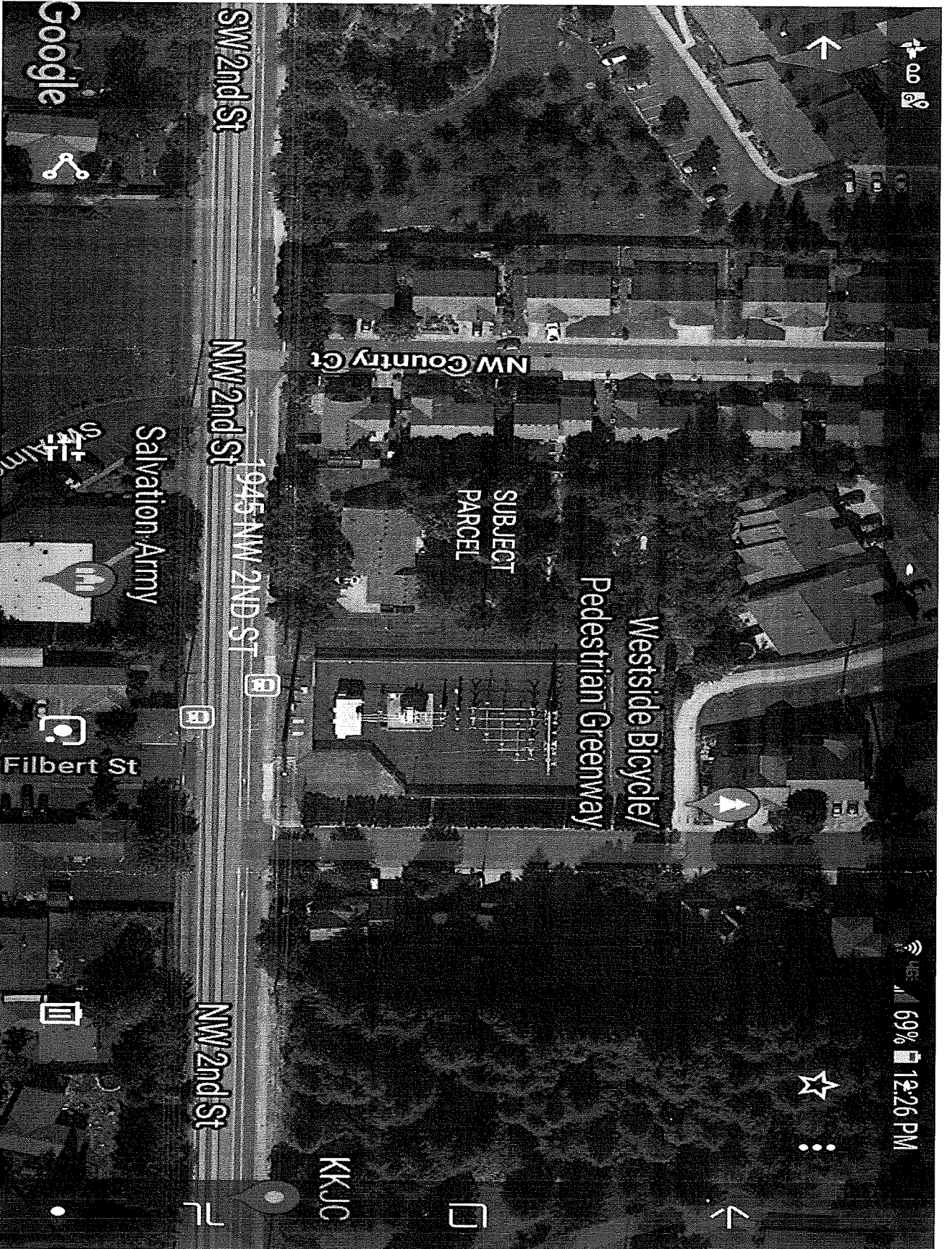
**PROPOSAL:** Zone change from R1 to R4. Due to the housing shortage in McMinnville we are proposing townhouse style units approximately 1200 sq. ft. with a conditional use to include a medical office.

We invite anyone interested to come and have a conversation about the future development proposal.

Included in this mailed notice are a tax map and a conceptual site plan.



1345 N.W. 2ND STREET  
PRELIMINARY SITE PLAN



NEIGHBORHOOD MEETING SIGN-IN SHEET  
1945 NW 2ND ST MCMINNVILLE, OREGON 97128  
WHEN: 07/29/2019 6:00PM  
LOCATION: LAUGHING BEAN BISTRO  
2274 NW 2ND ST, MCMINNVILLE, OR 97128

PAT JACOBSEN	729 NW meadowood Circle	
NAME	ADDRESS	CONTACT INFO
W Townsend	958 Capende	
NAME	ADDRESS	CONTACT INFO
A Joyce Salt	1023 Cascade Way	
NAME	ADDRESS	CONTACT INFO
Ann Beck	851 Meadowood Cir	
NAME	ADDRESS	CONTACT INFO
Meghan Chilton	300 NW Hillside	
NAME	ADDRESS	CONTACT INFO
Gary		
NAME	ADDRESS	CONTACT INFO
Dalena Saunders	308 NW Country Ct.	503-544-3174
NAME	ADDRESS	CONTACT INFO
Paul Meck	505 NW Hillside Pky	503-857-0940
NAME	ADDRESS	CONTACT INFO
DUDLEY FROST	435 " "	
NAME	ADDRESS	CONTACT INFO
John Lechusa	308 NW Country Ct	503-583-6413
NAME	ADDRESS	CONTACT INFO
Jon Wickersheim	220 NW COUNTRY CT	503-901-6900
NAME	ADDRESS	CONTACT INFO
Phyllis Hart	254 Country Ct	503-434-6520
NAME	ADDRESS	CONTACT INFO
Janet Adams	255 NW Country Ct	971-241-9593
NAME	ADDRESS	CONTACT INFO
NAME	ADDRESS	CONTACT INFO
NAME	ADDRESS	CONTACT INFO
NAME	ADDRESS	CONTACT INFO
NAME	ADDRESS	CONTACT INFO

