

**Planning Commission**  
**Thursday, July 21, 2022**  
**6:30 PM Regular Meeting**

**HYBRID Meeting**

**IN PERSON – McMinnville Civic Hall, 200 NE Second Street, or ZOOM Online Meeting**

*Please note that this is a hybrid meeting that you can join in person at 200 NE Second Street or online via Zoom*

**ZOOM Meeting: You may join online via the following link:**

<https://mcminnvilleoregon.zoom.us/j/86430461362?pwd=c0tJZzN6eFBXTkpFNGh5a2p6ck5UZz09>

**Meeting ID: 864 3046 1362**

**Meeting Password: 904774**

**Or you can call in and listen via zoom: 1 253 215 8782**

**ID: 864 3046 1362**

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*Public Participation:*

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

*Public Hearing: To participate in the public hearings, please choose one of the following.*

- 1) **Email in advance of the meeting** – Email at any time up to 12 p.m. the day before the meeting to [heather.richards@mcminnvilleoregon.gov](mailto:heather.richards@mcminnvilleoregon.gov), that email will be provided to the planning commissioners, lead planning staff and entered into the record at the meeting.
- 2) **By ZOOM at the meeting** - Join the zoom meeting and send a chat directly to Planning Director, Heather Richards, to request to speak indicating which public hearing, and/or use the raise hand feature in zoom to request to speak once called upon by the Planning Commission chairperson. Once your turn is up, we will announce your name and unmute your mic.
- 3) **By telephone at the meeting** – If appearing via telephone only please sign up prior to the meeting by emailing the Planning Director, [Heather.Richards@mcminnvilleoregon.gov](mailto:Heather.Richards@mcminnvilleoregon.gov) as the chat function is not available when calling in zoom.

**----- MEETING AGENDA ON NEXT PAGE -----**

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.

| Commission Members   | Agenda Items  |
|--|---|
| <p>Sidonie Winfield,<br/>Chair</p> <p>Gary Langenwalter<br/>Vice - Chair</p> <p>Robert Banagay</p> <p>Matthew Deppe</p> <p>Sylla McClellan</p> <p>Brian Randall</p> <p>Beth Rankin</p> <p>Lori Schanche</p> <p>Dan Tucholsky</p> | <p><b>6:30 PM – REGULAR MEETING</b></p> <ol style="list-style-type: none"> <li><b>1. Call to Order</b></li> <li><b>2. Citizen Comments</b></li> <li><b>3. Minutes:</b> <p><b>April 21, 2022</b> (<i>Exhibit 1</i>)</p> <p><b>May 19, 2022</b> (<i>Exhibit 2</i>)</p> </li> <li><b>4. Public Hearings</b> <ol style="list-style-type: none"> <li><b>A. <u>Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-20) and Zone Change (ZC 1-20)</u> – (<i>Exhibit 3</i>)</b></li> </ol> <p><b>(Continued from June 16, 2022 Meeting).</b></p> <p><b><i>Applicant has requested a continuance to September 1, 2022</i></b></p> <p>Request: An application for a Comprehensive Plan Map Amendment from Residential to Commercial and a Zone Change from County EF-80 to City C-3 (General Commercial) for approximately 1.2 acres of a 50.15-acre property.</p> <p>The 50.15 acre parcel is within McMinnville’s Urban Growth Boundary (UGB), and it is split by City limits, with approximately 9.5 acres inside City limits and approximately 40.5 acres outside City limits. The proposed map amendment would apply to the northerly 1.2-acre portion of the 9.5 acres within City limits.</p> <p>The 9.5-acre portion of the property inside City limits has a combination of Comprehensive Plan Map designations and zoning designations: Commercial/C-3 on the front (approximately 7.3 acres), Residential/County EF-80 on the rear (approximately 1.2 acres), and a portion of Floodplain/F-P along the east and north boundaries (approximately 1 acre). The proposed amendment would change the 1.2 acres from Residential/County EF-80 to Commercial/C-3, so all of the non-floodplain portion inside City limits would then be Commercial/C-3.</p> <p>The unincorporated portion of the property within the UGB and outside City limits is approximately 40.5 acres. It is within the Floodplain Comprehensive Plan Map designation. It has County EF-80 zoning, with the entirety also being within the County’s Floodplain Overlay Districts. The proposal would not</p> </li> </ol> |

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change the Comprehensive Plan designation or county zoning of this unincorporated portion of the parcel.

Location: The subject site is located at 3225 NE Highway 99 West, more specifically described at Tax Lot 1500, Section 10, T.4S., R 4 W., W.M.

Applicant: Cascade Steel Rolling Mills, c/o Jennifer Hudson representing property owner White Top Properties LLC

**B. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-22) and Zone Change (ZC 1-22) – (Exhibit 4)**

Request: An application for a Comprehensive Plan Map Amendment from Industrial to Commercial and a Zone Change from M-1 (Light Industrial) to C-3 (General Commercial) for property of approximately 0.9 acres.

Location: The subject site is located at 455 NE Irvine Street, more specifically described at Tax Lots 2400 & 2601, Section 21 BD, T.4S., R 4 W., W.M.

Applicant: Steve Elzinga, Sherman Johnnie & Hoyt, LLP (Property owner Carlton Hub, LLC, c/o Kellan Lancaster)

**C. Quasi-Judicial Hearing: Planned Development Amendment (PDA 3-22), Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22) - (Exhibit 5)**

Request: The applications are submitted as part of a proposal to develop a new Burger King restaurant with a drive-through on the subject property. The applications are being considered concurrently through a consolidated review process.

**PDA 3-22.** The subject property is within an existing Planned Development Overlay District that also includes other surrounding commercial property. The proposal includes revisions to the master plan approved as part of the Planned Development, which requires approval of a Planned Development Amendment.

**LFW 1-22.** The property has certain shared features, including access, with a large format commercial building, which also requires review and compliance with the large format commercial standards for this proposal. The applicant's proposal includes a request for waivers to certain standards.

**L 6-22.** The proposal includes a landscape plan, which is required for commercial development.

**MP 1-22.** The proposal would partition the subject 1.8-acre parcel into two parcels, with the northerly 0.94-acre parcel being the site of the proposed Burger King restaurant, and the southerly 0.86-acre parcel being a vacant parcel, which would

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also include an access point and easement to the northerly parcel.

Location: The subject site is located at the southwest corner of Booth Bend Road and Highway 99, more specifically described at Tax Lot 300, Section 29 CA, T.4S., R 4 W., W.M.

Applicant: InSite Real Estate Investment Properties LLC,  
c/o Andrew Johnson (Property owner Richard D. Rice)

## **5. Action Item:**

### **A. Oak Ridge Meadows Land Use Extension Request (S 3-18)– (Exhibit 6)**

Request: This is the second request for a land-use decision extension for Oak Ridge Meadows Development, Docket S 3-18, a Tentative Subdivision. The applicant is now requesting an additional year extension to August 22, 2023.

Location: Generally north of Baker Creek Road and the multi-phased Oak Ridge residential development, and south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R 4 W., W.M. and Tax Lot 602, Section 7, T. 4 S., R 4 W., W.M.)

Applicant: Lori Zumwalt, Premier Development, LLC

## **6. Commissioner/Committee Member Comments**

## **7. Staff Comments**

## **8. Adjournment**

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# MINUTES

**April 21, 2022  
Planning Commission**

**6:30 pm  
Hybrid Meeting  
McMinnville, Oregon**

**Members Present:** Robert Banagay, Brian Randall, Beth Rankin, Dan Tucholsky, Sidonie Winfield, Matt Deppe, and Sylla McClellan

**Members Absent:** Lori Schanche and Gary Langenwalter

**Staff Present:** Heather Richards – Planning Director, Monica Bilodeau – Senior Planner, Tom Schauer – Senior Planner, and Isaak Staats – Planning Analyst

## 1. Call to Order

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

## 2. Citizen Comments

None

## 3. Minutes

- **March 17, 2022**

Commissioner Tucholsky moved to approve the March 17, 2022 minutes. The motion was seconded by Commissioner McClellan and passed unanimously.

## 4. Public Hearing:

### **A. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-20) and Zone Change, including Planned Development Overlay Designation (ZC 3-20)**

**(Continued from March 17, 2022 PC Meeting)**

***Applicant has requested a continuance to June 2, 2022***

**Request:** Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 37.7 acres of a 90.4-acre property.

The 37.7 acres includes 4.25 acres intended for right-of-way dedication for a future frontage road. The application also shows a portion of the area subject to the map amendment intended for a north-south extension of Cumulus Avenue and future east-west street connectivity.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: The subject site is located at 3310 SE Three Mile Lane, more specifically described at Tax Lot 700, Section 26, T.4S., R 4 W., W.M.

Applicant: Kimco McMinnville LLC, c/o Michael Strahs

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Commissioner Tucholsky MOVED to CONTINUE the hearing for CPA 2-20/ZC 3-20 to June 2, 2022. The motion was seconded by Commissioner McClellan and PASSED unanimously.

**B. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-21) and Zone Change, including Planned Development Overlay Designation (ZC 2-21)**

**(Continued from March 17, 2022, PC Meeting)**

***Applicant has requested a continuance to June 2, 2022***

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for a property of approximately 8 acres.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: The subject site is located at 3330 SE Three Mile Lane, more specifically described at Tax Lot 600, Section 26, T.4S., R 4 W., W.M.

Applicant: Ken Sandblast, Westlake Consultants, Inc. representing property owner 3330 TML, c/o Bryan Hays

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Commissioner McClellan MOVED to CONTINUE the hearing for CPA 1-21/ZC 2-21 to June 2, 2022. The motion was seconded by Commissioner Tucholsky and PASSED unanimously.

**C. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-21) and Zone Change, including Planned Development Overlay Designation (ZC 3-21)**

*(Continued from March 17, 2022, PC Meeting)*

*Applicant has requested a continuance to June 2, 2022*

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-L (Limited Light Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 21.1 acres of an 89.9-acre property, plus an additional 1.5 acres of the 89.9-acre property proposed to be dedicated for right-of-way at the time of development.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: The subject site is located at Three Mile Lane and Cumulus Avenue, more specifically described at Tax Lot 100, Section 27, T.4S., R 4 W., W.M.

Applicant: Ken Sandblast, Westlake Consultants, Inc. representing property owner DRS Land, LLC c/o Dan Bansen

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Commissioner Tucholsky MOVED to CONTINUE the hearing for CPA 2-21/ZC 3-21 to June 2, 2022. The motion was seconded by Commissioner McClellan and PASSED unanimously.

**D. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-20) and Zone Change (ZC 1-20)**

*Applicant has requested a continuance to May 19, 2022*

**Request:** An application for a Comprehensive Plan Map Amendment from Residential to Commercial and a Zone Change from County EF-80 to City C-3 (General Commercial) for approximately 1.2 acres of a 50.15-acre property.

The 50.15 acre parcel is within McMinnville's Urban Growth Boundary (UGB), and it is split by City limits, with approximately 9.5 acres inside City limits and approximately 40.5 acres outside City limits. The proposed map amendment would apply to the northerly 1.2-acre portion of the 9.5 acres within City limits.

The 9.5-acre portion of the property inside City limits has a combination of Comprehensive Plan Map designations and zoning designations: Commercial/C-3 on the front (approximately 7.3 acres), Residential/County EF-80 on the rear (approximately 1.2 acres), and a portion of Floodplain/F-P along the east and north boundaries (approximately 1 acre). The proposed amendment would change the 1.2 acres from Residential/County EF-80 to Commercial/C-3, so all of the nonfloodplain portion inside City limits would then be Commercial/C-3.

The unincorporated portion of the property within the UGB and outside City limits is approximately 40.5 acres. It is within the Floodplain Comprehensive Plan Map designation. It has County EF-80 zoning, with the entirety also being within the County's Floodplain Overlay Districts. The proposal would not change the Comprehensive Plan designation or county zoning of this unincorporated portion of the parcel.

**Location:** The subject site is located at 3225 NE Highway 99 West, more specifically described at Tax Lot 1500, Section 10, T.4S., R 4W., W.M.

**Applicant:** Cascade Steel Rolling Mills, c/o Jennifer Hudson representing property owner White Top Properties LLC

**Disclosures:** Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Winfield 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. She asked if any Commissioners had visited the site. There was none.

Commissioner McClellan MOVED to CONTINUE the hearing for CPA 1-20/ZC 1-20 to May 19, 2022. The motion was seconded by Commissioner Tucholsky and PASSED unanimously.

**E. Quasi-Judicial Hearing: Zone Change (ZC 1-22), Planned Development (PD 1-21), and Subdivision Tentative Plan (S 1-21)**

**Request:** Proposed Zone Change from R-1 to R-3, Planned Development, and 18-lot Subdivision Tentative Plan for a 3.79-acre parcel.

**Location:** The subject site is located on Meadows Drive, more specifically described at Tax Lot 204, Section 18, T.4S., R 4 W., W.M.

Applicant: Westech Engineering, c/o Josh Wells representing property owner VJ2 Developers  
c/o Don Jones

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Winfield 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. She asked if any Commissioner had visited the site. Every Commissioner had, but did not wish to discuss their visits.

Staff Presentation: Senior Planner Bilodeau said this was a request to approve the zone change, planned development, and subdivision for the Elysian Subdivision project. She reviewed the subject site, project summary, site plan, rezone from R-1 to R-3, applicable review criteria, planned development overlay, Great Neighborhood Principles, and comments received from Commissioner Rankin. The concerns from Commissioner Rankin were in regard to the wetlands, setbacks, allowing 25% of the subdivision to be purchased by other entities, specific instructions about the trees, lot size, 20 foot minimum setback for the garage, and zone change. Staff recommended approval of the application subject to the proposed conditions.

Commission Questions: Commissioner Rankin said the driveways were 20 feet, however 10 feet was taken up by the planter strip and sidewalk. That made the driveways 10 feet, and only one vehicle could park there. In a cul-de-sac there would probably be no curb side parking. Senior Planner Bilodeau said the property line started behind the curbs, so the sidewalk and planter strip were in the public right-of-way. The property line was behind those and that was where the 20 feet would start.

Commissioner Rankin said curb side parking for the cul-de-sac might not be available, and she wanted to recognize that parking deficit. She asked if the Fire Department realized parking would be on both sides of the street. Senior Planner Bilodeau said yes, the street section for Fendle Way met the complete streets requirements. She clarified there would be three curb cuts on the cul-de-sac.

Commissioner Rankin asked about the purpose of the zone change, especially with the new missing middle provisions. Senior Planner Bilodeau said the applicant could explain it.

Commissioner McClellan asked about the driveway between lots 7 and 18. Would it also be access to the park? Senior Planner Bilodeau said it would be a private driveway with a public access easement. The public would have access to it, but it would be maintained by the homeowners.

Commissioner McClellan asked about the parking for these two lots. Senior Planner Bilodeau said they would have parking on site. The driveway was more of an access drive.

Commissioner McClellan asked how the property owners would be aware of their responsibility to maintain the driveway. Senior Planner Bilodeau said there would be a clear public access easement and a realtor or the City could provide that information.

Commissioner McClellan asked about the minimum lot size for a duplex. Planning Director Richards said it was less than 6,000 square feet.

Commissioner McClellan said potentially these lots could have duplexes built on them. Could the City require a duplex? Planning Director Richards did not think they could require duplexes. She explained the zone change allowed for more density through a reduction in the side yard setbacks. Fire separation was a building code issue which allowed 6 feet of separation.



Commissioner Randall suggested changing it to a minimum of 25% of the lots would be sold and to eliminate the plastic inserts proposed for the fence.

Commissioner Tucholsky preferred not to have a chain link fence and the irrigation pipe should not be bright white. He wanted to know the percentage of the wetlands that would be preserved. He wanted to make sure the wetlands were being retained for stormwater runoff and wildlife. Senior Planner Bilodeau said the applicant would know that.

Commissioner Tucholsky asked about lighting requirements for the pedestrian access on Fendle Way. Senior Planner Bilodeau said no lighting was proposed, but it could be added to the conditions.

Commissioner Tucholsky thought they should amend the condition for trees to include the applicant would replace trees that were damaged unintentionally.

Applicant's Testimony: Josh Wells, representing the applicant, and Don Jones, applicant, concurred with the conditions. They explained the fence was not intended to have slats in it. They intended to sell the lots off individually and would sell them to both builders and individuals. The wetlands that would be preserved would be a small sliver at the end of the wetlands and a small piece in the park. The rest would be filled in order for the lots to drain properly and to build the streets, lots, and utilities. They explained the new stormwater drainage plan and the areas that would be replanted. They could put in a black irrigation pipe. They described the proposed lighting along the streets and sidewalks. There would be "no parking" signs on the driveway.

Proponents: None

Opponents: Charlene Dolan, McMinnville resident, lived in this area. They had very wet backyards and she was concerned about the fill creating more flooding or other water issues. She did not see the need for this development when there were many houses being built on the other side of Baker Creek Road. This development was being placed on top of Cozine Creek and she did not think mitigation would compensate for losing this water area. Traffic signals along Baker Creek would be needed for the traffic trying to get on Baker from the adjacent streets.

Planning Director Richards explained the plans for a signal at the intersection of Baker Creek and Michaelbook.

Sherry Belding, McMinnville resident, was concerned about the parking on the cul-de-sac and the small lots. She thought this would add more of what they already had in the City. She did not think there was any variety. She was not in favor of the zone change, which she thought would cause a lot of congestion.