Map No.	Tax Lote	Site Address	Owner	Attn:
1	R4419AD04400			
2	R4419AD04700	351 NW MEADOWS DR	KNORR JAMES R	KNORR JAMES R
3	R4419 01200	300 NW HILLSIDE PARK	HCP SH ELP1 PROPERTIES LLC	HCP SH ELP1 PROPERTIES LLC
4	R4419AD05100	286 NW MEADOWS DR	FERGUS GOLDEN M &	FERGUS GOLDEN M &
5	R4419AC00213	220 NW COUNTRY CT	WICKERSHEIM JON	WICKERSHEIM JON
6	R4419AD04800	319 NW MEADOWS DR	ARMSTRONG RANDALL D	ARMSTRONG RANDALL D
7	R4419AD04100	483 NW MEADOWS DR	BENDER ELLEN H	BENDER ELLEN H
8	R4419AC00212	221 NW COUNTRY CT	ADAMS JANET A G	ADAMS JANET A G
9	R4419AD05300	350 NW MEADOWS DR	STAHL RICHARD J	STAHL RICHARD J
10	R4419DA02800	1767 SW ALMOND CT	BELL GRACIELA	BELL GRACIELA
11	R4419AD01601	433 NW MEADOWS DR	WIXOM JOYCE A TRUSTEE	WIXOM RICHARD & JOYCE TRUST
12	R4419AD01500	1945 NW 2ND ST	JUDD MELINDA	JUDD MELINDA
13	R4419AD04200	475 NW MEADOWS DR	BRYANT NANCY L	BRYANT NANCY L
14	R4419AD04900	224 NW MEADOWS DR	MABRY DANIEL	MABRY DANIEL
15	R4419AD01400		CITY OF MCMINNVILLE	CITY OF MCMINNVILLE
16	R4419DA03000	1814 SW ALMOND CT	HERNANDEZ BONIFACIO	MADRIGAL MARIA 1/2
17	R4419AC00207	339 NW COUNTRY CT	GORDON JAMES G	GORDON JAMES G
18	R4419AC00206	361 NW COUNTRY CT	BARAINCA ALATZNE	BARAINCA ALATZNE
19	R4419AC00205	383 NW COUNTRY CT	KENOW LAURA J	KENOW LAURA J
20	R4419AC00215	280 NW COUNTRY CT	ANDERSON NICOLE L	ANDERSON NICOLE L
21	R4419AC00210	279 NW COUNTRY CT	ABBOTT STEVEN L	ABBOTT STEVEN L
22	R4419AD05200	318 NW MEADOWS DR	NASSAR WALID P	NASSAR WALID P
23	R4419AD04500	411 NW MEADOWS DR	BELL ANTHONY E & LILIAN A TRUSTEES F	BELL ANTHONY E & LILIAN A TRUSTEES FOR
24	R4419AC00214	254 NW COUNTRY CT	HART PHYLLIS	HART PHYLLIS
25	R4419DB00119	104 SW MANZANITA ST	DORRELL JON D	DORRELL JON D
26	R4419AD01700	429 NW MEADOWS DR	LOYA BRENDA J	LOYA BRENDA J
27	R4419AD04300	467 NW MEADOWS DR	EQUITY TRUST COMPANY CUSTODIAN FBO	VOLKMAN LAURA IRA 57%
28	R4419DA02900	104 SW FILBERT ST	PARKER WILLIAM M	PARKER WILLIAM M
29	R4419AC00218	336 NW COUNTRY CT	BAUTISTA MANUEL	BAUTISTA MANUEL
30	R4419AD05500	422 NW MEADOWS DR	VANBUREN MICHAEL F &	VANBUREN MICHAEL F &
31	R4419DA03600	109 SW FILBERT ST	CHASTAIN LYNN D	CHASTAIN LYNN D
32	R4419DA14900	1950 SW 2ND ST	SALVATION ARMY	SALVATION ARMY

Mailing Address	City State	Zip
28155 SW CANYON CREEK RD S	WILSONVILLE OR	97070
6737 W WASHINGTON ST STE 2300	MILWAUKEE WI	53214
286 NW MEADOWS DR	MCMINNVILLE OR	97128
220 NW COUNTRY CT	MCMINNVILLE OR	97128
1145 SW CYPRESS #24	MCMINNVILLE OR	97128
483 NW MEADOWS DR	MCMINNVILLE OR	97128
255 NW COUNTRY CT	MCMINNVILLE OR	97128
350 NW MEADOWS DR	MCMINNVILLE OR	97128
1173 JOELS PL	LAFAYETTE OR	97127
3079 NE KAREN CT	MCMINNVILLE OR	97128
815 NW 18TH PL	MCMINNVILLE OR	97128
78685 MORNING STAR	PALM DESERT CA	92211
224 NW MEADOWS DR	MCMINNVILLE OR	97128
230 NE 2ND ST	MCMINNVILLE OR	97128
1814 SW ALMOND CT	MCMINNVILLE OR	97128
339 NW COUNTRY CT	MCMINNVILLE OR	97128
361 NW COUNTRY CT	MCMINNVILLE OR	97128
383 NW COUNTRY CT	MCMINNVILLE OR	97128
280 NW COUNTRY CT	MCMINNVILLE OR	97128
1214 SW APPERSON ST	MCMINNVILLE OR	97128
1005 NW 2ND ST	MCMINNVILLE OR	97128
PO BOX 1235	MCMINNVILLE OR	97128
254 NW COUNTRY CT	MCMINNVILLE OR	97128
104 SW MANZANITA ST	MCMINNVILLE OR	97128
429 NW MEADOWS DR	MCMINNVILLE OR	97128
2388 OVERLOOK DR	LAKE OSWEGO OR	97034
104 SW FILBERT ST	MCMINNVILLE OR	97128
336 NW COUNTRY CT	MCMINNVILLE OR	97128
422 NW MEADOWS DR	MCMINNVILLE OR	97128
109 SW FILBERT ST	MCMINNVILLE OR	97128
PO BOX 8798	PORTLAND OR	97208

33	R4419AD04600	377	NW MEADOWS DR	HOUSTON MICHA J &	HOUSTON MICHA J &
34	R4419AC00216	308	NW COUNTRY CT	SAUNDERS DALENA M	SAUNDERS DALENA M
35	R4419AC00204	407	NW COUNTRY CT	JAMES BELINDA G	JAMES BELINDA G
36	R4419AD01300	1915	NW 2ND ST	MCMINNVILLE CITY OF	MCMINNVILLE CITY OF
37	R4419AC00217	320	NW COUNTRY CT	EFFRAIMSON DANIEL	EFFRAIMSON DANIEL
38	R4419AD05000	252	NW MEADOWS DR	KOSSMAN STEVEN E &	KOSSMAN STEVEN E &
39	R4419AD01600	437	NW MEADOWS DR	WIXOM JOYCE A TRUSTEE	WIXOM RICHARD & JOYCE TRUST
40	R4419AC00222	418	NW COUNTRY CT	BROWN RIDGE RAY &	BROWN RIDGE RAY &
41	R4419AD01800	n/a		BELL ANTHONY	WIXOM RICHARD & JOYCE TRUST
42	R4419AD02001	459	NW MEADOWS DR	NORTH MAC PROPERTIES LLC	NORTH MAC PROPERTIES LLC
43	R4419AD02100				
44	R4419DA03700	121	SW FILBERT ST	DAVIDSON KENNETH A JR	DAVIDSON KENNETH A JR
45	R4419AC00208	325	NW COUNTRY CT	GRAHAM MITCHELL R	GRAHAM MITCHELL R
46	R4419AD02000	446	NW COUNTRY CT	NORTH MAC PROPERTIES LLC	NORTH MAC PROPERTIES LLC
47	R4419DB00120	200	SW MANZANITA ST	BREWTON SHAWN M &	BREWTON SHAWN M &
48	R4419AD05400	380	NW MEADOWS DR	CARLTON MARK R CO-TRUSTEE	CARLTON MARK R CO-TRUSTEE
49	R4419AC00211	255	NW COUNTRY CT	ADAMS JANET A G	ADAMS JANET A G
50	R4419AC00219	356	NW COUNTRY CT	BIERLY PHILIP S	BIERLY PHILIP S
51	R4419AC00221	400	NW COUNTRY CT	SHULMIRE RAYMOND &	SHULMIRE RAYMOND &
52	R4419AC00209	311	NW COUNTRY CT	RUSSELL ERIC D	RUSSELL ERIC D
53	R4419AD01701	421	NW MEADOWS DR	BELL ANTHONY E & LILIAN A TRUSTEES F	BELL ANTHONY E & LILIAN A TRUSTEES FOR
54	R4419AC00220	380	NW COUNTRY CT	NEFF-DOUGLAS JOANNE L	NEFF-DOUGLAS JOANNE L
55	R4419AD04000	495	NW MEADOWS DR	KLINGLER BRIAN	KLINGLER BRIAN
56	R4419 01200	300	NW HILLSIDE PARK	HCP SH ELP1 PROPERTIES LLC	HCP SH ELP1 PROPERTIES LLC
				MCMINNVILLE PLANNING DEPARTMENT	MCMINNVILLE PLANNING DEPARTMENT

377 NW MEADOWS DR	MCMINNIVILLE OR	97128
308 NW COUNTRY CT	MCMINNIVILLE OR	97128
407 NW COUNTRY CT	MCMINNIVILLE OR	97128
535 NE 5TH ST	MCMINNIVILLE OR	97128
3627 NW 27TH CIRCLE	CAMAS WA	98607
252 NW MEADOWS DR	MCMINNIVILLE OR	97128
3079 NE KAREN CT	MCMINNIVILLE OR	97128
418 NW COUNTRY CT	MCMINNIVILLE OR	97128
3079 NE KAREN CT	MCMINNIVILLE OR	97128
PO BOX 594	MCMINNIVILLE OR	97128
		0
121 SW FILBERT ST	MCMINNIVILLE OR	97128
325 NW COUNTRY CT	MCMINNIVILLE OR	97128
PO BOX 594	MCMINNIVILLE OR	97128
200 SW MANZANITA ST	MCMINNIVILLE OR	97128
380 NW MEADOWS DR	MCMINNIVILLE OR	97128
255 NW COUNTRY CT	MCMINNIVILLE OR	97128
356 NW COUNTRY CT	MCMINNIVILLE OR	97128
400 NW COUNTRY CT	MCMINNIVILLE OR	97128
748 NW MORNING VIEW CT	MCMINNIVILLE OR	97128
PO BOX 1235	MCMINNIVILLE OR	97128
380 NW COUNTRY CT	MCMINNIVILLE OR	97128
495 NW MEADOWS DR	MCMINNIVILLE OR	97128
6737 W WASHINGTON ST STE 2300	MILWAUKEE WI	53214
231 NE 5TH ST	MCMINNIVILLE OR	97128



NOTICE  
NEIGHBORHOOD MEETING  
PLANTER LAMBERT APT. 210  
ONE ONE SEVENTH AVENUE  
ST. LOUIS, MO. 63103  
RE: BIRMINGHAM IS TO BE  
RECEIVED BY THE  
CITY OF ST. LOUIS  
ON APRIL 21, 1970