Dominique Marcelli, McMinnville resident, was concerned about Meadows Drive going through Baker Creek to Wallace, particularly the traffic and negotiating the left turn off of Meadows Drive onto Wallace. He suggested that those living in this development could exit onto Baker Creek and the barrier that was there now could remain to make Meadows safer. Putting stop signs on Wallace would also help. He collected 25 signatures from neighbors who agreed with these suggestions.

Preston Probasco, McMinnville resident, was concerned about speeding, lowering property values, effects of reducing the wetlands, and safety of the left hand turn from Meadows onto Wallace.

Planning Director Richards explained the Transportation System Plan model for this area. She was aware of the concerns about Wallace, however she thought more people would use Baker Creek than Wallace.

Rebuttal: Mr. Wells said regarding traffic on Meadows, it was part of the TSP as a minor arterial and they would follow that plan. Regarding the stormwater and drainage, they would be meeting the City's stormwater design standards as well as DEQ's and national standards. He explained how they proposed to take care of the stormwater drainage so it would not affect any of the neighboring lots. Regarding lot size, there were lots nearby that were smaller than what they were proposing. This application provided a mixture of lot sizes for variety. The only way they could get to the preferred lot sizes with some flexibility on side yards was the zone change to R-3.

Chair Winfield closed the public hearing.

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

Deliberation: Commissioner Banagay asked about flooding in the neighborhood and if this application would exacerbate the issue. Planning Director Richards said part of the review process was the applicant would have to show how they were going to handle the stormwater runoff. The changes the developer was going to make to the existing drainage occurring on the site and wetland, they would need to show where that water would go and be held. It would be reviewed and approved by the Engineering Department.

Commissioner Tucholsky thought the applicant had done their due diligence and the Engineering Department would follow the requirements, however there was a significant amount of water in this area already and he was concerned that this project would enhance the problem. He suggested the drainage be looked at again by the Engineering Department. Planning Director Richards suggested continuing the deliberation to the next meeting for staff to come back with additional conditions of approval. During that time, they could also ask Engineering staff about another review.

Commissioner Rankin MOVED to CONTINUE the hearing for ZC 1-22/PD 1-21/S 1-21 to May 19, 2022. The motion was seconded by Commissioner Tucholsky and PASSED unanimously.

## **5. Action Items**

### **One Year Land-Use Decision Extension for Partition MP 1-20**

Request: One year land use decision extension for Partition MP 1-20

Location: The subject site is located on Riverside Dr. between Miller St. and Colvin Ct., more specifically described as Parcel 3, Partition Plat 2001-35; Tax Lot 3402, Section 15, T.4S., R 4 W., W.M.

Applicant: Bryce Roberts on behalf of Trumpt LLC

Planning Director Richards said staff approved administratively a minor partition in 2020. Minor partition approvals were only good for a year. The code allowed for staff to administratively approve a one year extension, but if the applicant needed additional time it had to come to the Planning Commission. The applicant had already received a one year extension in 2021 and was requesting another extension. Staff recommended approval.

There was discussion regarding the reasons for the expiration and why the extension was being requested.

Dan Domicic, representing the applicant, explained how they were making progress on the project.

Commissioner McClellan MOVED to APPROVE the one year land-use decision extension for Partition MP 1-20 to April 25, 2023. The motion was seconded by Commissioner Rankin and PASSED unanimously.

#### **6. Commissioner Comments**

None

#### **7. Staff Comments**

Planning Director Richards said the current City Attorney would be resigning and going to the City of Wilsonville and Spencer Parsons would be filling in.

#### **8. Adjournment**

Chair Winfield adjourned the meeting at 8:41 p.m.

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Heather Richards  
Secretary



City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

# MINUTES

May 19, 2022  
Planning Commission  
Work Session Meeting

6:30 pm  
Hybrid Meeting  
McMinnville, Oregon

**Members Present:** Robert Banagay, Lori Schanche, Gary Langenwalter, Brian Randall, Beth Rankin, Dan Tucholsky, Sidonie Winfield, Matt Deppe, and Sylla McClellan

**Members Absent:**

**Staff Present:** Heather Richards – Planning Director, Monica Bilodeau – Senior Planner, and Amanda Guile-Hinman – City Attorney

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- **Call to Order**

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

- 1. **Citizen Comments**

None

- 2. **Minutes**

- 3. **April 1, 2021**
- 4. **January 20, 2022**
- 5. **February 17, 2022**

Commissioner Banagay moved to approve the April 1, 2021, January 20 and February 17, 2022 minutes. The motion was seconded by Commissioner Schanche and passed unanimously.

- **Public Hearing:**

- 4. **Quasi-Judicial Hearing: Zone Change (ZC 1-22), Planned Development (PD 1-21), and Subdivision Tentative Plan (S 1-21)**

**Request:** Proposed Zone Change from R-1 to R-3, Planned Development, and 18-lot Subdivision Tentative Plan for a 3.79- acre parcel.

**Location:** The subject site is located on Meadows Drive, more specifically described as Tax Lot 204, Section 18, T.4S., R 4 W., W.M.

**Applicant:** Westech Engineering, c/o Josh Wells representing property owner VJ2 Developers c/o Don Jones

Chair Winfield said the Planning Commission heard public testimony on this item on April 21, 2022 and closed the hearing. They were reopening the hearing due to a noticing error.

Disclosures: Chair Winfield reopened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Winfield 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.

Staff Presentation: Senior Planner Bilodeau reviewed the subject site, project summary, and continued items. Staff was directed to revise the conditions and bring back the Stormwater Report. Staff was informed after the hearing that the Zoom link provided on the neighborhood mailing was incorrect. Staff requested the Commission reopen the public testimony to allow any additional testimony. She summarized the revised conditions and the concerns raised about stormwater. The applicant had to conform with McMinnville's Stormwater Master Plan and State DEQ stormwater regulations which ensured all water was directed to storm detention and City facilities. There were also some concerns about transportation. She discussed the traffic calming program that could be used for the Meadows Drive connection if more traffic resulted from the connection. Staff recommended approval, subject to the conditions specified in the decision documents.

Project Engineer Gooden discussed the review of the application's compliance with the Stormwater Master Plan. They were satisfied that it met all of the requirements.

Commission Questions: Commissioner Langenwaller asked about Condition 5b that required black fencing. Senior Planner Bilodeau said it was commonly used in stormwater facilities to blend in. It matched the adjacent areas and kept consistency in the neighborhood.

Commissioner Tucholsky asked if the consultant that reviewed the Stormwater Report visited the site. Project Engineer Gooden said they did not. The review was to the requirements from DEQ and the Stormwater Master Plan.

Commissioner Tucholsky asked if the original plan had been revised. Project Engineer Gooden said the consultant did make comments and there were some revisions. Those revisions satisfied the requirements.

Applicant's Testimony: Josh Wells, representing the applicant, explained the process the consultant used to review the Stormwater Report as well as the stormwater plan for the site. The lots would not drain onto someone else's property. He gave an update on the wetland fill permit process. The Meadows Drive connection met City code and the TSP. A gate would not be allowed across it.

Questions: Commissioner Tucholsky asked about the drainage on lot 13. Mr. Wells explained it was at the lowest elevation on the lot.

Commissioner Schanche asked if the sidewalk went all around the cul-de-sac. Mr. Wells said yes, it did.

Public Testimony:

Proponents: None

Opponents: Charlene Doland??, McMinnville resident, said there was already a water issue in this area where the backyards were swamps. The last FEMA update was done in 2010 and since then there had been a lot of development. She was concerned it was out of date. It should be updated to reflect the current possibilities of flooding.

Preston Povasco??, McMinnville resident, was concerned about reactive traffic control as opposed to proactive. His backyard was always saturated and he hoped this development would have an advantageous effect on the surrounding properties. He would like to see evidence of that documented. He suggested putting in a traffic gate when the new school was built in this area. He also thought a stop sign should be installed somewhere between Cottonwood and 23<sup>rd</sup>.

Rebuttal: Mr. Wells said regarding the drainage that went towards the east, when they built the stormdrain for this development, at least half of it would no longer go to the neighboring properties. This development would not make the runoff worse. That fact could be included in the Stormwater Report. Traffic gates should be brought up when the TSP was updated.

Chair Winfield closed the public hearing.

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

Deliberation: Commissioner Rankin asked why the zone change was required. Planning Director Richards said it was the request of the applicant.

Commissioner Rankin thought a multi-family structure would fit in better with the neighborhood as opposed to a narrow lot development. Planning Director Richards said the applicant still had the opportunity to do any missing middle housing products on the lots. The City could not tell them what to build. Senior Planner Bilodeau thought there was sufficient width for the lots that the narrow lots would not be necessary.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and evidence in the record, Commissioner Langenwelter MOVED to RECOMMEND the City Council APPROVE ZC 1-22, PD 1-21, and S 1-21 subject to the conditions of approval; SECONDED by Commissioner McClellan. The motion PASSED unanimously.

Planning Director Richards said they were working on updating the FEMA maps.

**A. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-20) and Zone Change (ZC 1-20)**

***Applicant has requested a continuance to June 16, 2022***

Request: An application for a Comprehensive Plan Map Amendment from Residential to Commercial and a Zone Change from County EF-80 to City C-3 (General Commercial) for approximately 1.2 acres of a 50.15-acre property..

The 50.15 acre parcel is within McMinnville's Urban Growth Boundary (UGB), and it is split by City limits, with approximately 9.5 acres inside City limits and approximately 40.5 acres outside City limits. The proposed map amendment would apply to the northerly 1.2-acre portion of the 9.5 acres within City limits.

The 9.5-acre portion of the property inside City limits has a combination of Comprehensive Plan Map designations and zoning designations: Commercial/C-3 on the front (approximately 7.3 acres), Residential/County EF-80 on the rear (approximately 1.2 acres), and a portion of Floodplain/F-P along the east and north boundaries (approximately 1 acre).

The proposed amendment would change the 1.2 acres from Residential/County EF-80 to Commercial/C-3, so all of the nonfloodplain portion inside City limits would then be Commercial/C-3.

The unincorporated portion of the property within the UGB and outside City limits is approximately 40.5 acres. It is within the Floodplain Comprehensive Plan Map designation. It has County EF-80 zoning, with the entirety also being within the County's Floodplain Overlay Districts. The proposal would not change the Comprehensive Plan designation or county zoning of this unincorporated portion of the parcel.

Location: The subject site is located at 3225 NE Highway 99 West, more specifically described at Tax Lot 1500, Section 10, T.4S., R 4 W., W.M.

Application: Cascade Steel Rolling Mills, c/o Jennifer Hudson representing property owner White Top Properties LLC

Commissioner McClellan MOVED to CONTINUE the hearing for CPA 1-20/ZC 1-20 to June 16, 2022. The motion was seconded by Commissioner Schanche and PASSED unanimously.

#### **B. Commissioner Comments**

None

#### **C. Staff Comments**

Planning Director Richards gave calendar updates.

#### **D. Adjournment**

Chair Winfield adjourned the meeting at 7:39 p.m.

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Heather Richards  
Secretary



## **EXHIBIT 3 - STAFF REPORT**

**DATE:** July 21, 2022  
**TO:** Planning Commission Members  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Public Hearing (Docket CPA 1-20/ZC 1-20) – Cascade Steel Map Amendment, Request for Continuance

### **STRATEGIC PRIORITY & GOAL:**



#### **GROWTH & DEVELOPMENT CHARACTER**

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

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

---

#### **Report in Brief:**

This agenda item is the Comprehensive Plan Map Amendment and Zone Change (CPA 1-20/ZC 1-20) by applicant Cascade Steel Rolling Mills for the property owned by White Top Properties LLC located at 3225 NE Highway 99 West. The applicant has requested a continuance to the September 1, 2022 Planning Commission meeting.

#### **Background and Discussion:**

The applicant has requested a continuance to the September 1, 2022 Planning Commission meeting. Staff supports this request.

#### **Attachments:**

N/A

#### **Recommendation:**

Staff recommends that the Planning Commission continue the public hearing to the September 1, 2022 Planning Commission meeting.

**“I MOVE THAT THE PLANNING COMMISSION CONTINUE THE PUBLIC HEARING FOR DOCKET CPA 1-20/ZC 1-20 TO THE SEPTEMBER 1, 2022 PLANNING COMMISSION MEETING.”**



City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## EXHIBIT 4 - STAFF REPORT

DATE: July 21, 2022  
TO: Planning Commission Members  
FROM: Tom Schauer, Senior Planner  
SUBJECT: Public Hearing - CPA 1-22/ZC 2-22, Comprehensive Plan Map Amendment and Zone Change

### STRATEGIC PRIORITY & GOAL:



#### GROWTH & DEVELOPMENT CHARACTER

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

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

---

#### Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider a Comprehensive Plan Map amendment (CPA 1-22) and Zone Change (ZC 2-22).

The applicant requests an amendment to the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-1 (Light Industrial) to C-3 (General Commercial), for a property of approximately 0.9 acres, located at 455 NE Irvine Street (Tax Lots R4421BD 2400 & 2601). **See Vicinity Map (Figure 1), Comprehensive Plan Map (Figure 2), and Zoning Map (Figure 3).**

Per Section 17.72.130 of the Zoning Ordinance, The Planning Commission shall make a recommendation to the City Council to approve or deny the application, or that the proposal be adopted or rejected, or that the application or proposal be approved in a different form.

- a. If the decision of the Planning Commission recommends that an application be granted or that the proposal be adopted, or that the application be approved in a different form, the Planning Commission shall transmit to the City Council, a copy of the application, a scale drawing of the site, the minutes of the public hearing, the decision and findings of the Planning Commission, and any other materials deemed necessary for decision by the City Council.
- b. If the decision of the Planning Commission recommends that the application be denied, or the proposal rejected, no further proceedings shall be held by either the Planning Commission or City Council, unless an appeal of the Commission's decision is filed.

The applicable criteria are provided in Section 17.74.020 of the Zoning Ordinance. The application is also subject to the applicable Goals and Policies of the Comprehensive Plan and applicable state law.

Per Section 17.72.050 of the Zoning Ordinance, the application includes an amendment to the Comprehensive Plan and is not subject to the 120-day application processing timeline.

**Background:**

The subject property is zoned M-1. **Figures 2a/2b and 3a/3b** show the existing and proposed Comprehensive Plan map designations and zoning of the subject property and surrounding properties. The subject property has previously been used as a winery and tasting room for Elizabeth Chambers Cellar. A winery is a permitted use in the M-1 zone, and a tasting room in conjunction with a winery is a permitted use in the M-1 zone, subject to limitations for tasting rooms:

**Tasting Room.** The floor area of the tasting room shall not exceed 400 square feet or 10 percent of the facility's onsite floor area, whichever is greater. In no instance shall a tasting room exceed 1,000 square feet in size. Tasting rooms do not include taverns, restaurants, or breweries, which are defined elsewhere.

The new owner is seeking the new Commercial/C-3 designation to allow the property to be used for commercial uses which are permitted in the C-3 zone, but are not permitted in the M-1 zone. The M-1 zone doesn't permit most uses which are permitted in the C-3 zone.

Permitted uses in the C-3 zone include uses such as retail, eating and drinking establishments, etc. The application indicates the types of leisure uses the applicant is considering. However, as a reminder, the application is for a map amendment, not an approval for a specific use. The proposed map amendment would not limit which C-3 permitted uses would be authorized on the subject property.

The property is also located within the NE Gateway Planned Development Overlay District. This overlay district has three subareas, each of which has a different purpose and allows different permitted uses. The subject property is located within Subarea 1 of the NE Gateway Overlay. **See Figure 4.** The permitted uses in Subarea 1 generally allow for commercial uses, while restricting industrial uses. **See Figure 5.** This is somewhat different than Subarea 2, which allows for a mix of commercial, light industrial, and residential uses. For reasons discussed below, a change of use of the existing building from industrial use to commercial use could not occur without the proposed map amendment.

**Discussion:**

A recent legal opinion from the City Attorney interpreted the applicability provisions of the NE Gateway Overlay Ordinance 4971 as they pertain to permitted uses listed in the ordinance: The table of permitted uses authorized in the NE Gateway Overlay zone only becomes applicable to a property and supersede those of the underlying zone when triggered by one of the actions or thresholds specified in the applicability provisions in Section 3(D) of the NE Gateway Overlay Zone Ordinance 4971. **See Figure 6.**

The legal opinion is based on a reading of legislative intent that the permitted use provisions in the NE Gateway Overlay zone would only be triggered by actions such as expansion or redevelopment in order to spur more significant investment through more substantial expansion and redevelopment. Therefore, if the uses for the applicable NE Gateway Subarea aren't permitted by the base zone, then the new uses permitted in the NE Gateway Overlay would only apply upon one of those situations occurring. However, this doesn't allow for adaptive reuse of existing buildings, including historic structures, to be converted from industrial to commercial use if located within NE Gateway Subarea 1 if the underlying base zoning isn't also commercial.

Because the M-1 zone generally permits industrial uses but not commercial uses, and the NE Gateway Overlay Subarea 1 generally permits commercial uses but not industrial uses, the relationship of the Zoning Ordinance to the NE Gateway Overlay Zone Ordinance 4971 presents some unique issues for use of the subject property. Some key provisions regarding uses are summarized below.

It is somewhat unique to have two zones apply to the same property that have different requirements for what uses are permitted, with the permitted uses based on whether there would be an expansion and how large the expansion would be.