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# NEIGHBORHOOD MEETING

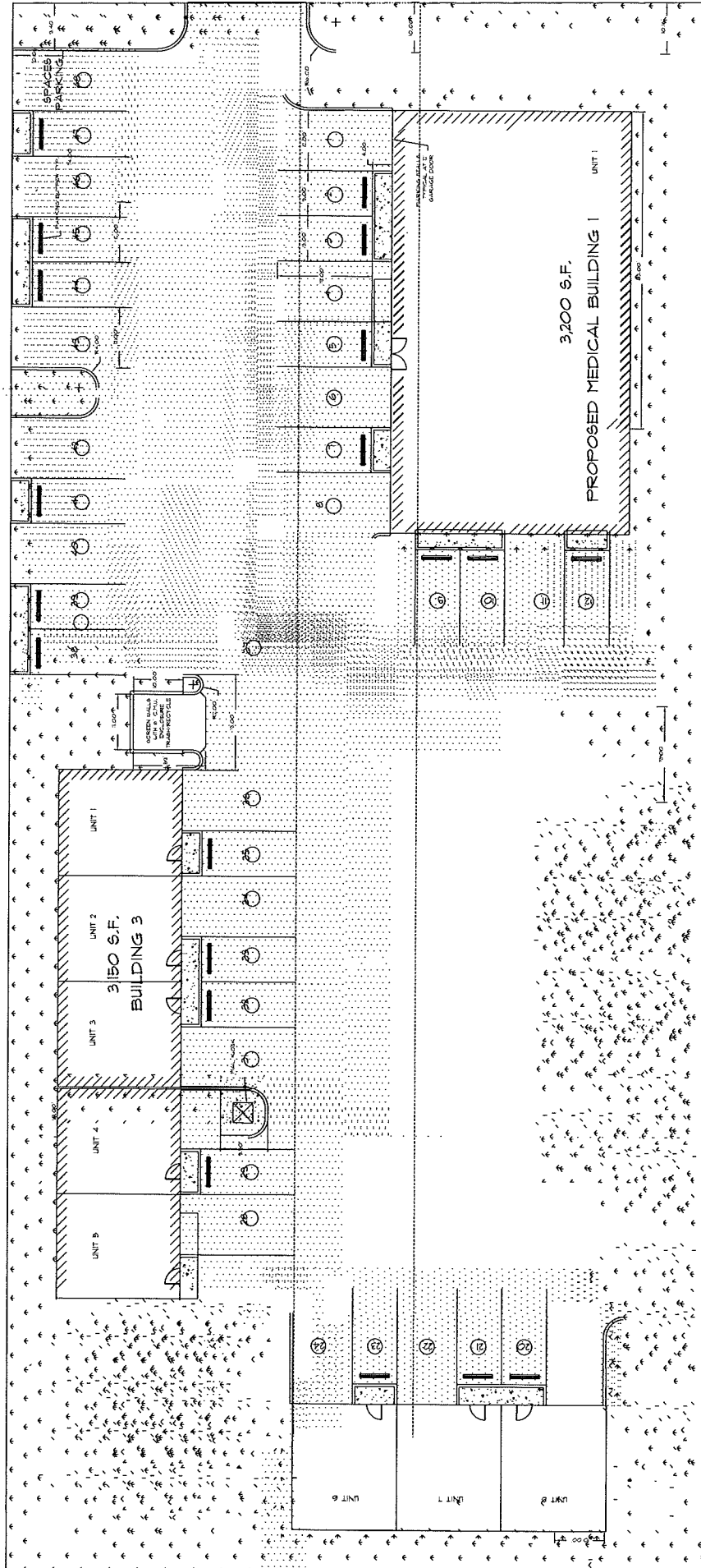
6:00 PM

## LAUGHING BEAN BISTRO

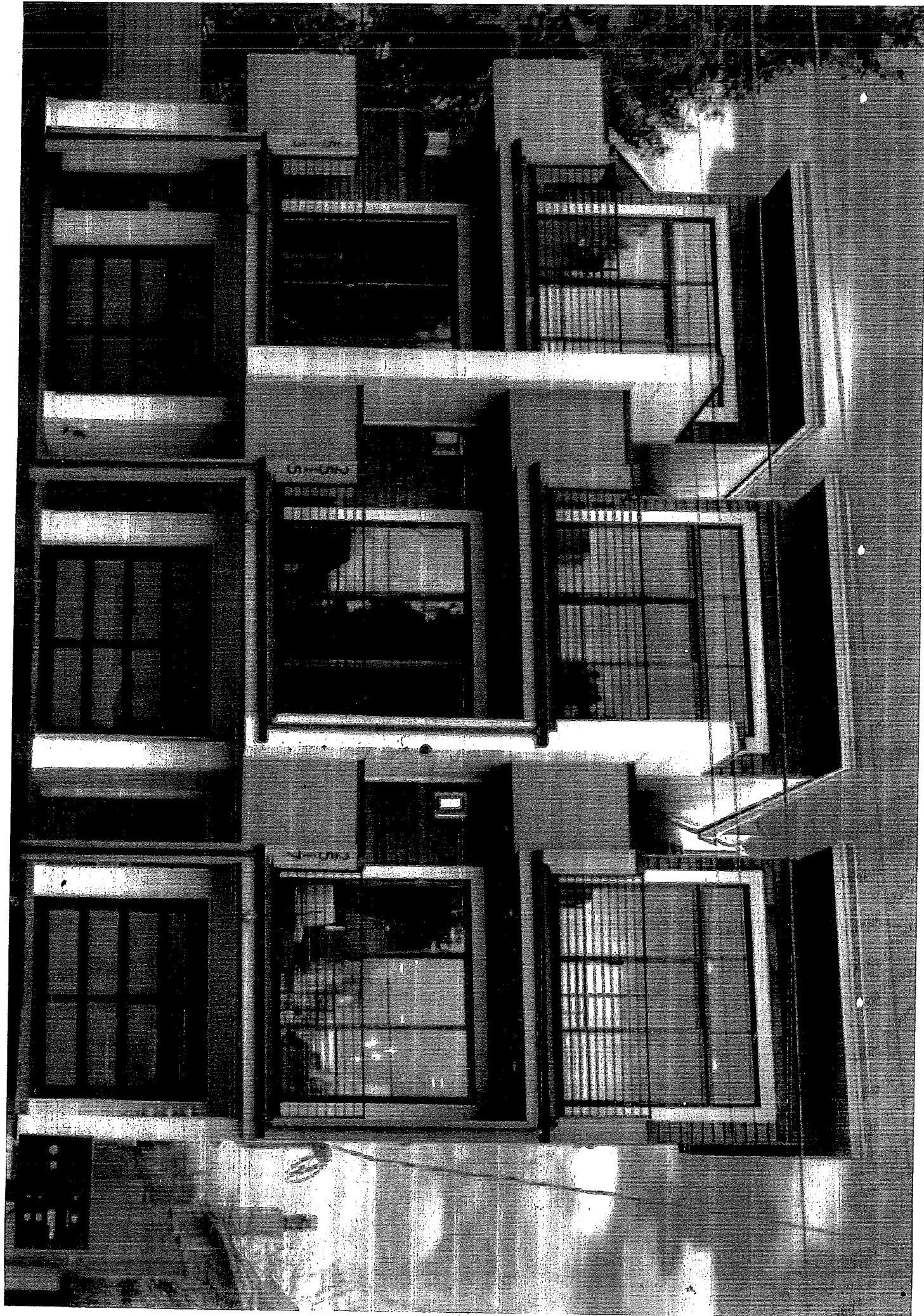
1945 NW 2<sup>ND</sup> ST MCMINNVILLE, OR 97128