Subarea 1 applies to six blocks. Of the six blocks located within Subarea 1 (**Figure 4**), five of those already have Commercial Comprehensive Plan designations and C-3 zoning (**Figures 2 and 3**). The subject property is the only one of six blocks in NE Gateway Subarea 1 that has an Industrial Comprehensive Plan designation and industrial zoning (together with an adjacent portion of the railroad right-of-way owned by the railroad to the west).

***The use of the existing building couldn't currently be changed use from industrial to commercial per the M-1 zone unless it included a major expansion of more than 15%, triggering the NE Gateway Overlay.*** An industrial use is a permitted use in the M-1 zone, and could therefore be continued and could expand up to 15%, even though industrial use isn't permitted in NE Gateway Overlay Subarea 1. However, if there was a change of use to commercial in conjunction with an expansion of 15% or more, it would become subject to the use provisions of the NE Gateway Overlay.

However, a permitted industrial use in the M-1 zone located within Subarea 1 of NE Gateway Overlay would not be allowed to expand by more than 15%. ***Only a use permitted in NE Gateway Subarea 1 could expand by 15% or more due to the use provisions of the NE Gateway Overlay Zone. See Figure 7.***

The proposed map amendment would help address this issue by allowing most of the same commercial uses as permitted uses for this property in both the base zone and overlay zone regardless of whether or not the building is expanded and regardless of the size of the expansion, the same as already applies to the other five blocks within Subarea 1 of the Ne Gateway Overlay Zone.

While Subarea 2 of the NE Gateway is intended to allow for a mix of industrial, commercial, and residential uses, Subarea 1 is more narrowly focused on commercial use, without the same provisions allowing for light industrial use as a permitted use or as part of a mixed use development. ***See Figures 5 and 6.*** The proposed map amendment would help accomplish the purpose of NE Gateway Subarea 1.

*Note: Industrial property to the west of the subject property on the west side of the railroad is not within the NE Gateway Overlay Zone.*

The City is evaluating initiation of a legislative proposal that would specify how the use provisions of the NE Gateway Overlay Zone might supersede those of the underlying zone within the geographic boundary without requiring an action such as expansion or redevelopment. New development standards would still be triggered by the "applicability" provisions, which would continue to have thresholds that would trigger applicability of development standards.

For the subject property, the proposed map amendment would substantially resolve the issue of commercial use for this one remaining block within Subarea 1 that doesn't already have C-3 zoning. In addition, the map amendment would mean the use of the property could not return to industrial use once industrial has ceased, which is consistent with the intent described for NE Gateway Overlay Subarea 1. (Subarea 2 allows a mix of light industrial, commercial, and residential uses, allowing for changes between these uses over time).

The proposed map amendment to the Comprehensive Plan Map and the Zoning Map would be consistent with what is already envisioned and articulated for the NE Gateway Overlay zone, specifically for Subarea

1: allowing for a transition from industrial use to commercial use and/or mixed-use including residential and office. The NE Gateway Overlay Zone as articulated in Ordinance 4971 has already been adopted and in effect for several years.

The primary effect of the map amendment would be to allow for a change of use of existing buildings to commercial use, whereas currently a change to commercial use would only be allowed if the site was redeveloped or if the existing building was expanded by 15% or more.

**Attachments:**

1. CPA 1-22/ZC 2-22 Decision Document
2. CPA 1-22/ZC 2-22 Application

**Planning Commission Options:**

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

**Staff Recommendation:**

Staff has reviewed the proposal for consistency with the applicable criteria. Staff finds that the findings in the attached Decision Document, the application submitted by the applicant, and the record contain evidence that demonstrates that the application complies with the applicable criteria and that the applicant has met the burden of proof.

Staff **RECOMMENDS APPROVAL** of the application based on the findings in the attached Decision Document.

**Suggested Motion:**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE COMPREHENSIVE PLAN MAP AMENDMENT CPA 1-22 AND ZONE CHANGE ZC 2-22.**

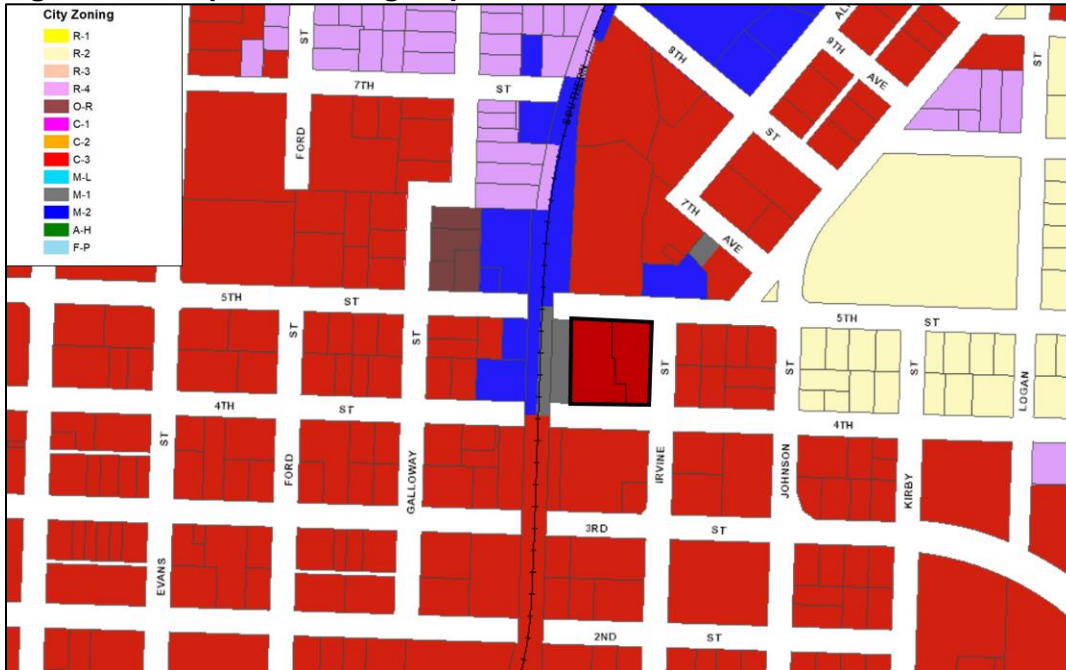




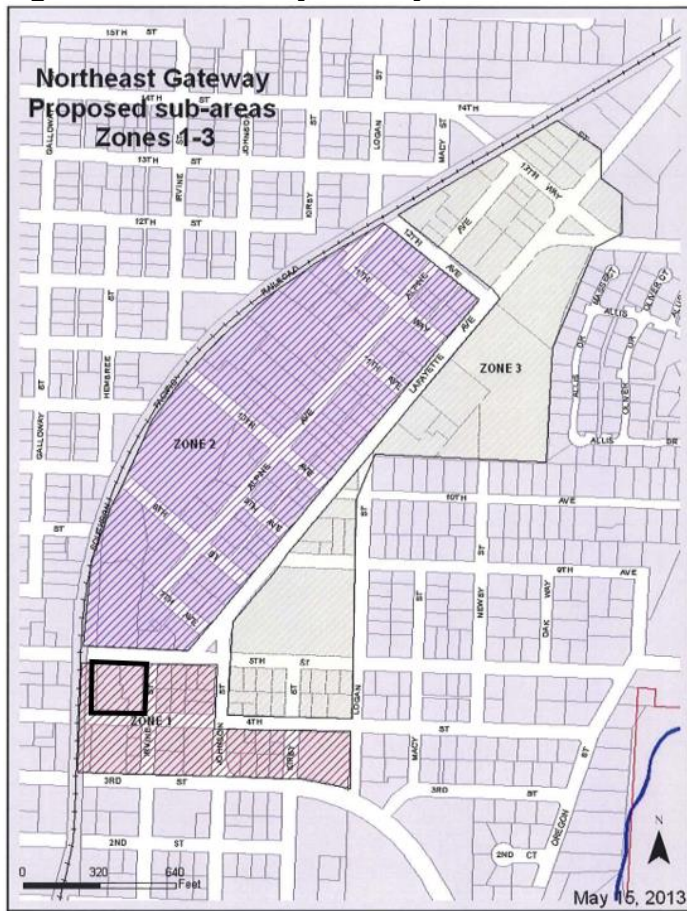




**Figure 3b. Proposed Zoning Map**



**Figure 4: NE Gateway Overlay Zone and Sub-Area Boundaries**



**Figure 5: NE Gateway Overlay Permitted and Conditionally Permitted Uses.**

**Section 6 – Permitted and Conditionally Permitted Uses.** One of the primary goals of the adopted NE Gateway Plan is to create a mixed-use neighborhood that allows for a variety of complementary uses within the same area. Thus the purpose of this section is to establish a list of such uses that would supplant traditional zoning for the area and help achieve this goal.

**Table 1** describes the uses that are permitted or conditionally permitted in each of the three (3) Zones. The uses listed in **Table 1** supplant the uses that are currently permitted or conditionally permitted in the underlying zones as noted in the Zoning Ordinance. However, for properties zoned R-2 (Single-Family Residential) and R-4 (Multi-Family Residential) in Zone 3, the permitted and conditionally permitted uses listed in Chapters 17.15 and 17.21 respectively shall apply.

If a use is not listed in **Table 1** as either permitted or conditionally permitted, it should be considered a prohibited use. Alternatively, the procedure for determining the permissibility of a particular use that is not listed as permitted or conditionally permitted is stated in Section 17.54.010 (Classification of an Unlisted Use) of the Zoning Ordinance.

**Table 1**

| Use  | Zone 1         | Zone 2         | Zone 3                         |
|--|----------------|----------------|--------------------------------|
| <b>P - Permitted    C –Conditionally Permitted</b>                               |                |                |                                |
| <b>Residential</b>   |                |                |                                |
| Single-Family  | P <sup>3</sup> | P <sup>4</sup> | P –Only in R-2/R-4 zones       |
| Social Relief Facility (up to 5 Individuals)                                     | P              | P              | P                              |
| Two-Family   | P              | P              | P <sup>5</sup>                 |
| Multi-Family   | P              | P              | P – Not permitted in R-2 zone  |
| <b>Group Living</b>  |                |                |                                |
| Assisted Living Facility/Nursing Home  | C              | C              | C – Not permitted in R-2 Zone  |
| Social Relief Facility (six or more)   | C              | C              | C                              |
| <b>Commercial</b>  |                |                |                                |
| Animal Grooming  | P              | P              | P –Not permitted in Res zones  |
| Call Center/Centralized Office   | P              | P              | P –Not permitted in Res zones  |
| Club/Lodge   | C              | C              | C – Not permitted in Res zones |
| Commercial Recreation Center   | C              | C              | C –Not permitted in Res zones  |
| Conference Center  | C              | C              | C –Not permitted in Res zones  |
| Daycare (up to 12 individuals)   | P              | P              | P                              |
| Daycare (more than 12 individuals)   | C              | C              | C                              |
| Financial Services   | P              | P              | P – Not permitted in Res zones |
| Food and Beverage Establishment (non-drive-through)                              | P              | P              | P – Not permitted in Res zones |
| Laundry Services   | P              | P              | P – Not permitted in Res zones |
| Lodging: Bed and Breakfast/Vacation Home Rental                                  | P              | P              | P – C in res zones             |
| Lodging: Hotel/Motel   | P              | P              | P –Not permitted in Res zones  |
| Office Medical/Professional  | P              | P              | P – Not permitted in Res zones |
| Parking Lot (non-accessory to existing use)                                      | P              | P              | P – Not permitted in Res zones |
| Parking Lot (Public)   | P              | P              | P – Not permitted in Res zones |
| Personal Services (including gym, spa, barber shop)                              | P              | P              | P – Not permitted in Res zones |
| Retail Sales(General) up to 25,000 square-feet on ground floor – non-auto        | P              | P              | P –Not permitted in Res zones  |
| Retail Sales(General) greater than 25,000 square-feet on ground floor – non-auto | P              | C              | C – Not permitted in Res zones |
| Repair /Service (non-auto)   | P              | P              | P – Not permitted in Res zones |
| Theater  | P              | P              | P – Not permitted in Res zones |
| <b>Industrial</b>  |                |                |                                |
| Food/Beverage Manufacturing  | -              | P              | -                              |
| Industry, Light <sup>6</sup>   | -              | P              | -                              |

<sup>3</sup> Permitted as mixed-use above first floor commercial

<sup>4</sup> Permitted as mixed-use above first floor commercial

<sup>5</sup> R-2 Standards in Chapter 17.15 apply to two-family in Zone 3

<sup>6</sup> Manufacturing of goods carried out without detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, or grit.

|   |   |   |                               |
|---|---|---|-------------------------------|
| <b>Civic</b>  |   |   |                               |
| Church  | C | - | C                             |
| College /University                                 | C | C | C                             |
| Cultural Exhibit Center and Library                 | P | P | C                             |
| Government Building                                 | C | C | C                             |
| School - Public or Private                          | C | C | C                             |
| <b>Mixed-Use</b>                                    |   |   |                               |
| Artist Live/Work Space                              | P | P | P <sup>7</sup>                |
| Artist Live/Work Space with a Retail Component      | P | P | P— Not permitted in Res zones |
| Food/Beverage Manufacturing with a Retail Component | P | P | P— Not permitted in Res zones |
| Commercial/Residential within Same Building         | P | P | P— Not permitted in Res zones |
| Light Industrial with Residential Component above   | - | P | -                             |
| Light Industrial with a Retail Component            | - | P | -                             |
| <b>Expansion of a Non-Conforming Use</b>            | - | - | -                             |

**Figure 6: Applicability of NE Gateway Planned Development Ordinance:**

**Section 3 – Applicability of NE Gateway PDO.** The provisions within the NE Gateway Planned Development Ordinance apply to an approximately 75-acre area located generally south of 14<sup>th</sup> Street, east of the Portland and Western Railroad, north of 3<sup>rd</sup> Street, and west of Logan Street and Lafayette Avenue, and as depicted in **Exhibit A**. The affected area is further divided into three zones (refer to map, **Exhibit B**), described as follows:

- A. Zone 1** is bordered by 3<sup>rd</sup> Street to the south, Logan Street to the east where it intersects with 4<sup>th</sup> Street, the railroad track to the west, and 5<sup>th</sup> Street to the north where it intersects with Johnson Street. The overall plan for this zone is a mixed-use commercial zone which, over time will transition into an extension of the downtown with residential or office uses above active ground floor commercial or retail space with a vibrancy consistent with that associated with downtown McMinnville.

...

- D.** The regulations contained in this ordinance apply to all new development within the area subject to this ordinance including the following:<sup>1</sup>
1. New construction.
  2. Any expansion of an existing development or structure involving the addition of 15 percent or more of the existing square footage of the building<sup>2</sup>. Incremental additions over a period of three (3) consecutive years totaling 15 percent or more of the original square footage of the structure shall also be subject to the design standards in this ordinance.
  3. New signage.
  4. Parking lot design.
  5. New roofing.
  6. Changes to façade material (re-siding).
  7. Window replacement/modification.

<sup>1</sup> In the case of an individual project such as a new roof or parking lot, the requirements of this ordinance are applicable to the proposed project only and not to the entire property or structure.

<sup>2</sup> Additions to existing buildings are not subject to the setback requirements as noted in Section 8



**Figure 7: NE Gateway Non-Conforming Use Provisions.**

**Section 11 - Non-Conforming Uses.** This Ordinance is intended to create a mixed-use neighborhood, a large component of which is dependent upon the extent to which the uses within the area provide a service to the immediate area and surrounding neighborhoods. Recognizing that certain existing uses are considered incompatible with the goals outlined in the NE Gateway Plan, and that property owners may have considerable investments in their property, the following shall apply to non-conforming uses within the NE Gateway.

- A.** Existing non-conforming uses shall be permitted to continue until they are changed to a conforming use, or until the existing non-conforming use is inactive for a period of 12 (twelve) consecutive months. Following a 12-month period of inactivity of a non-conforming use, neither the original non-conforming use nor a new non-conforming use shall be permitted on the property.
- B.** In the event that a structure containing a non-conforming use is destroyed by fire, accident, or act of God, the non-conforming use may resume upon the re- building of the structure provided that:
  - 1. The structure is rebuilt and the non-conforming use resumes within 12 months of the event which ended the use, and;
  - 2. The structure is rebuilt to comply with the design standards contained in Section 7 of this Ordinance.
- C.** The expansion of a structure housing a non-conforming use for the purpose of intensifying or increasing the non-conformity is not permitted.



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

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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPLICATION FOR A COMPREHENSIVE PLAN MAP AMENDMENT FROM INDUSTRIAL TO COMMERCIAL AND A ZONE CHANGE FROM M-1 (LIGHT INDUSTRIAL) TO C-3 (GENERAL COMMERCIAL) FOR A PROPERTY OF APPROXIMATELY 0.9 ACRES, LOCATED AT 455 NE IRVINE ST, TAX LOTS R4421BD 2400 & 2601**

**DOCKET:** CPA 1-22 (Comprehensive Plan Map Amendment), ZC 2-22 (Zone Change)

**REQUEST:** An application for an amendment to the Comprehensive Plan Map from Industrial to Commercial, and a Zone Change from M-1 (Light Industrial) to C-3 (General Commercial), for a property of approximately 0.9 acres.

**LOCATION:** Site Address: 455 NE Irvine Street  
Map & Tax Lot: Part of R4421BD 2400 & 2601

**CURRENT ZONING:** M-1 (Light Industrial)

**APPLICANT:** Steve Elzinga, Sherman Sherman Johnnie & Hoyt, LLP

**PROPERTY OWNER:** Carlton Hub, LLC, c/o Kellan Lancaster

**STAFF:** Tom Schauer, Senior Planner

**DATE DEEMED COMPLETE:** June 10, 2022

**HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation to the City Council. A Planning Commission recommendation of approval is transmitted to the City Council for a decision. A Planning Commission recommendation/decision of denial becomes the final decision unless that decision is appealed to the City Council.