OPEN TO THE PUBLIC

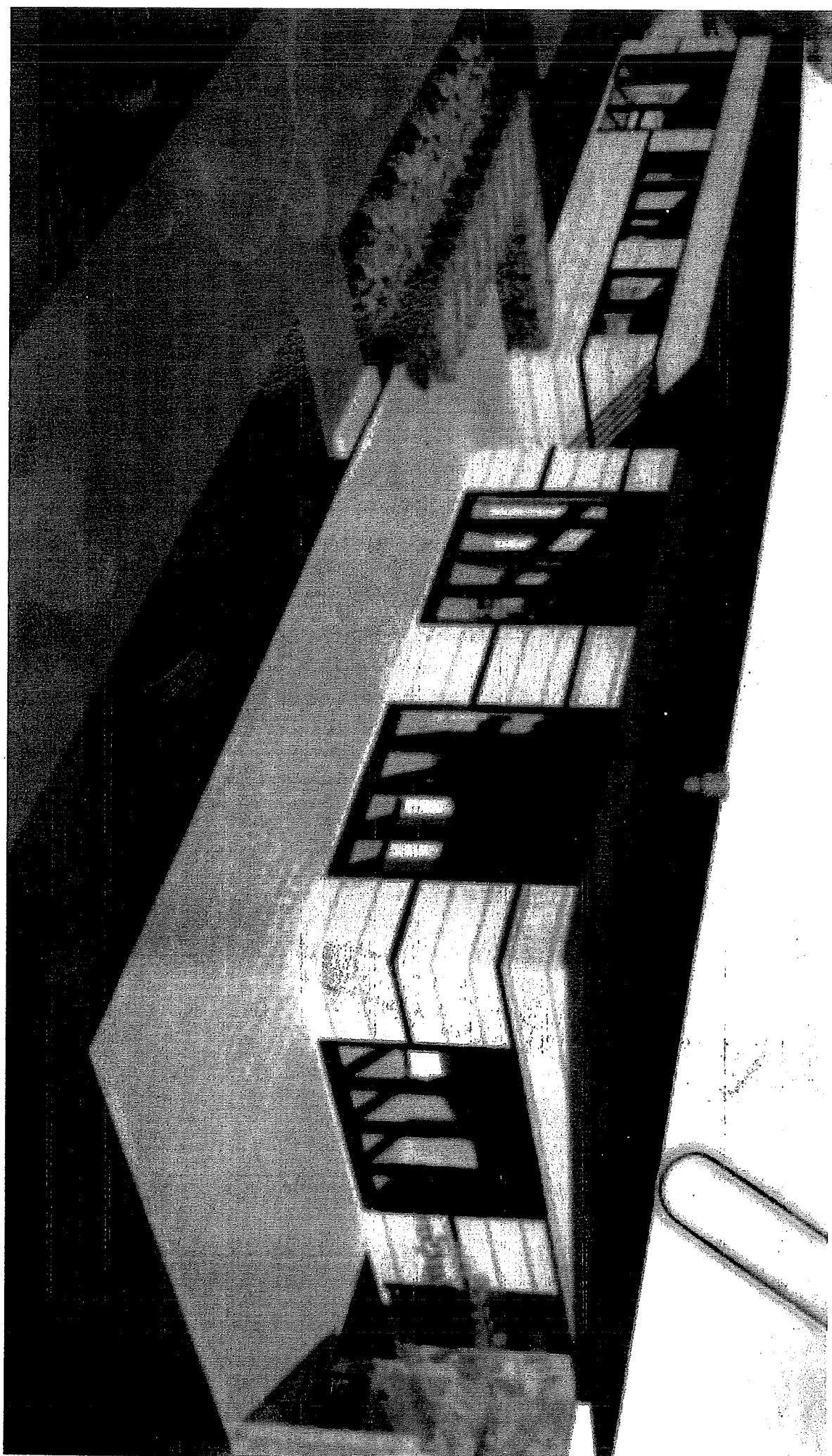
ALL ARE WELCOME TO ATTEND

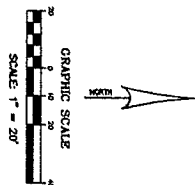












DATE	5/7/19
DESIGN	DSH
SURVEYOR	DSH
CHECKED	DSH
JOB NO.	
DRAWING NAME	DAP001
TOPO	
SHEET NO.	

**TerraCalc**

Land Surveying  
1417 NE Lake St.  
McAlester, OK 77120  
(903) 827-0935  
[www.Terra-Calc.com](http://www.Terra-Calc.com)

**REGISTERED PROFESSIONAL LAND SURVEYOR**  
1576

**OFFICE:**  
1417 NE Lake St.  
McAlester, OK 77120  
OWNER & SURV  
TERRACALC.COM

**REGISTERED DATE:** 05-15-10

NEIGHBORHOOD MEETING AGENDA  
1945 NW 2ND ST MCMINNVILLE, OREGON 97128  
WHEN: 07/29/2019 6:00PM  
LOCATION: LAUGHING BEAN BISTRO  
2274 NW 2ND ST, MCMINNVILLE, OR 97128

OPPORTUNITY TO VIEW THE CONCEPTUAL SITE PLAN

DESCRIPTION OF MAJOR ELEMENTS OF PROPOSAL INCLUDING ACCESS AND PARKING,  
PROPOSED BUILDING SIZE, ETC.

OPPORTUNITY FOR NEIGHBORS TO SPEAK AND ASK QUESTIONS ABOUT ANY  
COMMENTS OR CONCERNS THEY MAY HAVE.



# 1945 NW 2ND ST MCMINNVILLE OREGON NEIGHBORHOOD MEETING SUMMARY

ON 07/29/2019 AT 6:00 PM IN THE LAUGHING BEAN BISTRO (2274 NW 2ND STREET MCMINNVILLE OR) WE HELD OUR NEIGHBORHOOD MEETING IN REGARDS TO THE ZONE CHANGE FOR 1945 NW 2ND ST, WHERE THIRTEEN PEOPLE WERE IN ATTENDANCE.

THE CONCERNS ADDRESSED WERE:

\* THE FENCE TO THE WEST OF THE PROPERTY, IT WAS THE ORIGINAL FENCE AND WOULD LIKE SOME HELP REVAMPING IT OR REPLACING IT.

\*CRIME IN THE EXISTING WOODED AREA HOPING SOME OF THE TREES WOULD BE REMOVED AND THE PARKING LOT WELL LIT.

\*MAINTAINING THEIR PRIVACY STRATEGICALLY LEAVING AS MANY TREES AS POSSIBLE ALONG THE WEST PROPERTY LINE

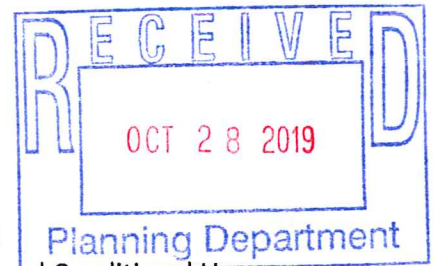
\*NICE CURB APPEAL LANDSCAPING FROM SECOND STREET.

\*CURRANT LIGHTING IS POOR WANT BETTER LIGHTING.