**PLANNING COMMISSION**

**HEARING DATE & LOCATION:** July 21, 2022 at 6:30 P.M.

This will be a hybrid meeting with the opportunity to join an in-person meeting at Civic Hall or virtually on a zoom meeting.

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**Attachments :**

Attachment 1 – Application and Attachments;  
Attachment 2 - DSL Wetland Land Use Notice Response

**Meeting Location:**

McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, OR 97128

**Zoom Online Meeting:**

<https://mcminnvilleoregon.zoom.us/j/86430461362?pwd=c0tJZzN6eFBXTkpFNGh5a2p6ck5UZz09>

Meeting ID: 864 3046 1362

Passcode: 904774

(See below for instructions on how to join Zoom meeting)

**DECISION-MAKING****BODY:**

The McMinnville City Council makes the final decision, unless the Planning Commission recommendation/decision is denial, in which case that is the final decision unless the Planning Commission decision is appealed to City Council.

**MEETING DATE  
& LOCATION:**

To be determined.

**PROCEDURE:**

An application for a Comprehensive Plan Map Amendment and 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.

**CRITERIA:**

The applicable criteria for a Comprehensive Plan Map Amendment and 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. The proposal must also be consistent with applicable provisions of state law.

**APPEAL:**

The Planning Commission makes a recommendation to the City Council. If the Planning Commission recommendation is approval, the recommendation is forwarded to City Council to make the final decision. If the Planning Commission recommendation/decision is denial, then that is the final decision unless the Planning Commission's decision is appealed to the City Council per Section 17.72.180 of the McMinnville Municipal Code.

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.

**Note:** The City's final decision is usually subject to a 120-day processing timeline, including resolution of any local appeal. However, per ORS 227.178(7), the 120-day period does not apply to a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

**COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziply Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of State Lands; and Oregon Department of Transportation. Their comments are provided in Section IV of this document.


### **RECOMMENDATION**

Based on the findings and conclusionary findings, the Planning Commission finds that the applicable criteria are satisfied and **RECOMMENDS APPROVAL** of the Comprehensive Plan Map Amendment (CPA 1-22) and Zone Change (ZC 2-22).

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**RECOMMENDATION: APPROVAL**  
 //////////////////////////////////////

Planning Commission: \_\_\_\_\_  
 Sidonie Winfield, Chair of the McMinnville Planning Commission

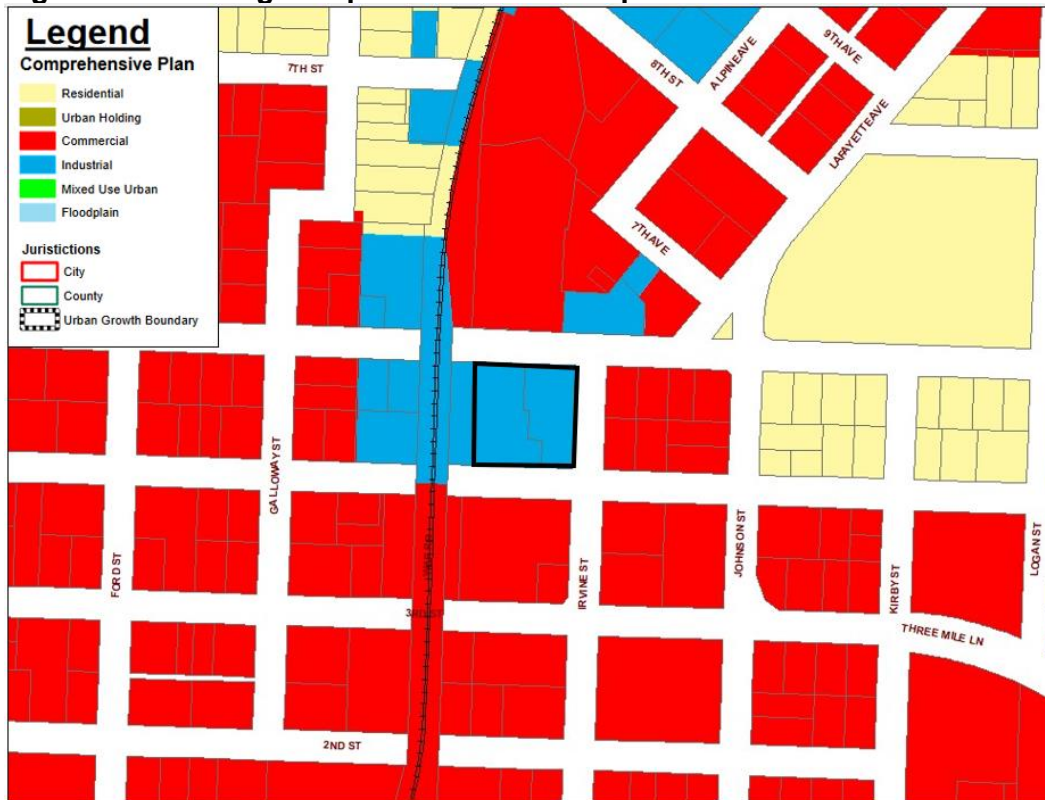
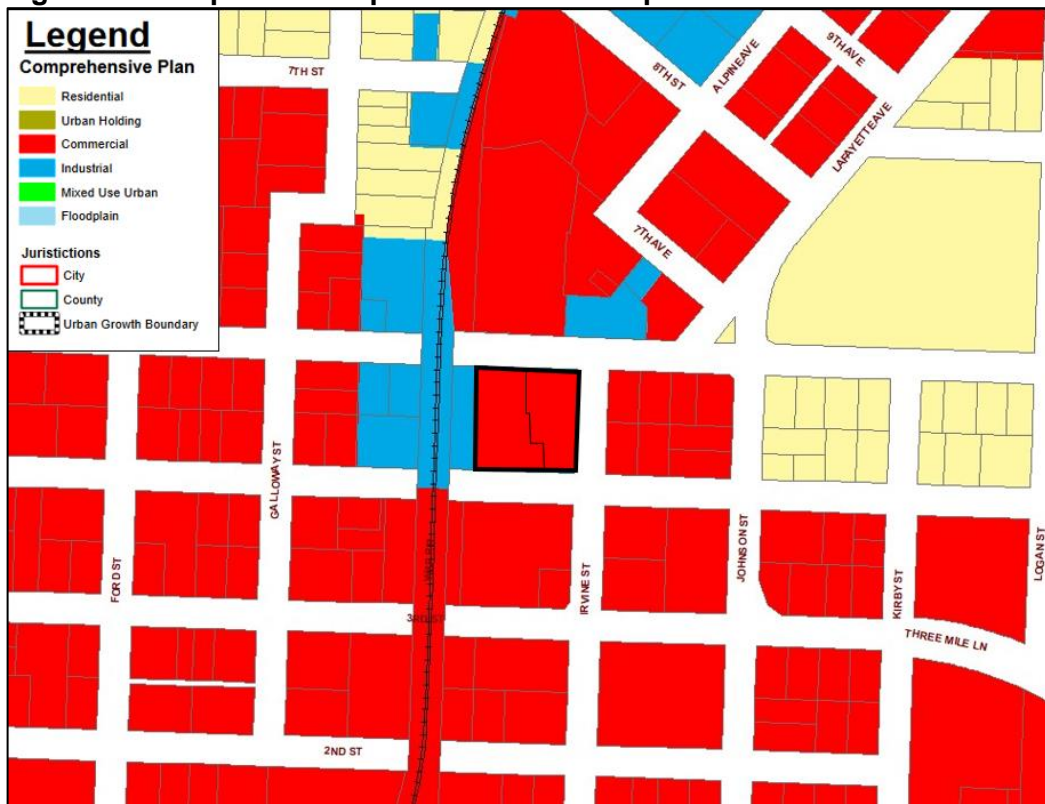
Date: July 21, 2022

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

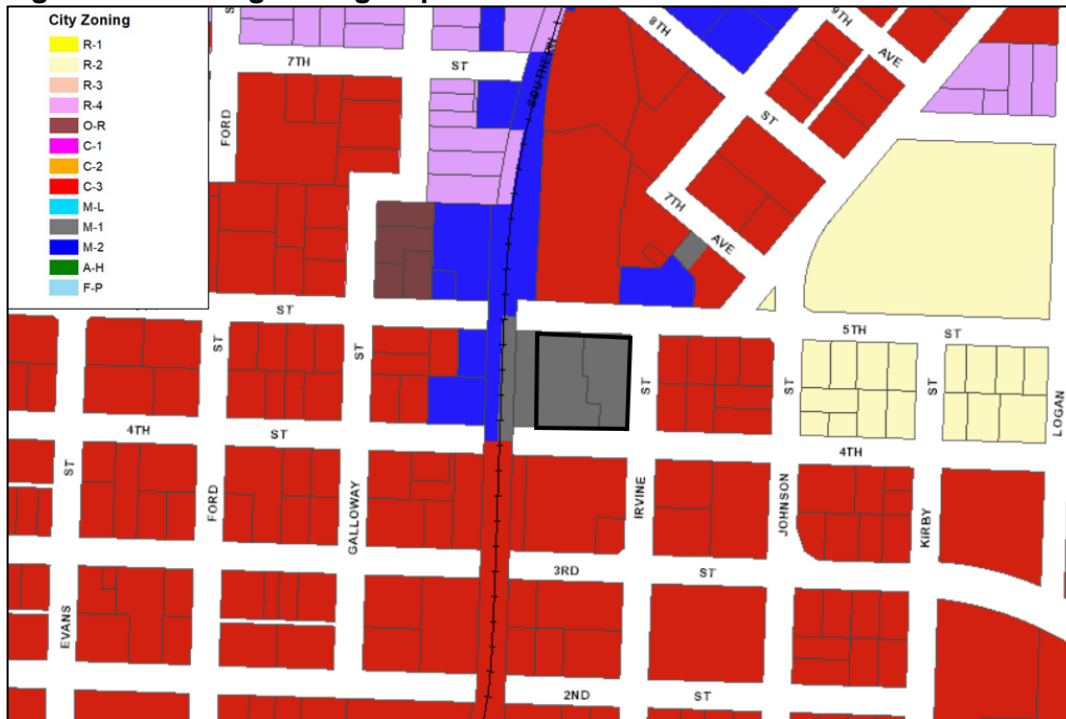
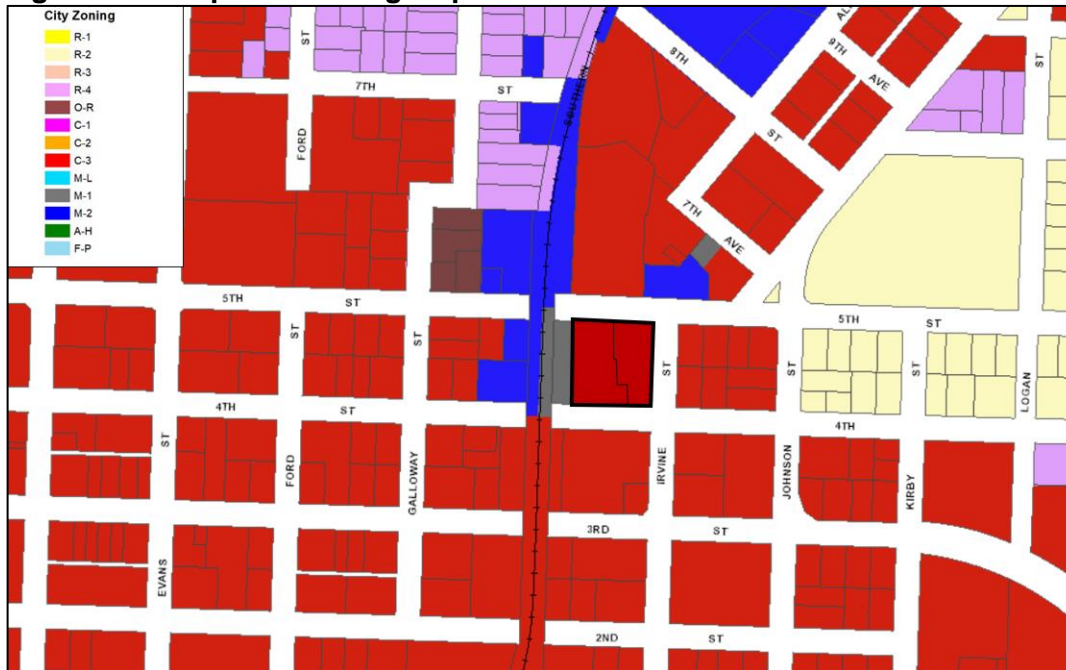
Date: July 21, 2022





**Figure 2a. Existing Comprehensive Plan Map****Figure 2b. Proposed Comprehensive Plan Map****Attachments :**

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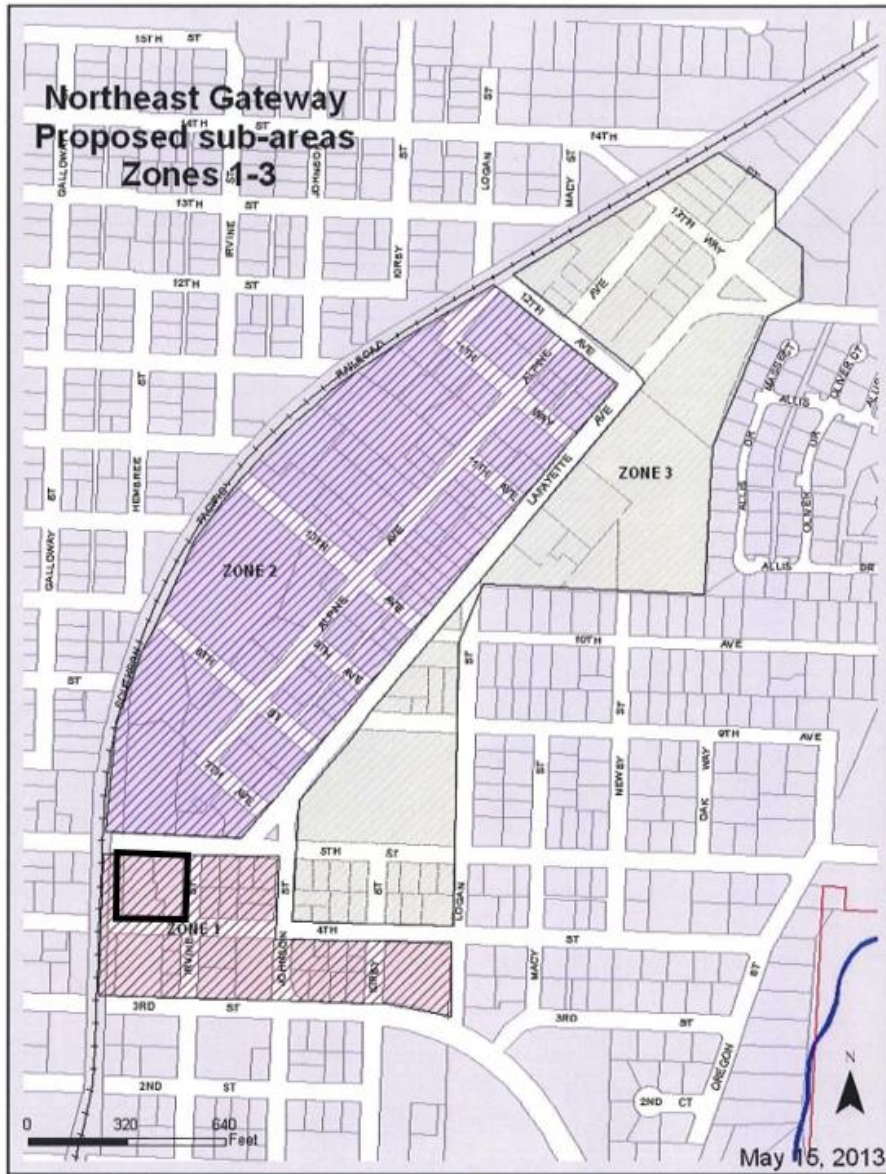
**Figure 3a. Existing Zoning Map****Figure 3b. Proposed Zoning Map**

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**Attachments :**

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**Figure 4: NE Gateway Overlay Zone and Sub-Area Boundaries****II. CONDITIONS:**

Not Applicable.

**III. ATTACHMENTS:**

1. CPA 1-22/ZC 2-22 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, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier

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Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands.

Responses were received from the following agencies, provided below:

- McMinnville Building Department
- McMinnville Engineering Department
- McMinnville Water & Light
- Comcast
  
- McMinnville Building Department  
A building permit will be necessary for the intended work and to change the occupancy. A building code plan review and code analysis was not performed as part of this referral. However, one potential item to note is that the building perimeter and surrounding fence appear to be on the property lines shared with the right-of-way. Because of the intended occupancy, out-swinging doors and gates will likely be necessary and some modifications to not swing over the right-of-way may be necessary. No other building concerns at this time. A comprehensive building code review will occur at the time of permit submittal.
  
- McMinnville Engineering Department  
No comments.
  
- McMinnville Water & Light  
McMinnville Water & Light has no comments.
  
- Comcast  
Comcast has no conflict with this project.

## Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. As of July 14, 2022, no public testimony was submitted.