\*THE HEIGHT OF THE MEDICAL CLINIC AND WHERE THE WINDOWS WOULD BE IN RELATIONSHIP TO THE NEIGHBORING HOMES TO THE WEST OF THE PROPERTY

AS A WHOLE PEOPLE SEEMED TO BE ACCEPTING OF THE PROPOSAL WE AGREED TO ACCOMMODATE AS MUCH AS POSSIBLE TO THE REQUEST OF THE NEIGHBORS OUR PARKING WILL BE WELL LIT, WE WANT NICE CURB APPEAL, WE WILL TRY AND KEEP AS MANY TREES AS WE CAN, ALSO THINNING OUT THE TREES TO KEEP THE PROPERTY SAFE, AND WE DID AGREE TO ADDRESS THE FENCE AND AGREED TO MEET IN THE FUTURE TO DISCUSS SOLUTIONS FOR THE AGING FENCE. AS FOR THE HEIGHT OF THE MEDICAL CLINIC THE OWNER HAS DECIDED TO PURSUE A SINGLE LEVEL OF WHICH WILL HAVE ELIMINATED THE CONCERN OF THE HEIGHT OF THE BUILDING.

WE STARTED OUT PROPOSING A MIXED USE BUILDING FOR THE MEDICAL CLINIC BECAUSE OF THE DESPERATE NEED OF MORE HOUSING IN MCMINNVILLE. HAVING HEARD THE CONCERNS OF THE NEIGHBORS WE ARE PURSUING A SINGLE LEVEL BUILDING FOR THE MEDICAL CLINIC. OUR GOAL WAS TO OBTAIN FEEDBACK FROM THE NEIGHBORS TO MAKE EVERYONE'S TRANSITION TO SOMETHING NEW A PLEASANT ONE. OUR NEIGHBORS WERE VERY NICE HAD REASONABLE EXPECTATIONS AND THOUGH CHANGE IS HARD WE WOULD LIKE TO ACCOMMODATE THEM ANY WHERE WE CAN DURING THE COURSE OF CONSTRUCTION.



## **Responses to Zone Change Application**

Proposed Change from R-1 Single Family Zone to R-4 Multi-Family and Conditional Use  
Developed in Two Phases

1945 SW 2<sup>nd</sup> Street  
Yamhill County Taxlot R4419AD-01500

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

Zone change from single-family residential R-1 to multi-family residential R-4 with conditional use where the first phase will be a dental office as an accessory use and the second phase will be primary use of multi-family residential housing. The reason for the change is to maximize infill land uses and accommodate community need for a variety of housing types as and access to health services.

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).*

*The zone change is consistent with the surrounding land uses. Neighboring properties are single-family residential R-2 to the north, R-1 on the property to the east where a power substation is the present use, R-2 to the south across SW 2<sup>nd</sup> Street where Salvation Army is located, and R-4 multi-family residential to the west.*

### **Volume II Goals and Policies**

*Preserve Quality of Air, Water, and Land Resources within the Planning Area II:01.12 city 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.*

**Air, Water, and Land Resources Preservation II Response:**

Residential and dental office uses will be compatible to the surrounding residential, power generation, and religious service uses. The dental office will operate normal business hours and will not emit loud, disturbing, or unnecessary noise. Plant material will be used to separate the land uses and to buffer the development from the traffic along SW 2<sup>nd</sup> St; in accordance with safe and visible access into the site and as required by development code.

*Employment Diversification IV: 21.02 city shall encourage and support expansion or relocation of high-wage businesses in McMinnville; 21-03 city shall support existing businesses and the establishment of locally owned businesses; 27.00 neighborhood commercial uses will consist of neighborhood oriented businesses located on collector or arterial streets; 28.00 commercial planned development should be encouraged in the*

*proximity of intersection of Hill Road and 2<sup>nd</sup> Street to service the needs of people in western McMinnville.*

**Employment Diversification IV Response:**

As part of a conditional use, the dental office will be an accessory use to the neighboring multi-family housing as an expansion of the woman-owned business/dental practice that was established in McMinnville in 2008. Dental medical services are high-wage jobs and the new building will accommodate for future job growth. SW 2<sup>nd</sup> Street has the capacity to provide access to the site and the accessory use aligns with the small-scale commercial land use encouraged for sites near Hill Road and SW 2<sup>nd</sup> Street.

*Housing V: 58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities; 59.00 opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City; 68.00 McMinnville shall encourage compact urban development in the urban service area; 69.00 McMinnville shall explore the utilization of innovative land use regulatory ordinances to integrate the functions of housing, commercial, and industrial developments in a compatible framework; 70.00 McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives for a variety of housing types, densities, and price ranges to meet present and future community needs; 71.07 R-1 zoning designation applied to limited areas; 71.08 R-2, R-3, and R-4 permitted on lands exhibiting services and facilities capacity, within one mile of transit, lower sloped areas in West Hills, direct access from collector or arterial streets; 71.09 high density residential development (8-30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments: 1) areas not committed to low density, 2) areas with direct access from collector or arterial streets, 3) areas not subject to development limitations, 4) where existing facilities have the capacity for development, 5) areas within one-quarter mile of existing or planned public transportation, 6) areas buffered from low density residential areas to maximize privacy of established low density areas; 71.13 criteria determining areas appropriate for high-density residential development: 1) areas not committed to low or medium density development, 2) areas buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential, 3) areas with direct access from a major collector or arterial street, 4) areas not subject to development limitations, 5) areas where existing facilities have the capacity for additional development, 6) areas within one-half mile wide corridor centered on existing or planned public transit routes, 7) areas within one-quarter mile from neighborhood and general commercial shopping centers, and 8) areas adjacent to either private or public permanent open space; 86.00 dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the city to avoid a concentration of people, traffic congestion, and noise; 90.00 greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from*

*neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes; 91.00 multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined to have sufficient traffic carrying capacities; 92.00 high-density housing developments shall be encouraged to locate along existing or potential public transit routes; 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; 92.02 high-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation; 99.00 adequate level of urban services, 1) sanitary sewer, 2) storm sewer, 3) streets, 4) water.*

Housing V Response:

(58.00) The proposed development is a creative approach to land utilization in the city's urban service area and the density will be consistent with neighboring developments.

(59.00, 68.00, 69.00, 70.00) The development concept adds to the mix of housing types available that are in high demand. The city has also identified a particular need for multiple-family housing options that this development will help to satisfy by offering smaller, townhouse style, individual two-story attached housing units for tenant and owner-occupied options. (71.08) The site is fully served by public and private utilities; with transportation access from SW 2<sup>nd</sup> Street. The zone change from R-1 to R-4 will help meet the city's objective for higher density on flat sites with access from collector or arterial streets and one mile from area transit. (71.09) The development will be high-density residential units with nine townhouse style dwelling units per acre. The current zoning of the site is lower density; however the surrounding uses are electric power substation, multiple-family residential, residential, and religious services. The development is buffered by a collector/arterial street. The site is flat, with sufficient utilities to serve the construction of the first phase dental office. Additional sewer capacity is needed to complete the second phase multiple-family housing units. The dental office and housing units are on a major street with direct access to public transit. The development is within one-quarter mile to commercial services and 1.5 miles to downtown McMinnville. Open space is located directly east of the site at Calvary Chapel and West McMinnville Linear Park is roughly one-half mile away. (86.00)

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.