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

1. The application was submitted with fee provided on May 9, 2022. The applicant submitted the necessary documentation to demonstrate a neighborhood meeting was noticed and held in accordance with the provisions of Section 17.72.095 of the Zoning Ordinance.
2. The application was deemed complete on June 10, 2022.
3. On June 10, 2022, notice of the application was provided to the Oregon Department of Land Conservation and Development (DLCD).
4. On June 13, 2022, 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, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, and City Manager; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziply Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands. Notice of the application was also subsequently provided to the City Attorney.

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### *Attachments :*

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Comments received from agencies are addressed in Section IV of this Decision Document.

5. On June 29, 2022, notice of the application and the July 21, 2022 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
6. On July 15, 2022, notice of the application and the July 21, 2022 Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.
7. The Planning Commission held a public hearing on July 21, 2022 to consider the request.

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

1. **Location:**
  - **Site Address:** 455 NE Irvine Street
  - **Map & Tax Lot:** R4421BD 2400 & 2601
2. **Size:** 0.9 acres
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:**
  - a. **Subject Property:** M-1 (General Industrial)
  - b. **Surrounding Properties:**
    - i. **North:** Across 5<sup>th</sup> Street: C-3 (General Commercial) and M-2 (General Industrial)
    - ii. **West:** M-1 Light Industrial (railroad right-of-way and property) and M-2 General Industrial (west of the railroad)
    - iii. **South:** C-3 (General Commercial)
    - iv. **East:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:**
  - a. NE Gateway Overlay, Subarea 1 (Ordinance 4971)
  - b. Airport Overlay, Conical Surface Zone
6. **Current Development:** The property is developed with the Old Power Plant building as subsequently expanded. The property was most recently used for the Elizabeth Chambers Cellar Winery and Tasting Room.
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** Historic Resource A-796, Old Power Plant
  - b. **Other:** None Identified
8. **Other Features:**
  - a. **Slopes:** The property is generally level.
  - b. **Easements:** No City easements identified on the property.
  - c. **Trees:** Street trees are present. Trees were present along the railroad property that were removed and would need to be addressed as part of a landscape plan for a proposed use/development. Trees are present in the area south of the building within the outdoor patio area.

**9. Utilities:**

- a. **Water:** Water distribution mains are present along the frontage in 5<sup>th</sup> and Irvine Streets.
- b. **Sewer:** Sanitary sewer mains are present in 4<sup>th</sup> and 5<sup>th</sup> Streets along the easterly portion of the property.
- c. **Stormwater:** There are storm drainage lines present in 4<sup>th</sup>, 5<sup>th</sup>, and Irvine Streets.
- d. **Power:** Overhead power is present along 4<sup>th</sup> and 5<sup>th</sup> Streets.

10. **Transportation and Access:** The property makes up a block which is bounded by frontage on 4<sup>th</sup> Street to the south, 5<sup>th</sup> Street to the north, and Irvine Street to the east. The property abuts the railroad right-of-way and property to the west. 5<sup>th</sup> Street is a minor collector. 4<sup>th</sup> Street and Irvine Street are local access streets.

**VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria and standards for a Comprehensive Plan Map amendment and Zone Change are found in Chapter 17.74 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 a 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.

Amendments to the City's adopted and acknowledged planning documents, including amendments to the Comprehensive Plan Map and Zoning Map, are also subject to certain Statewide Planning Goals and associated statutes and administrative rules.

**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 many of the goals, policies, and proposals as they apply to quasi-judicial land use applications 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 certain applications, and are not addressed below

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

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

**APPLICANT'S RESPONSE:** This application is to re-zone and maximize use of underutilized property in the city's downtown core, which will preserve undeveloped property near the city limits.

This application relates to a previously developed area, so it will not notably impact air, water, and land resources. No new emission sources are planned. The property is not in a flood plain and has no wetlands. There are no landslide hazards. The proposed leisure business will have less noise and air impact than the potential industrial uses currently allowed on the property.



**FINDING:**

**GOAL: SATISFIED.** The commercial re-use of the property within the walkable downtown context helps ensure efficient use of developed property and provide for a complementary mix of “park once and walk” uses.

**POLICIES: SATISFIED.** Most policies provided under this goal don’t relate to a quasi-judicial application to amend the Comprehensive Plan map and zoning map. The land policies address issues such as unincorporated lands within the UGB, natural hazards, mineral and aggregate resources, and reclamation of aggregate sites. The water policies address issues such as drinking water standards, floodplain, water quality standards, and drinking water source watershed protection. Other provisions of the Comprehensive Plan which address natural features such as wetlands, trees, etc. are addressed under the respective provisions herein.

In the Noise Subsection, Policy 12.00 is, *“The City of McMinnville shall insure that noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary.”*

The proposal will reduce the potential for noise conflicts by changing the relationship between the subject property and surrounding properties so the commercial zoning will abut commercial zoning on three sides and will abut industrial zoning to the west. The current industrial zoning of the property currently abuts commercially-zoned property on three sides.

**CHAPTER III. CULTURAL, HISTORICAL, AND EDUCATION RESOURCES*****HISTORIC PRESERVATION***

**GOAL III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHEOLOGICAL SIGNIFICANCE TO THE CITY OF MCMINNVILLE.**

**GOAL III 4: ENCOURAGE THE PRESERVATION AND REHABILITATION OF HISTORIC RESOURCES**

*Policies*

*17.07. Strengthen the integration of historic preservation in city planning to capitalize on neighborhood history and character as city assets.*

**GOAL III 5: DOCUMENT AND PROTECT HISTORIC RESOURCES**

**GOAL III 6: INCREASE HERITAGE TOURISM**

**APPLICANT’S RESPONSE (GOAL III 6):** This commercial leisure business with help amplify and create synergy with existing heritage tourism downtown.

*Policies*

*17.14. Amplify the heritage tourism program for McMinnville.*

**FINDING (CHAPTER III GOALS AND POLICIES): SATISFIED.** The proposed map amendment would allow for the change of use of the current historic resource from industrial

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use to commercial use without requiring that the change of use be in conjunction with an action such as an expansion or redevelopment as would otherwise be required by the provisions of the NE Gateway Overlay per the recent legal opinion.

The ability to adapt the use of historic resources for a variety of uses within the context of the historic core helps support heritage tourism where there is a concentration of historic resources and tourism-friendly uses within the core area.

## CHAPTER IV. ECONOMY OF MCMINNVILLE

### 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.

**APPLICANT'S RESPONSE:** This application will help maximize the economic potential of the existing property to provide more jobs, services, and economic growth. By locating near other leisure businesses, Carlton Hub's leisure business will add to the synergy of the area, benefiting surrounding businesses as well as its own, and helping link downtown to Alpine.

**FINDING: SATISFIED.** The proposed map amendment would allow for transition of the property from industrial use to commercial use as envisioned for Subarea 1 of the NE Gateway Overlay Zone as part of the growth of the core commercial area. The proposed map amendment would allow for all permitted uses authorized in the C-3 zone, and is not an approval for a specific use.

## COMMERCIAL DEVELOPMENT

### 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.

#### *Policies*

- 21.01 *The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use.*

**APPLICANT'S RESPONSE:** This application would shift 0.9 acres of industrial land to commercial land, which is consistent with both the 2013 and draft 2020 Economic Opportunities Analysis. McMinnville's 2013 Economic Opportunities Analysis indicated a significant surplus of industrial land and a small deficit of commercial land from 2013-2033.

Similarly, the 2020 draft Economic Opportunities Analysis indicates a continued surplus of industrial land (159-acre surplus projected by 2041) and continued deficit of commercial land (286-acre deficit projected by 2041). In particular, the 2020 draft noted a projected need for 73 more commercial sites of 0.5 to 0.99 acres—like the 0.9-acre site in this application—while the projected need for industrial sites was for larger sites of 2+ acres.

**FINDING: SATISFIED.** As demonstrated by the EOA, McMinnville has a deficit of commercial land within the UGB, and redesignation of 0.9 acres of the industrial surplus to commercial consistent with the identified need is a corrective action and efficiency measure that addresses part of the identified deficit without the need for further UGB expansion. The site would provide a suitably-sized site at this location for the scale of commercial uses that would be suitable as part of the downtown commercial core.

In addition, while the property currently has an Industrial Comprehensive Plan Map designation and M-1 zoning, Subarea 1 of NE Gateway Overlay that currently applies to the property already provides for conversion to commercial uses through actions such as expansion and/or redevelopment, and Subarea 1 doesn't include industrial uses as a permitted use, whether as a separate use or as part of a mixed-use development.

21.03 *The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses.*

**APPLICANT'S RESPONSE:** All existing downtown leisure businesses benefit from continued solidification of the city core as a local and regional center for leisure. Carlton Hub's business will have significant synergy with the nearby wineries and tasting rooms, and help link downtown to Alpine.

**FINDING: SATISFIED.** Commercial designation of the property is consistent with the objectives for this area to strengthen the connection between the downtown district and the NE Gateway District as articulated in the NE Gateway Overlay Ordinance and Subarea 1 specifically, in order to help support and complement the existing businesses within the core area. The proposed map amendment would allow for all permitted uses authorized in the C-3 zone, and is not an approval for a specific use.

**GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.**

*General Policies:*

22.00 *The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.*

23.00 *Areas which could in the future serve as commercial sites shall be protected from encroachment by incompatible uses.*

24.00 *The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development. (Ord.4796, October 14, 2003)*

**APPLICANT'S RESPONSE:** This application seeks to maximize efficiency of existing developed land for surrounding commercial leisure uses. Further, use of the property for many of the presently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel) would be disturbing to the current surrounding commercial leisure uses, so this zone change benefits the entire area by preventing industrial interference with existing surrounding commercial uses.

This application seeks to align with the current cluster of commercial leisure businesses in and around the central business district, which is just across the street from this property, and link to

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the cluster of commercial leisure businesses in the Alpine area just north of this property. This will help further encourage the walkable downtown/Alpine area.

**FINDING: SATISFIED.** The proposed commercial designation of the property allows for continued efficient use of this property in a location that is already identified for transition to commercial use. It is located within the building fabric of the downtown area, allowing for commercial use of the existing building, which is pedestrian-oriented and oriented to the sidewalk at the corner of 5<sup>th</sup> and Irvine. Parking is already located to the side of the building adjacent to the railroad tracks. This is consistent with the downtown district and avoids auto-oriented strip development.

*Locational Policies:*

- 24.50 *The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)*

**APPLICANT'S RESPONSE:** This application would shift 0.9 acres of industrial land to commercial land, which is consistent with both the 2013 and draft 2020 Economic Opportunities Analysis. McMinnville's 2013 Economic Opportunities Analysis indicated a significant surplus of industrial land and a small deficit of commercial land from 2013-2033.

Similarly, the 2020 draft Economic Opportunities Analysis indicates a continued surplus of industrial land (159-acre surplus projected by 2041) and continued deficit of commercial land (286-acre deficit projected by 2041). In particular, the 2020 draft noted a projected need for 73 more commercial sites of 0.5 to 0.99 acres—like the 0.9-acre site in this application—while the projected need for industrial sites was for larger sites of 2+ acres.

**FINDING: SATISFIED.** The proposed map amendment would meet a portion of the identified need for commercial land and site needs identified in the Comprehensive Plan and EOA.

- 25.00 *Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.*

**APPLICANT'S RESPONSE:** There is no better place to locate commercial uses than the location in this application, which is surrounded by other commercial uses. If this property were used for many of the currently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel), it would conflict with the surrounding commercial uses. Current city services adequate for commercial use are already present in this area.

**FINDING: SATISFIED.** Commercial designation of the proposed site would be consistent with the predominant designations of surrounding properties, thereby minimizing conflicts. It would also be consistent with the intended use of property located in Subarea 1 of the NE Gateway Overlay Zone which applies to the property. The site is already developed and served by municipal facilities and services.

- 26.00 *The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.*

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**APPLICANT’S RESPONSE:** The commercial leisure uses envisioned for this property are an ideal fit for the area, right next the central business district. The property has existing off-street parking as well as immediately adjacent street spaces. Once a specific use is determined, Carlton Hub will need to meet all requirements for that specific use and demonstrate such compliance in a separate application.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

**FINDING: SATISFIED.** The scale and use of the building and property is consistent with the objectives of the core downtown area. The property also has existing off-street parking. For a specific use, the applicant will be required to demonstrate adequate off-street parking on-site and/or within 200 feet through a shared parking agreement.

*Design Policies:*

- 30.00 *Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.*

**APPLICANT’S RESPONSE:** The property has existing access that avoids residential neighborhoods. The proposed commercial leisure business is similar to use of the property as a tasting room, so there should not be a notable impact on traffic on adjacent streets. The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

**FINDING: SATISFIED.** The property has frontage on 4<sup>th</sup> Street, 5<sup>th</sup> Street, and Irvine Street. Parking lot access is onto 5<sup>th</sup> Street, a minor collector, and 4<sup>th</sup> Street, which dead-ends at the railroad tracks, so there is no cut-through traffic adjacent to Village Quarter. Irvine Street provides a connection between 5<sup>th</sup> Street, a minor collector, and 3<sup>rd</sup> Street, a major collector.

- 31.00 *Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms. (Ord.4796, October 14, 2003)*

**APPLICANT’S RESPONSE:** This property has good bicycle and pedestrian links with the surrounding area. Use as a commercial leisure business is consistent with these links. Notably, this property will help serve as a link between the downtown core and the Alpine area.

**FINDING: SATISFIED.** The site is located within a well-connected grid street system. The proposed map amendment would not change bicycle and pedestrian connectivity.

- 32.00 *Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.*

**APPLICANT’S RESPONSE:** No response.

**FINDING: NOT APPLICABLE.** While the M-1 and C-3 zones both have similar provisions for required yards adjacent to residential zones and screening of outside storage adjacent to

residential zones, there is no residential zoning adjacent to the property. There is existing screening present along the south property line adjacent to 4<sup>th</sup> Street and the adjacent residential use. Any proposed changes to approved landscaping are subject to review for amendments to existing landscape plans.

**GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMINNVILLE.**

*Downtown Development Policies*

36.00 *The City of McMinnville shall encourage a land use pattern that:*

1. *Integrates residential, commercial, and governmental activities in and around the core of the city;*
2. *Provides expansion room for commercial establishments and allows dense residential development;*
3. *Provides efficient use of land for adequate parking areas;*
4. *Encourages vertical mixed commercial and residential uses; and,*
5. *Provides for a safe and convenient auto-pedestrian traffic circulation pattern.*

**APPLICANT’S RESPONSE:** This application promotes integrating commercial uses in the downtown core of the city, by shifting the small, isolated industrial property to commercial. This application will also link the commercial uses downtown with the commercial uses in the Alpine area.

**FINDING: SATISFIED.** The proposed amendment is consistent with the commercial uses intended for this area as expressed in the NE Gateway Overlay Subarea 1. Of the six blocks within Subarea 1, this is the only one that doesn’t currently have C-3 base zoning.

41.00 *The City of McMinnville shall encourage the expansion of retail and other commercial enterprises east of the railroad tracks and north and south of Third Street consistent with the adopted “Downtown Improvement Plan.”*

**APPLICANT’S RESPONSE:** This application builds upon the recent expansion of the downtown commercial core east of the railroad tracks. This property is located just a block north of this policy’s focus. Further, this property is a link between commercial uses downtown and along Alpine.

**FINDING: SATISFIED.** The subject property is outside the Study Area of the Downtown Improvement Plan; however, the proposed amendment encourages the expansion of commercial uses east of the railroad tracks to the north of Third Street, consistent with the plan, and also consistent with the commercial use of the property and other properties within Subarea 1 of the NE Gateway Overlay Zone.

44.00 *The City of McMinnville shall encourage, but not require, private businesses downtown to provide off-street parking and on-site traffic circulation for their employees and customers.*

**APPLICANT’S RESPONSE:** This property has an existing off-street parking lot.

**FINDING: SATISFIED.** The proposed map amendment doesn't change the parking standards which are applicable to the property. The property currently has off-street parking. Any change of use or development is subject to the applicable parking standards. The property is not within the parking reduction areas listed in Section 17.60.100 of the Zoning Ordinance, and the applicability of the parking standards if the NE Gateway Overlay Zone would not change as a result of the proposed map amendment.

46.00 *The City shall work to implement the recommendations of the adopted "McMinnville Downtown Improvement Plan."*

**APPLICANT'S RESPONSE:** No response.

**FINDING: NOT APPLICABLE.** The subject property is outside the study area of the "McMinnville Downtown Improvement Plan."

## **INDUSTRIAL DEVELOPMENT**

**GOAL IV 5: TO CONTINUE THE GROWTH AND DIVERSIFICATION OF McMINNVILLE'S INDUSTRIAL BASE THROUGH THE PROVISION OF AN ADEQUATE AMOUNT OF PROPERLY DESIGNATED LANDS.**

**APPLICANT'S RESPONSE:** As described above, both the 2013 and draft 2020 Economic Opportunities Analysis show a surplus of industrial land. Thus, removal of 0.9 acres from available industrial land will not hinder needed industrial growth.

**FINDING: SATISFIED.** The Comprehensive Plan and EOA identify a surplus of industrially-designated land. There is sufficient industrial acreage to redesignate the proposed property to a commercial designation while retaining a surplus of industrially designated land. In addition, Subarea 1 of the NE Gateway Overlay Zone, which includes the subject property, already permits commercial use and prohibits industrial use when its provisions are triggered by thresholds specified in the "Applicability" section of the Ordinance.