NA.

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.

NA.

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

*Surrounding properties are fully developed with similar uses. The zone change from R-1 to R-4 is timely because McMinnville has identified a need for multi-family housing options.*

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

*Surrounding zones are higher density R-2 and R-4.*

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.

*The pre-development meeting with McMinnville Public Works, Wastewater Services, and McMinnville Water and Light indicated that the site is adequately served for the proposed development.*

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

*During the pre-development meeting with the City of McMinnville, it was noted that there are plans for future improvements to SW 2<sup>nd</sup> Street. Current road conditions will support the estimated range of daily vehicle trips of 20 to 40 trips; with the estimated average daily trips of 30. As a result, a traffic impact analysis was not required. Pedestrian, bicycle, and vehicle amenities will be provided on the site with the development. The owner will work with the City of McMinnville as they progress with the improvements to NW 2<sup>nd</sup> Street.*



# MEMORANDUM

DATE: November 27, 2019

TO: Douglas Egan | MD Builders, Inc.

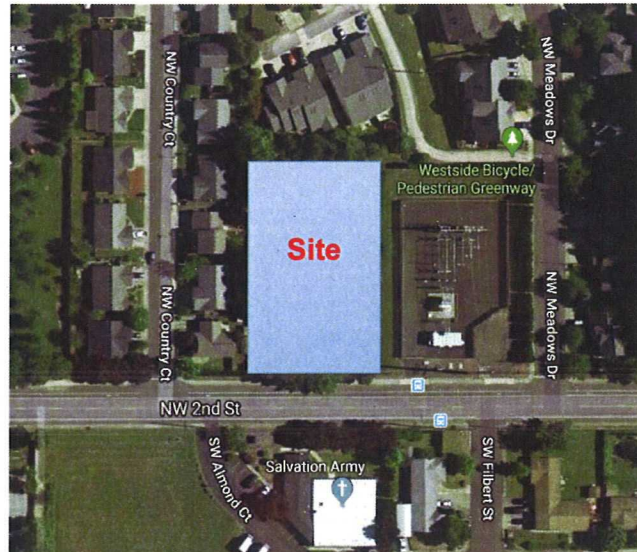
FROM: Lacy Brown, Ph.D., P.E. | DKS Associates  
Clive Lara, EI | DKS Associates

SUBJECT: McMinnville 1945 NW 2nd Street Zone Change Trip Generation Letter



This memorandum presents the findings of an evaluation of potential traffic impacts associated with a zone change for a 0.8-acre property located at 1945 NW 2nd Street in McMinnville, Oregon. The approximate location of the subject property is shown in Figure 1 below.

The applicant desires to change the current zoning from Single-Family Residential (R-1) to Multi-Family Residential (R-4) zoning for the development of up to nine multi-family townhome units and a 3,200 square foot dental office building (a conditional use). The proposed zone change must be in accordance with Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The intent of the TPR is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses. Because the term



**Figure 1: Site Location**

“significant effect” is subjective, thresholds from other sources can be used to quantify what is “significant”. Action 1F.05 in the Oregon Highway Plan quantifies an insignificant effect on the surrounding roadway network as an increase of less than 400 daily trips. Although the Oregon Highway Plan would not apply to the roadways in this study area, it provides a reasonable number for context.

This memorandum summarizes the typical land use types allowed under the both the existing R-1 zone and the proposed R-4 zone as well as the reasonable worst-case development potential for each zoning category. The difference in estimated trip generation for the reasonable worst-case development level for the R-1 and R-4 zones represents the traffic impact of the zone change.

## Existing Zoning Trip Generation

The intention of Single-Family Residential (R-1) zoning is to allow the use of single-family detached housing.<sup>1</sup> Class A mobile homes, single duplexes, and other low density residential land uses can be allowed with various restrictions which are not relevant to the subject property.<sup>2</sup>

For the purposes of identifying the reasonable worst-case trip generation for the existing zoning, ITE's Single-Family Detached Housing (ITE code 210) was assumed as the sole land use allowed under the existing zoning. A summary of the estimated trip generation rates for single family housing is presented in Table 1.<sup>3</sup>

**Table 1: Trip Generation Rates for Selected Allowed Land Uses under R-1 Zoning**

Land Use (ITE Code)	Units	Weekday Trip Generation Rates		
		Daily	AM Peak Hour	PM Peak Hour
Single-Family Detached Housing (210)	DU <sup>a</sup>	9.44	0.74	0.99

<sup>a</sup> DU = Dwelling Unit

Based on the minimum lot size requirements for R-1 zones, three 9,000 square-foot single family lots were assumed as the reasonable worst-case trip generation for the existing zoning.

Table 2 on the following page presents the reasonable worst-case trip generation estimate that could be potentially developed on the 0.8-acre subject property under the existing R-1 zoning.

As shown, full-build out of the property under existing zoning could generate 29 daily trips, 3 a.m. peak hour trips, and 3 p.m. peak hour trips. These values represent the reasonable worst-case trip generation produced under the existing R-1 zoning.

**Table 2: Reasonable Worst-Case Land Use and Trip Generation for Existing R-1 Zoning**

Land Use (ITE Code)	Size	Weekday Trip Generation		
		Daily	AM Peak Hour	PM Peak Hour
Single-Family Detached Housing (210)	3 DU <sup>a</sup>	29	3	3
<b>Total Trips Generated (Existing R-1 Zoning)</b>	<b>3 DU<sup>a</sup></b>	<b>29</b>	<b>3</b>	<b>3</b>

<sup>a</sup> DU = Dwelling Unit

<sup>1</sup> A list of permitted land uses for R-1 zoning can be found in the City of McMinnville Zoning Ordinance 3380, Chapter 17.12.

<sup>2</sup> A day care facility is also allowed under the existing R-1 zoning with provisions. Since a day care facility is also allowed under the proposed R-4 zoning, there would be a 0 net increase in vehicle trips and therefore the land use was not analyzed.

<sup>3</sup> Trip generation estimates calculated using average rates from the ITE Trip Generation Manual, 10<sup>th</sup> Edition.



## Proposed Zoning Trip Generation

Under the proposed Multi-Family Residential (R-4) zoning, a wider variety of residential uses are allowed than the R-1 zoning.<sup>4</sup> There are several additional land uses that are listed as conditional uses, however for determining TPR-related impacts consideration is only given to permitted uses (conditional uses are subject to additional review and approval procedures at the local level). For the purposes of identifying the reasonable worst-case trip generation for the proposed zoning, only the highest trip generating uses are shown:

- Single-family dwellings
- Two-family dwellings
- Multi-family dwellings
- Residential/social facilities

A summary of the trip generation rates for different land uses permitted under the proposed R-4 zoning is presented in Table 3 below.<sup>5</sup>

**Table 3: Trip Generation Rates for Selected Allowed Land Uses under R-4 Zoning**

Land Use (ITE Code)	Units	Weekday Trip Generation Rates		
		Daily	AM Peak Hour	PM Peak Hour
Individual Land Uses Allowed				
Multifamily Housing (Low-Rise) (220)	DU <sup>a</sup>	7.32	0.46	0.56
Nursing Home (620)	Beds	3.06	0.17	0.22

<sup>a</sup> DU = Dwelling Unit

Based on a minimum density of 1,500 square feet per two-bedroom unit, a two-story apartment building, and a building footprint to lot size ratio of 0.3, it is estimated that the maximum number of multi-family units that could be developed on the 0.8 acre property is 14. Table 4 below shows the estimated reasonable worst-case trip generation for permitted uses in R-4 zoning.

**Table 4: Reasonable Worst-Case Land Use and Trip Generation for Proposed R-4 Zoning**

Land Use (ITE Code)	Size	Weekday Trip Generation		
		Daily	AM Peak Hour	PM Peak Hour
Multifamily Housing (Low-Rise) (220)	14 DU <sup>a</sup>	103	7	8
Total Trips Generated (Proposed R-4 Zoning)		103	7	8
Total Trips Generated (Existing R-1 Zoning)		29	3	3
<b>Net New Trips (R-4 Zoning – R-1 Zoning)</b>		<b>74</b>	<b>4</b>	<b>5</b>

<sup>a</sup> DU = Dwelling Unit

<sup>4</sup> Permitted uses in R-4 zones included in the City of McMinnville Zoning Ordinance 3380, Chapter 17.21.

<sup>5</sup> Trip generation estimates calculated using average rates from the ITE Trip Generation Manual, 10<sup>th</sup> Edition.

As shown, the proposed zone change will result in a worst-case increase of 74 daily trips, 4 a.m. peak hour trips, and 5 p.m. peak hour trips. These values are based on reasonable worst-case development of permitted land uses in R-1 and R-4 zones.

## Transportation Planning Rule Findings

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

Based on the reasonable worst-case trip generation evaluation, the proposed zone change would result in a daily increase of less than 400 trips (74 additional daily trips). Therefore, the proposed zone change would not contribute to a significant effect on the transportation system and would be consistent with the TPR Goal 12 requirements.

## Traffic Impact Analysis Requirements

As discussed previously, the applicant is proposing to rezone the 0.8-acre property to R-4 zoning for the development of nine multi-family townhome units and a 3,200 square foot dental office building. (The dental office would require approval for a conditional use in the R-4 zone.) Table 5 summarizes the estimated trip generation of the proposed development plan. As shown, the proposed development is anticipated to generate a total of 188 daily trips, 16 a.m. peak hour trips, and 16 p.m. peak hour trips. This equates to a net increase of 159 daily trips, 13 a.m. peak hour trips, and 13 p.m. peak hour trips over the reasonable worst-case development under existing zoning.

**Table 5: Proposed Development Trip Generation**

Land Use (ITE Code)	Size	Weekday Trip Generation		
		Daily	AM Peak Hour	PM Peak Hour
Multifamily Housing (Low-Rise)	9 DU <sup>a</sup>	66	4	5
Clinic (630)	3.2 KSF <sup>b</sup>	122	12	11
<b>Total Trips Generated (Proposed Development)</b>		<b>188</b>	<b>16</b>	<b>16</b>
<b>Total Trips Generated (Existing R-1 Zoning)</b>		<b>29</b>	<b>3</b>	<b>3</b>
<b>Net New Trips (Proposed Development – R-1 Zoning)</b>		<b>159</b>	<b>13</b>	<b>13</b>

<sup>a</sup> DU = Dwelling Unit

<sup>b</sup> KSF = 1,000 square-feet

The City of McMinnville does not currently have standards that specify a trip generation threshold for a traffic impact analysis (TIA), however established standards in nearby cities suggest that the estimated volume of traffic that will be generated by the proposed development

does not warrant a traffic impact analysis. Nearby local jurisdictions, including the City of Independence<sup>6</sup> and the City of Salem<sup>7</sup>, require a traffic impact analysis (TIA) for developments that generate anywhere from 200 to 1,000 daily trips, depending on the adjacent roadway classification. The City of Newberg<sup>8</sup> requires a TIA for developments that generate more than 40 p.m. peak hour trips.

## Summary and Recommendation

The vacant property located at 1945 NW 2nd Street in McMinnville, Oregon is currently zoned as Single-Family Residential (R-1). The applicant desires a zone change to Multi-Family Residential (R-4) zoning which would allow for the development of up to nine multi-family townhome units and a 3,200 square foot dental office building (a conditional use).

Based on a comparison of reasonable worst-case development under R-1 and R-4 zoning, the proposed zone change from would not contribute to a significant effect on the transportation system and would be consistent with the TPR Goal 12 requirements. No further evaluation is recommended to meet TPR requirements.

The proposed development of nine townhome units and a 3,200 square foot dental office would generate an estimated 188 daily trips, 16 a.m. peak hour trips, and 16 p.m. peak hour trips. Although the City of McMinnville does not currently have standards that specify a trip generation threshold for a TIA, established standards in nearby cities suggest that the estimated volume of traffic that will be generated by the proposed development does not warrant a traffic impact analysis. No additional traffic analysis is recommended.

Please feel free to contact me if you have any questions or comments.

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<sup>6</sup> City of Independence Development Code. Section 80.30.005 F, Traffic Impact Analysis.

<sup>7</sup> City of Salem Unified Development Code. Section 803.015 B, Traffic Impact Analysis Applicability.

<sup>8</sup> City of Newberg Transportation System Plan, Traffic Impact Analysis Guidelines.