**GOAL IV 6: TO INSURE INDUSTRIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USES, THAT IS APPROPRIATELY LOCATED IN RELATION TO SURROUNDING LAND USES, AND THAT MEETS NECESSARY ENVIRONMENTAL STANDARDS.**

## **Locational Policies**

49.00 *The City of McMinnville shall use its zoning and other regulatory methods to prevent encroachment into industrial areas by incompatible land uses.*

**APPLICANT'S RESPONSE:** This industrial property is surrounded primarily by commercial uses that would be harmed by many of the industrial uses currently allowed on the property. Aligning this property with surrounding commercial property serves the best interest of logical, orderly, and efficient development.

**FINDING: SATISFIED.** The subject property is already included within the NE Gateway Overlay Zone, which permits commercial use and prohibits industrial use when its provisions are triggered by thresholds specified in the "Applicability" section of the Ordinance. The subject property is the only one of six blocks within Subarea 1 which doesn't have C-3 zoning. The property currently has industrial zoning which abuts commercial zoning on three sides. The



proposed amendment would result in commercial zoning, abutting commercial zoning on three sides, and with industrial zoning abutting only at the railroad tracks.

- 49.02 *The location, type, and amount of industrial activity within the Urban Growth Boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord. 4961, January 8, 2013)*
- 50.00 *The City of McMinnville shall encourage industrial uses to locate adjacent to the airport and south of Three Mile Lane, adjacent to the existing Riverside Drive industrial area, and in existing industrial areas through the proper designation of lands on the comprehensive plan and zoning maps. Comprehensive plan and/or zoning map changes to industrial designations in other areas may be granted if all the applicable goals and policies of the plan can be met.*

**APPLICANT'S RESPONSE:** The city encourages industrial uses primarily (1) adjacent to the airport and south of Three Mile Lane and (2) adjacent to the existing Riverside Drive industrial area—both of which are far from this property. Removing this property from industrial use is consistent with the city's policy of encouraging industrial use elsewhere.

**FINDING: SATISFIED.** Policies 49.01, 49.02, and 50.00 address industrial land needs and attributes of land to be designated or redesignated for industrial use. The proposed amendment is to redesignate industrial land to commercial land. The amount of land to be redesignated is based on the need identified in the Comprehensive Plan, and retains an industrial surplus.

## CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

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

**APPLICANT'S RESPONSE:** No response.

**FINDING: NOT APPLICABLE.** Chapter V addresses residential use, residential designations, and residential planned developments, which are not applicable to the proposed map amendment from industrial to commercial.

*(Note: Multi-dwelling residential use is permitted in the commercial zone, including as part of a mixed-use development).*

## CHAPTER VI. TRANSPORTATION SYSTEM

### 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.

**APPLICANT'S RESPONSE:** This application fits into the existing transportation system as demonstrated by compliance with the goals and policies below.

**FINDING: SATISFIED.** The subject property is located in a suitable area convenient for multiple modes, including walking, biking, and transit.

## MASS TRANSPORTATION

*Policies:*

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*Attachments :*

Attachment 1 – Application and Attachments

- 100.00 *The City of McMinnville shall support efforts to provide facilities and services for mass transportation that serve the needs of the city residents.*
- 104.00 *The City of McMinnville shall encourage a centrally located bus terminal, for intercity and intracity bus services.*
- 105.00 *The City of McMinnville shall examine the impacts of transportation proposals involving bus and/or rail terminals on surrounding land uses.*

**APPLICANT'S RESPONSE:** This property is in easy walking and biking distance from the McMinnville Transit Center (less than four blocks away), making it well suited for a leisure-based commercial use. Yamhill County Transit routes link the McMinnville Transit Center to regional transit centers in Hillsboro, Tigard, West Salem, and Grand Ronde, in addition to local cities like Lafayette, Dayton, Dundee, Newberg, Amity, Carlton, Yamhill, Sheridan, and Willamina. Commercial uses on this property (rather than industrial uses) will help link the trail between the transit center and commercial uses along Alpine.

**FINDING: SATISFIED.** The subject property is on transit routes and in close proximity to the transit center.

## **TRANSPORTATION DISADVANTAGED**

### *Policies:*

- 106.00 *The City of McMinnville, through public and private efforts, shall encourage provision of facilities and services to meet the needs of the transportation disadvantaged.*

**APPLICANT'S RESPONSE:** No response.

**FINDING: SATISFIED.** The subject property is located in proximity to other complementary uses with facilities for a variety of transportation options including walking, biking, and transit.

## **RAIL**

- 108.00 *The City of McMinnville shall encourage the modification, relocation, or termination of rail activities that conflict with existing developed land uses in the city.*
- 112.00 *The City of McMinnville shall encourage, through zoning and other regulations, the location of industrial lands adjacent to rail lines in areas where industrial uses will be compatible with surrounding land uses, and where the goals and policies of this plan are met.*

**APPLICANT'S RESPONSE:** The property is adjacent to railroad property, but it is also an area where many industrial uses are not compatible with surrounding commercial uses. Notably, this property is buffered from the main railroad line by a 45-foot-wide-by-200-foot-deep parcel between Carlton Hub's property and the property on which the railroad line is located. This 45-foot-wide parcel is owned and used by the railroad as a storage area; it would remain in light industrial zoning after approval of this application. The city's policies on rail support this application.

**FINDING: SATISFIED.** There are some areas within the downtown core where non-industrial uses are adjacent to the railroad as it passes through downtown. This site can likewise

support non-industrial commercial use while being located adjacent to the railroad and railroad property where it passes through downtown.

## **STREETS**

- 117.00 *The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.*
- 119.00 *The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.*

**APPLICANT'S RESPONSE:** The property is already served by the existing street network, with existing safe and easy street access with driveways on both NE 5<sup>th</sup> St and NE 4<sup>th</sup> St.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

**FINDING: SATISFIED.** The subject property is located in an area that is well-served by the existing street grid and doesn't require new transportation corridors.

## **PARKING**

- 126.00 *The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.*
- 127.00 *The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.*
- 128.00 *The City of McMinnville shall continue to assist in the provision of parking spaces for the downtown area.*

**APPLICANT'S RESPONSE:** The property has an existing off-street parking lot as well as immediately adjacent street spaces. The property is also less than four blocks away from the public parking structure on NE Evans St.

**FINDING: SATISFIED.** The proposed map amendment doesn't change the parking standards which are applicable to the property. The property currently has off-street parking. Any change of use or development is subject to the applicable off-street parking standards. The property is not within the parking reduction areas listed in Section 17.60.100 of the Zoning Ordinance, and the applicability of the parking standards if the NE Gateway Overlay Zone would not change as a result of the proposed map amendment.

## **BIKE PATHS**

### **Policies:**

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

**APPLICANT’S RESPONSE:** The property already has good bike access under the Bicycle System Plan with sharow designation on 5<sup>th</sup> Street and nearby bike lanes or shoulders on NE Lafayette Ave, Three Mile Ln, 2<sup>nd</sup> St, and 3<sup>rd</sup> St.

**FINDING: SATISFIED.** The proposed map amendment doesn’t affect the City’s ability to implement a Bicycle System Plan that connects residential areas to the downtown core.

### **Complete Streets**

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*
3. *Improve pedestrian accommodation and safety at signalized intersections by:*
  - a. *Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.*
  - b. *Timing signals to minimize pedestrian delay and conflicts.*
  - c. *Balancing competing needs of vehicular level of service and pedestrian safety.*

**APPLICANT’S RESPONSE:** The property has good access for walking, biking, bus transit, and driving, as noted in other sections of this application. In particular, the existing sidewalks are accessible and are shielded from traffic by street trees. The property has good walking access with the existing downtown sidewalk network. 5<sup>th</sup> St is designated for bike sharing. The property is less than four blocks away from the transit station and a public parking garage. The property has off-street parking.

**FINDING: SATISFIED.** The property is located where well-suited to commercial use, with convenient access by walking, biking, and transit. The downtown grid has buildings oriented to the sidewalks with street trees. On-street parking is present, public parking is available nearby, and off-street parking is present. Fifth Street has been improved with pedestrian bulb-outs at the adjacent intersections, and the property is on a transit route and near the transit center. With the connected grid system, multiple routes are available for walking and cycling.

## **LIVABILITY**

*132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways*

**APPLICANT'S RESPONSE:** This application will help meet the goal of clustering commercial uses in the downtown core to minimize neighborhood disruption and encourage public transit, biking, and walking.

**FINDING: SATISFIED:** The commercial use of the property is well-suited to current transportation options and access via transit, biking, and walking.

## **GROWTH MANAGEMENT**

*132.40.00 Mobility standards will be used to evaluate the transportation impacts of long-term growth. The City should adopt the intersection mobility standards as noted in Chapter 2 of the Transportation System Plan. (Ord. 4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** No response.

**FINDING: SATISFIED.** The TIA demonstrates “no significant effect” on transportation facilities in assessing the potential impact on adopted mobility standards, as a result of the proposed map amendment compared to uses that would be permitted in the current zone together with the uses permitted in the NE Gateway Overlay Zone, Subarea 1, in which the property is located.

*132.40.05 Conditions of Approval – In accordance with the City's TSP and capital improvements plan (CIP), and based on the level of impact generated by a proposed development, conditions of approval applicable to a development application should include:*

- 1. Improvement of on-site transportation facilities,*
- 2. Improvement of off-site transportation facilities (as conditions of development approval), including those that create safety concerns, or those that increase a facility's operations beyond the City's mobility standards; and*
- 3. Transportation Demand management strategies*

**APPLICANT'S RESPONSE:** No response.

**FINDING: SATISFIED.** The determination of “no significant effect” in the TIA means mitigation is not required to address the proposed map amendment.

## **McMinnville TSP Implementation**

*132.62.00 TSP as Legal Basis – The City of McMinnville shall use the McMinnville TSP as the legal basis and policy foundation for actions by decision makers, advisory bodies, staff, and*

*citizens in transportation issues. The goals, objectives, policies, implementation strategies, principles, maps, and recommended projects shall be considered in all decision-making processes that impact or are impacted by the transportation system.*

**APPLICANT’S RESPONSE:** No response.

**FINDING: SATISFIED.** The proposed amendment is consistent with Transportation Planning Rule OAR 660-012-0060, which applies to map amendments, and is consistent with the TSP and the applicable Goals and Policies of the Comprehensive Plan. Mitigation is not required in conjunction with the map amendment as the TIA demonstrates “no significant effect.”

132.62.20 *TSP Use in Review of Land Use Actions – The City of McMinnville shall consider and apply the goals, policies, planning principles, recommended projects, implementation strategies, and maps contained in McMinnville TSP in the review of land use actions and development applications.*

**APPLICANT’S RESPONSE:** No response.

**FINDING: SATISFIED.** The findings above demonstrate the proposed map amendment is consistent with the TSP.

## CHAPTER VII. COMMUNITY FACILITIES AND SERVICES

**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.**

**APPLICANT’S RESPONSE:** All needed utilities are already provided for this property, including sewers, storm drainage, water, etc.

**FINDING: SATISFIED.** The property is developed urban land, and basic public and private facilities and services are available to the property.

### ***Water and Sewer-Land Development Criteria***

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

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
2. *Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*

3. *Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
4. *Federal, state, and local water and waste water quality standards can be adhered to.*
5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

**APPLICANT’S RESPONSE:** This property already has full utilities. This application envisions a commercial leisure use similar to use as a tasting room, so there should not be notable impact on utilities.

**FINDING: SATISFIED.** Notice of the proposed map amendment was provided to service providers. No issues with water supply, storage, or distribution facilities were identified. No issues with municipal sewage facilities were identified. No issues were identified regarding sufficient water and sewer system personnel or resources for the maintenance and operation of the water and sewer systems or that would differ for personnel and resources to provide service to commercially-zoned land rather than industrially-zoned land. No issues were identified with the ability to meet applicable standards and policies in serving the property with water and sewer.

## **PARKS AND RECREATION**

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

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

**APPLICANT’S RESPONSE:** By utilizing an already-developed property in the downtown core, this application helps avoids further enrichment on open spaces and natural areas elsewhere.

**FINDING: NOT APPLICABLE.** The proposed map amendment does not affect this goal or policy.

## **CHAPTER VIII. ENERGY**

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

#### **ENERGY SUPPLY DISTRIBUTION**

*171.00 The City of McMinnville shall continue to examine land use decisions in the light of present and projected supplies of electrical, fossil fuel, and other sources of energy.*

**APPLICANT’S RESPONSE:** By utilizing an already-developed property in the downtown core, this application helps minimize energy use. By locating near the current clusters of commercial leisure business in the downtown core and along Alpine, customers of the



business at this property can easily walk to nearby similar businesses, which will reduce overall fuel use and lower carbon emissions.

Similarly, by locating in the already-developed downtown core, this application will not require any new energy system changes or development.

**FINDING. SATISFIED.** The proposed map amendment pertains to an existing developed site in an area that is serviced with power and is located in an area accessible by transportation modes including walking, biking, and public transit, which provide energy efficient transportation options.

## **ENERGY CONSERVATION**

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

*Policies:*

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:** This application proposes further development within a compact urban core, which will help conserve all forms of energy. This application helps cluster commercial uses near other commercial uses instead of having a small, isolated island of industrial uses within an area that is predominately commercial. This promotes efficiency for customers moving between this commercial use and nearby commercial uses.

**FINDING: SATISFIED.** The applicant’s response addresses the applicable goal and policy.

## **CHAPTER IX. URBANIZATION**

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

**APPLICANT’S RESPONSE:** This application focuses on orderly and timely development of commercial uses in the downtown core, which will help reduce the pressure for bringing in new lands to the UGB due to the projected shortage of commercial property described above.

**FINDING: SATISFIED.** The proposed commercial map designation is consistent with the identified commercial land needs specified in the Comprehensive Plan and EOA. The property is already an existing developed urban site. The redesignation retains an industrial land/site surplus.

## **GREAT NEIGHBORHOOD PRINCIPLES**

*Policies:*

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*

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*Attachments :*

Attachment 1 – Application and Attachments

*neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

- 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.*
- 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.*
- 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.*
- 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:** No response.

**FINDING: SATISFIED.** The proposed map amendment is not part of a new neighborhood, but rather strengthens the core commercial area which serves as the heart of McMinnville and also serves surrounding neighborhoods. It contributes to the commercial services in the core in a

setting that is already accessible to multiple modes, as part of a connected grid street system, with pedestrian orientation and human-scaled development with unique historic character.

## CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

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

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

**GOAL X 3: TO PERIODICALLY REVIEW AND AMEND THE McMINNVILLE COMPREHENSIVE PLAN TO REFLECT CHANGES IN COMMUNITY CIRCUMSTANCES, IN CITIZEN DESIRES, AND IN THE STATEWIDE GOALS.**

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.*

189.00 *The City of McMinnville shall establish procedures for amending the Comprehensive Plan, Volumes I and II, and the implementation ordinances and measures in Volume III, which allow for citizen review and comment.*

**APPLICANT'S RESPONSE:** Citizen involvement is ensured through this process by the applicant holding a publicly-noticed neighborhood meeting and providing a summary of all public comments as an attachment to this application, participating in a publicly-noticed public hearing before the Planning Commission, and ultimate consideration at a publicly-noticed meeting before the City Council.

All neighborhood meeting requirements under 17.72.095(G) have been met here.

1. *A copy of the meeting notice mailed to surrounding property owners;*

See Exhibit D.

2. *A copy of the mailing list used to send the meeting notices;*

See Exhibit E.

3. *One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;*

See Exhibit F.

4. *One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and*

See Exhibit G.

5. *Notes of the meeting, which shall include:*  
a. *Meeting date;*

- b. Meeting time and location;*
- c. The names and addresses of those attending;*
- d. A summary of oral and written comments received; and*
- e. A summary of any revisions made to the proposal based on comments received at the meeting*

See Exhibit H. Also, revisions to the proposal include providing more information on existing and potential uses in this application, to the extent that is possible given current ongoing planning and the limited factors considered in a zone change application.

**FINDING: SATISFIED.** Prior to submitting an application, the applicant is required to conduct a noticed neighborhood meeting, which the applicant satisfied. The public processes provide for review of the proposed map amendment to the adopted and acknowledged Comprehensive Plan and Zoning Map through the quasi-judicial process.

**McMinnville Zoning Ordinance (Title 17 of the Municipal Code)**

The following Sections of the Zoning Ordinance provide criteria applicable to the request:

**Chapter 17.74. Review Criteria**

**Section 17.74.010. Purpose.** The purpose of this chapter is to provide the approval criteria for the following applications:

- Comprehensive Plan Map Amendment
- ...
- Zone Change

**FINDING: SATISFIED/APPLICABLE.** The criteria of this Chapter and applicable sections are the applicable criteria for the proposed Comprehensive Plan Map amendment and Zone Change.

**Section 17.74. 020. Comprehensive Plan Map Amendment and Zone Change – 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:*

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

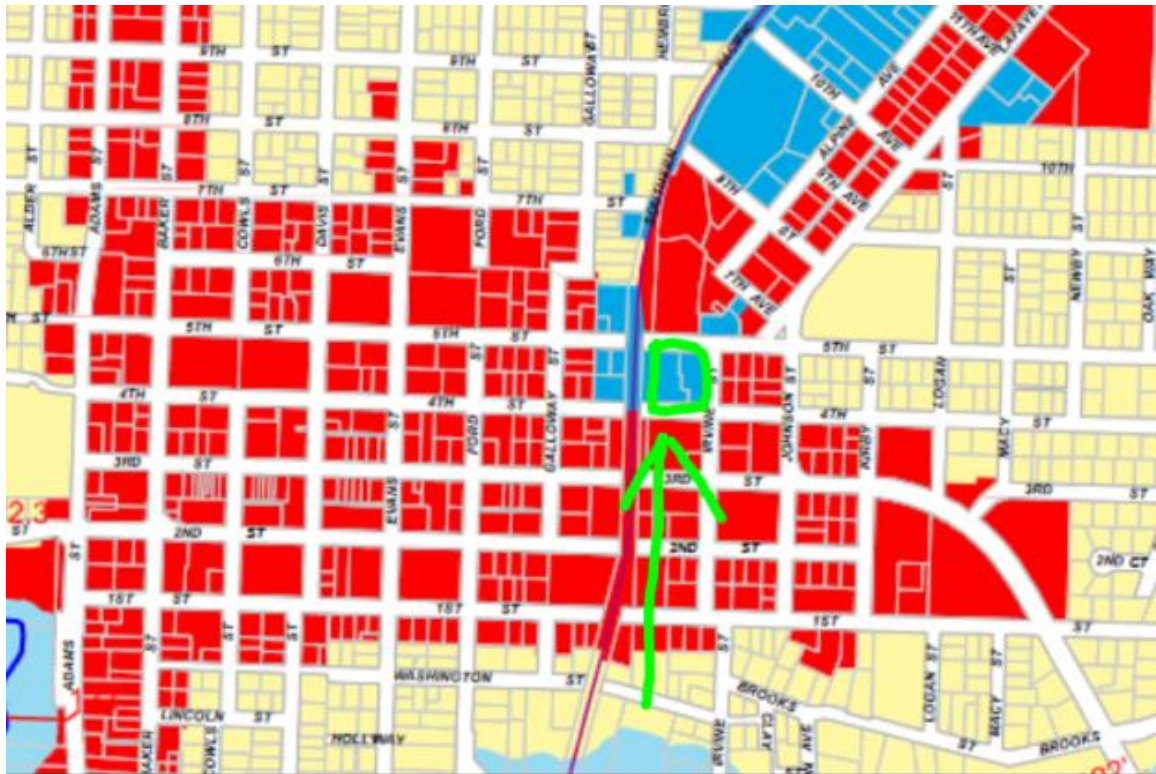
**APPLICANT'S RESPONSE:** *[Staff Note: These applicant's responses regarding the Comprehensive Plan are addressed in the Section above].*

**FINDING: SATISFIED.** Findings regarding consistency with the goals and policies of the Comprehensive Plan are provided above and are satisfied.

- 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:** It is hard to imagine a more orderly and timely proposal. If anything, the zone should have been changed years ago. See zoning map in introduction.

On the comprehensive plan map, the property is in an isolated area of industrial (blue) surrounded by a sea of commercial (red). The properties immediately to the south, east, and part of the north are all commercial designation. Changing the comprehensive plan to commercial fits well in the overall current land use pattern, especially by helping link downtown commercial with commercial in the Alpine area.



Over time, the city's industrial area has primarily shifted to the northeastern part of the city and away from downtown. This application is consistent with this shift.

In fact, use of the property for many of the presently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel) would be disturbing to the current land use pattern. There are a number of nearby leisure businesses that would align well with having another leisure business in this location.

**FINDING: SATISFIED.** The subject property is developed urban land with available public facilities and services. Consistent with Subarea 1 of the NE Gateway Overlay District, the property is identified for conversion from industrial to commercial use. Other properties within NE Gateway Subarea 1 are already zoned C-3.

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

**APPLICANT'S RESPONSE:** The property already has sufficient utilities and services. The proposed use for a leisure business like a restaurant is very similar to use as a tasting room, so this change should not have a notable impact on area utilities, services, or traffic.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total



weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

**FINDING: SATISFIED.** Basic services are available to this developed property. Service providers were notified of the proposal. There were no issues identified with efficient provision of utilities or services to serve permitted uses in the commercial 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.*

**APPLICANT'S RESPONSE: No response.**

**FINDING: NOT APPLICABLE.** The application is a proposed amendment from an industrial comprehensive plan map designation and zoning district to a commercial comprehensive plan map designation and zoning district. It does not affect property with a residential comprehensive plan map designation or zoning district.

**NOTE:** Residential use and development is not permitted within the M-1 zone, but is permitted within both the C-3 zone and Northeast Gateway Subarea 1 as a separate use or as part of a mixed-use development.

*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: No response.**

**FINDING: NOT APPLICABLE:** The application is a proposed amendment from an industrial comprehensive plan map designation and zoning district to a commercial comprehensive plan map designation and zoning district. It does not affect property with a residential comprehensive plan map designation or zoning district.

**NOTE:** Residential use and development is not permitted within the M-1 zone, but is permitted within both the C-3 zone and Northeast Gateway Subarea 1 as a separate use or as part of a mixed-use development.

### **Statewide Planning Goals and Applicable State Law**

#### **Goal 2: Land Use Planning**

**APPLICANT'S RESPONSE: No response.**

**FINDING: SATISFIED.** Goal 2 is "To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions." The decision-making is based on the City's adopted and acknowledged Comprehensive Plan and Land Use Regulations, including the factual base and procedures. Determination of consistency with the applicable statewide planning goals and associated administrative rules is also based on an adequate factual basis.

## Goal 9: Economic Development

**APPLICANT’S RESPONSE:** After conversations with the city post-application, the applicant has learned of several other standards further supporting this application.

First, the subject property is within the Northeast Gateway Planned Development Overlay (Ordinance No. 4971), which is intended to “guide the transition of a light and heavy industrial area to a vital, mixed-use, pedestrian-friendly neighborhood.”



The entire overlay area is approximately 75 acres, as shown by the map above. Within the overlay area, the overlay ordinance specifically designates six blocks east of the railroad between 3<sup>rd</sup> and 5<sup>th</sup> Streets—including the subject property—as “Zone 1.” Zone 1 is the most permissive zone in the overlay, and it is intended for “a mixed-use commercial zone which, over time will transition into an extension of the downtown with residential or office uses above active ground floor commercial or retail space with a vibrancy consistent with that associated with downtown McMinnville.”

### Attachments :

Attachment 1 – Application and Attachments

Of the six blocks in Zone 1 of the overlay, all five blocks other than the subject property are now zoned C-3 and designated commercial in the comprehensive plan. This application will further the transition envisioned in the overlay ordinance of moving all six blocks to C-3 and commercial designation.

The overlay specifically allows a variety of commercial uses on the subject property that are similar to those allowed under C-3 zoning, including food and beverage establishments, general retail sales, personal services, hotels/motels, various types of offices, etc. Due to the overlay, this application will have only a small impact on possible uses for the subject property.

Although the overlay primarily governs new development, it clearly demonstrates the city's long-term intent is for the subject property to be used as proposed in this application. The Northeast Gateway Planned Development Overlay strongly supports approval of this application.

Second, OAR 660-009-0010(4)'s requirements related to removing land from an industrial use designation do not apply to this application since the subject property is less than two acres. Third, although property on the other side of the railroad tracks to the west of the subject property is zoned M-2, there are no buffer requirements between the proposed C-3 and M-2 zones that would restrict uses on the M-2 property to the west.

**FINDING: SATISFIED.** Goal 9 is “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.”

OAR 660 Division 9 addresses Goal 9 Economic Development. OAR 660-009-0010 addresses the application of Division 9 as follows:

(1) This division applies to comprehensive plans for areas within urban growth boundaries. This division does not require or restrict planning for industrial and other employment uses outside urban growth boundaries. Cities and counties subject to this division must adopt plan and ordinance amendments necessary to comply with this division.

...

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements...

First, the proposed amendment applies to property comprising 0.9 acres, which does not exceed two acres.

Second, the City's adopted and acknowledged EOA identifies a surplus of industrial land and a deficit of commercial land. The proposed amendment would not reduce the identified industrial surplus below the identified need.

Third, while the Comprehensive Plan Map designation of the property is Industrial and the base zoning is M-1 (Light Industrial), the property is within Subarea/Zone 1 of the NE Gateway Overlay Zone (Ordinance 4971), which is an adopted and acknowledged land use regulation.

The subject property is one of six blocks of land within Subarea 1, and the only one of the six blocks that doesn't have a Commercial Comprehensive Plan Map designation and C-3 commercial zoning. Section 3 of the NE Gateway Ordinance describes Subarea 1 as follows:

The overall plan for this zone is a mixed-use commercial zone which, over time will transition into an extension of the downtown with residential and office uses above active ground floor commercial or retail space with a vibrancy consistent with that associated with downtown McMinnville.

Section 6 of the NE Gateway Ordinance does not allow industrial uses within Subarea 1, either as independent uses or as part of mixed-use development.

The proposed amendment would allow for commercial use, consistent with the intent of NE Gateway Overlay, Subarea 1.

## Goal 12: Transportation

### APPLICANT'S RESPONSE:

**[NOTE:** *The applicant provided a May 2, 2022 memo from Kittelson and Associates, followed by a June 10, 2022 memo. The following is excerpted from the June 10, 2022 memo.*]

This memorandum has been prepared as a follow-up to our trip generation and Transportation Planning Rule (TPR) analysis for the proposed Zone Change and Comprehensive Plan amendment of the property located at 455 NE Irvine Street. After submittal of our memorandum, the City provided additional information about the Northeast Gateway Planned Development Overlay (City Ordinance 4971). The subject property is within the designated Zone 1 area covered by the Development Overlay. Further, we note that the overlay purpose is to transition of industrial uses to a vibrant, downtown environment. The proposed zone change to C-3 meets the purpose and intent of the Overlay.

We reviewed the permitted uses within Zone 1 versus those associated with the property's M-1 (Light Industrial) existing designation as well as those of the proposed C-3 (General Commercial) designation.

As discussed in our May memo, the "reasonable worse case" generators appear to be as follows:

- Existing M-1 Zoning= 15,682 square feet daycare (i.e., 0.9 acres\* 0.4 FAR)
- Proposed C-3 Zoning= 9,801 square feet of building (using a 0.25 FAR); however, this is larger than a typical bank so we suggest assuming a 5,000 square foot bank (the average of the sites surveyed) and a 4,801 square foot high-turnover, sit-down restaurant share the building space.

The Northeast Gateway Planned Development Overlay allows for a bank and a restaurant as well as for up to 25,000 square feet of retail uses. A daycare is permitted that serves less than 12 students and is a conditional use if there are greater than 12 students. Further, Zone 1 is subject to the downtown development standards specified in the Zoning Code Section 17.59, which allows for a zero setback for buildings. With the location of the property within the downtown as well as the Development Overlay provisions, we conclude that no change in trip generation would result from the zone change. As such, our conclusions from the May memo remain unchanged.

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#### Attachments :

Attachment 1 – Application and Attachments

As discussed in our May memo, we conclude that the proposed rezone can be approved without creating significant impacts per OAR 660-012-0060 and no further traffic analysis be required as part of the proposed Carlton Hub Zone Change and Comprehensive Plan amendment.

**FINDING: SATISFIED.** Goal 12 is “To provide and encourage a safe, convenient and economic transportation system.” OAR 660 Division 12 is the “Transportation Planning Rule.” OAR 660-012-0060 applies to plan and land use regulation amendments.

The traffic associated with the use and intensity of commercial development that would be permitted by the proposed map amendment is comparable to that which could occur for the commercial use and development that is already permitted within Subarea 1 of the NE Gateway Overlay Zone which applies to the property upon redevelopment or 15% expansion of current development of the property.

The applicant has demonstrated that the proposed map amendment would not significantly affect an existing or planned transportation facility as defined in OAR 660-012-0060, and no further action is required under OAR 660-012-0060.

**Planning Department**

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

**Office Use Only:**

File No. CPA 1-22  
 Date Received 5/6/22  
 Fee 10,403.00  
 Receipt No. 200100  
 Received by PA/JS

569-22-000172-PLNG

## Comprehensive Plan Map Amendment/ Zone Change Application

**Applicant Information**

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

Applicant Name Steve Elzinga, Sherman Sherman Johnnie & Hoyt, LLP Phone (503) 364-2281

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

Address 693 Chemeketa St NE

City, State, Zip Salem, OR 97301

Contact Email steve@shermlaw.com

**Property Owner Information**

Property Owner Name Carlton Hub, LLC Phone (503) 819-3000  
 (If different than above)

Contact Name Kellan Lancaster Phone \_\_\_\_\_

Address 15990 NW Red Shot Lane

City, State, Zip Carlton, OR 97111

Contact Email kellan.lancaster@theground.love

**Site Location and Description**

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

Property Address 455 NE Irvine Street, McMinnville, OR 97128

Assessor Map No. R4421BD 02400 and 02601 Total Site Area 0.9 Acres

Subdivision Rowlands Addition Block 16 Lot 1,2,3,6,7,8 + east 15ft 4&5

Comprehensive Plan Designation Industrial Zoning Designation M-1- Light Industrial



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. \_\_\_\_\_  
Consistent with the city's overall land use pattern and strengthening the city's downtown commercial core, we request to amend the property's comprehensive plan designation from industrial to commercial and change the property's zoning from light industrial (M-1) to general commercial (C-3).  
See attached narrative for details.

2. Show in detail, by citing specific goals and policies, how your request is consistent with applicable goals and policies of the McMinnville Comprehensive Plan (Vol. 2). \_\_\_\_\_  
See attached narrative on how all requirements are met.

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. \_\_\_\_\_  
This application is not subject to a planned development overlay.

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. \_\_\_\_\_  
This application does not request a planned development.

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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. \_\_\_\_\_  
See attached narrative.

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

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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.

All utilities are currently provided to existing building, and utility use is not expected to notably change.

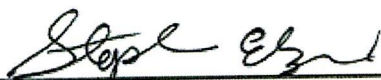
8. Describe, in detail, how the proposed use will affect traffic in the area. What is the expected trip generation?

See attached Transportation Planning Rule Analyses memo concluding that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worse case development scenario per OAR 660-012-0060.


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

May 5, 2022  
Date

  
Property Owner's Signature

May 2, 2022  
Date



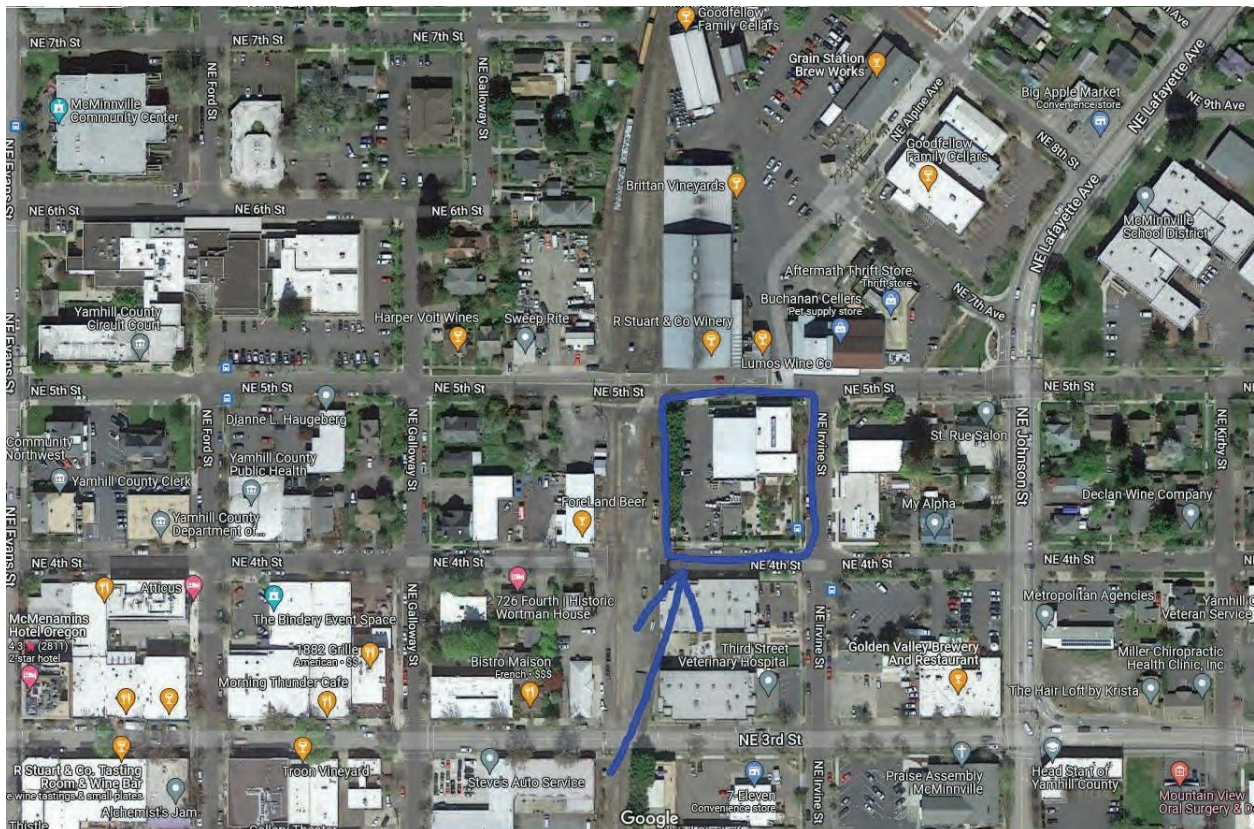
## Application Supplemental Material

### **I. Introduction**

Carlton Hub, LLC recently purchased the property at 455 NE Irvine St, the Elizabeth Chambers Cellars building. A picture of the building is below:



A satellite view of the property (circled) and surrounding area from [Google Maps](#) is below:



The existing site currently has a winery and tasting room, warehouse space, meeting room, kitchen, large patio, parking, and landscaping. Parts of the property have been used intermittently

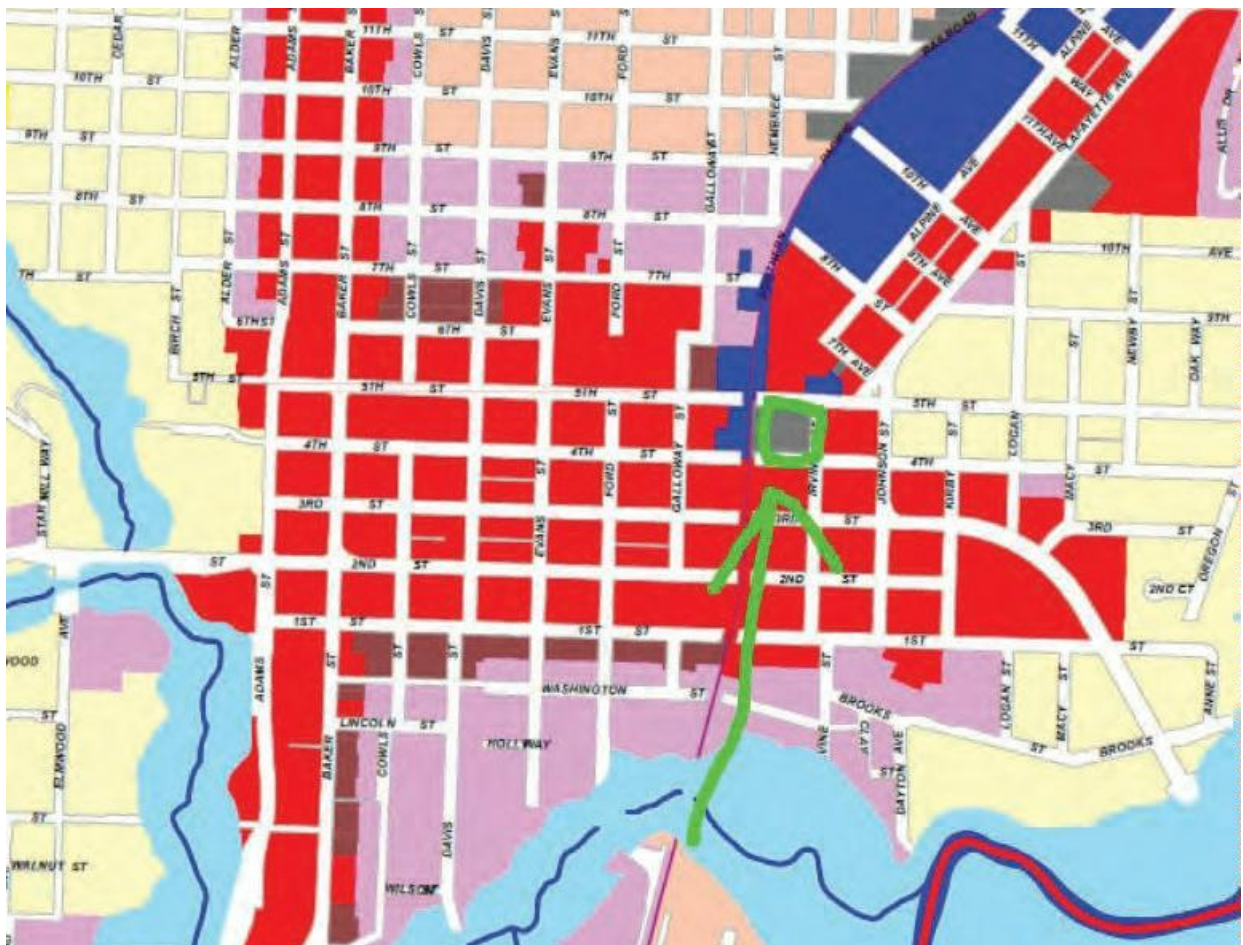


for special events. Carlton Hub wants to operate a leisure business on the property, likely including a restaurant and other allowed commercial uses. This will fit in well with the current vibe of the adjacent central business district and help connect the trail from the commercial uses in Historic Downtown to the similar commercial uses along Alpine.

Unfortunately, the property's current light industrial (M-1) zoning places significant limits on property use for leisure businesses other than use as a tasting room. Also, the M-1 zoning allows uses like heavy manufacturing, dyeing facility, freight depot, or kennel that would not fit well in the area.

To allow more leisure business options aligned with surrounding property uses, Carlton Hub seeks a zone change to general commercial (C-3), which also requires a comprehensive plan amendment from industrial to commercial.

If a picture is worth a thousand words, the current zoning map is worth a million words here. The property is on a metaphorical lone island of light industrial zoning surrounded by a sea of commercial:



The property's zoning as light industrial (grey) is isolated. While there is a small amount of nearby general industrial (dark blue), most nearby properties are general commercial C-3 (red).

In fact, the property is immediately north of the central business district—just across 4<sup>th</sup> Street—and just south of Alpine, so it makes sense to change it to C-3 zoning as a link between the adjacent central business district and the neighboring Alpine commercial area.

This change is consistent with the city’s overall land use pattern, helps promote the current downtown commercial core, and is consistent with zoning and uses in the immediate vicinity.

## **II. This application satisfies all required criteria.**

Approval for both a comprehensive plan amendment and a zone change is based on the same criteria list in McMinnville City Code 17.74.020.

### **A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan**

This application is consistent with the city’s Comprehensive Plan both generally and in all important details, as explained below.

#### *Chapter II Natural Resources*

*Goal II 1: To preserve the quality of the air, water, and land resources within the planning area.*

This application is to re-zone and maximize use of underutilized property in the city’s downtown core, which will preserve undeveloped property near the city limits.

This application relates to a previously developed area, so it will not notably impact air, water, and land resources. No new emission sources are planned. The property is not in a flood plain and has no wetlands. There are no landslide hazards. The proposed leisure business will have less noise and air impact than the potential industrial uses currently allowed on the property.

#### *Chapter III Cultural, Historic, and Educational Resources*

*Goal III 2: To preserve and protect sites, structures, areas, and objects of historical, cultural, architectural, or archaeological significance to the City of McMinnville.*

The building on the property has been designated a distinctive historical resource by the city.<sup>1</sup> It was built in 1926-27 and was historically the city power plant. It has undergone interior alternation and had several subsequent additions since the 1990s that turned it into a winery and tasting room. Carlton Hub wants to preserve the existing structure and re-purpose it for commercial leisure uses.

*Goal III 6: Increase heritage tourism*

This commercial leisure business with help amplify and create synergy with existing heritage tourism downtown.

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<sup>1</sup>[https://www.mcminnvilleoregon.gov/sites/default/files/archives/Historic\\_Resources/A\\_Book/a796\\_inventory.pdf](https://www.mcminnvilleoregon.gov/sites/default/files/archives/Historic_Resources/A_Book/a796_inventory.pdf)

## *Chapter IV Economy of McMinnville*

*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.*

This application will help maximize the economic potential of the existing property to provide more jobs, services, and economic growth. By locating near other leisure businesses, Carlton Hub's leisure business will add to the synergy of the area, benefiting surrounding businesses as well as its own, and helping link downtown to Alpine.

### *Commercial Development*

*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 21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use.*

This application would shift 0.9 acres of industrial land to commercial land, which is consistent with both the 2013 and draft 2020 Economic Opportunities Analysis. McMinnville's 2013 Economic Opportunities Analysis indicated a significant surplus of industrial land and a small deficit of commercial land from 2013-2033.<sup>2</sup>

Similarly, the 2020 draft Economic Opportunities Analysis indicates a continued surplus of industrial land (159-acre surplus projected by 2041) and continued deficit of commercial land (286-acre deficit projected by 2041).<sup>3</sup> In particular, the 2020 draft noted a projected need for 73 more commercial sites of 0.5 to 0.99 acres—like the 0.9-acre site in this application—while the projected need for industrial sites was for larger sites of 2+ acres.<sup>4</sup>

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<sup>2</sup>City of McMinnville, Ordinance 4976: Economic Opportunities Analysis (2013), p. 56, [\\*\\*\\*\\*\\*.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/eoa\\_final\\_acknowledged\\_plan.pdf](http://mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/eoa_final_acknowledged_plan.pdf)

<sup>3</sup> City of McMinnville, Draft Economic Opportunities Analysis (Feb. 2020), pp. 102-103, [\\*\\*\\*\\*\\*.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/4-mcminnville\\_economic\\_opportunities\\_analysis\\_v15\\_tracked.pdf](http://mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/4-mcminnville_economic_opportunities_analysis_v15_tracked.pdf)

<sup>4</sup> *Id.* at p. 101, Ex. 57.

*Policy 21.03 The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses.*

All existing downtown leisure businesses benefit from continued solidification of the city core as a local and regional center for leisure. Carlton Hub's business will have significant synergy with the nearby wineries and tasting rooms, and help link downtown to Alpine.

*Goal IV 3: To ensure commercial development that maximizes efficiency of land use through utilization of existing commercial designated lands, through appropriately locating future neighborhood-serving and other commercial lands, and discouraging strip development.*

*Policy 22.00 The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.*

*Policy 23.00 Areas which could in the future serve as commercial sites shall be protected from encroachment by incompatible uses.*

*Policy 24.00 The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development.*

This application seeks to maximize efficiency of existing developed land for surrounding commercial leisure uses. Further, use of the property for many of the presently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel) would be disturbing to the current surrounding commercial leisure uses, so this zone change benefits the entire area by preventing industrial interference with existing surrounding commercial uses.

This application seeks to align with the current cluster of commercial leisure businesses in and around the central business district, which is just across the street from this property, and link to the cluster of commercial leisure businesses in the Alpine area just north of this property. This will help further encourage the walkable downtown/Alpine area.

*Policy 24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis.*

This application would shift 0.9 acres of industrial land to commercial land, which is consistent with both the 2013 and draft 2020 Economic Opportunities Analysis. McMinnville's 2013 Economic Opportunities Analysis indicated a significant surplus of industrial land and a small deficit of commercial land from 2013-2033.<sup>5</sup>

Similarly, the 2020 draft Economic Opportunities Analysis indicates a continued surplus of industrial land (159-acre surplus projected by 2041) and continued deficit of commercial land

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<sup>5</sup>City of McMinnville, Ordinance 4976: Economic Opportunities Analysis (2013), p. 56,  
\*\*\*\*\*[mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/eoa\\_final\\_acknowledged\\_plan.pdf](http://mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/eoa_final_acknowledged_plan.pdf)



(286-acre deficit projected by 2041).<sup>6</sup> In particular, the 2020 draft noted a projected need for 73 more commercial sites of 0.5 to 0.99 acres—like the 0.9-acre site in this application—while the projected need for industrial sites was for larger sites of 2+ acres.<sup>7</sup>

*Policy 25.00 Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.*

There is no better place to locate commercial uses than the location in this application, which is surrounded by other commercial uses. If this property were used for many of the currently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel), it would conflict with the surrounding commercial uses. Current city services adequate for commercial use are already present in this area.

*Policy 26.00 The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.*

The commercial leisure uses envisioned for this property are an ideal fit for the area, right next the central business district. The property has existing off-street parking as well as immediately adjacent street spaces. Once a specific use is determined, Carlton Hub will need to meet all requirements for that specific use and demonstrate such compliance in a separate application.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

*Policy 30.00 Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.*

The property has existing access that avoids residential neighborhoods. The proposed commercial leisure business is similar to use of the property as a tasting room, so there should not be a notable impact on traffic on adjacent streets.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

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<sup>6</sup> City of McMinnville, Draft Economic Opportunities Analysis (Feb. 2020), pp. 102-103, [\\*\\*\\*\\*\\*.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/4-mcminnville\\_economic\\_opportunities\\_analysis\\_v15\\_tracked.pdf](http://mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1675/4-mcminnville_economic_opportunities_analysis_v15_tracked.pdf)

<sup>7</sup> *Id.* at p. 101, Ex. 57.

*Policy 31.00 Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms.*

This property has good bicycle and pedestrian links with the surrounding area. Use as a commercial leisure business is consistent with these links. Notably, this property will help serve as a link between the downtown core and the Alpine area.

*Goal IV 4: To promote the downtown as a cultural, administrative, service, and retail center of McMinnville.*

*Policy 36.00 The City of McMinnville shall encourage a land use pattern that:*

*1. Integrates residential, commercial, and governmental activities in and around the core of the city; . . .*

This application promotes integrating commercial uses in the downtown core of the city, by shifting the small, isolated industrial property to commercial. This application will also link the commercial uses downtown with the commercial uses in the Alpine area.

*Policy 41.00 The City of McMinnville shall encourage the expansion of retail and other commercial enterprises east of the railroad tracks and north and south of Third Street consistent with the adopted "Downtown Improvement Plan."*

This application builds upon the recent expansion of the downtown commercial core east of the railroad tracks. This property is located just a block north of this policy's focus. Further, this property is a link between commercial uses downtown and along Alpine.

*Policy 44.00 The City of McMinnville shall encourage, but not require, private businesses downtown to provide off-street parking and on-site traffic circulation for their employees and customers.*

This property has an existing off-street parking lot.

#### *Industrial Development*

*Goal IV 5: To continue the growth and diversification of McMinnville's industrial base through the provision of an adequate amount of properly designated lands.*

As described above, both the 2013 and draft 2020 Economic Opportunities Analysis show a surplus of industrial land. Thus, removal of 0.9 acres from available industrial land will not hinder needed industrial growth.

*Goal IV 6: To insure industrial development that maximizes efficiency of land uses, that is appropriately located in relation to surrounding land uses, and that meets necessary environmental standards.*

*Policy 49.00 The City of McMinnville shall use its zoning and other regulatory methods to prevent encroachment into industrial areas by incompatible land uses.*



This industrial property is surrounded primarily by commercial uses that would be harmed by many of the industrial uses currently allowed on the property. Aligning this property with surrounding commercial property serves the best interest of logical, orderly, and efficient development.

*Policy 49.02 The location, type, and amount of industrial activity within the Urban Growth Boundary shall be based on community needs as identified in the Economic Opportunities Analysis.*

*Policy 50.00 The City of McMinnville shall encourage industrial uses to locate adjacent to the airport and south of Three Mile Lane, adjacent to the existing Riverside Drive industrial area, and in existing industrial areas through the proper designation of lands on the comprehensive plan and zoning maps. Comprehensive plan and/or zoning map changes to industrial designations in other areas may be granted if all the applicable goals and policies of the plan can be met.*

The city encourages industrial uses primarily (1) adjacent to the airport and south of Three Mile Lane and (2) adjacent to the existing Riverside Drive industrial area—both of which are far from this property. Removing this property from industrial use is consistent with the city’s policy of encouraging industrial use elsewhere.

#### *Chapter VI Transportation System*

*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.*

This application fits into the existing transportation system as demonstrated by compliance with the goals and policies below.

#### *Mass Transportation*

*Policy 100.00 The City of McMinnville shall support efforts to provide facilities and services for mass transportation that serve the needs of the city residents.*

*Policy 104.00 The City of McMinnville shall encourage a centrally located bus terminal, for intercity and intracity bus services.*

*Policy 105.00 The City of McMinnville shall examine the impacts of transportation proposals involving bus and/or rail terminals on surrounding land uses.*

This property is in easy walking and biking distance from the McMinnville Transit Center (less than four blocks away), making it well suited for a leisure-based commercial use. Yamhill County Transit routes link the McMinnville Transit Center to regional transit centers in Hillsboro, Tigard, West Salem, and Grand Ronde, in addition to local cities like Lafayette, Dayton, Dundee, Newberg, Amity, Carlton, Yamhill, Sheridan, and Willamina.<sup>8</sup> Commercial uses on this property (rather than industrial uses) will help link the trail between the transit center and commercial uses along Alpine.

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<sup>8</sup> <https://ycbus.org/routes-and-schedules/schedules/>

### *Rail*

*Policy 108.00 The City of McMinnville shall encourage the modification, relocation, or termination of rail activities that conflict with existing developed land uses in the city.*

*Policy 112.00 The City of McMinnville shall encourage, through zoning and other regulations, the location of industrial lands adjacent to rail lines in areas where industrial uses will be compatible with surrounding land uses, and where the goals and policies of this plan are met.*

The property is adjacent to railroad property, but it is also an area where many industrial uses are not compatible with surrounding commercial uses. Notably, this property is buffered from the main railroad line by a 45-foot-wide-by-200-foot-deep parcel between Carlton Hub's property and the property on which the railroad line is located. This 45-foot-wide parcel is owned and used by the railroad as a storage area; it would remain in light industrial zoning after approval of this application. The city's policies on rail support this application.

### *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.*

The property is already served by the existing street network, with existing safe and easy street access with driveways on both NE 5<sup>th</sup> St and NE 4<sup>th</sup> St.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

### *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 rights-of-way as transportation routes.*

*Policy 128.00 The City of McMinnville shall continue to assist in the provision of parking spaces for the downtown area.*

The property has an existing off-street parking lot as well as immediately adjacent street spaces. The property is also less than four blocks away from the public parking structure on NE Evans St.

### *Bike Paths*

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

The property already has good bike access under the Bicycle System Plan with sharow designation on 5<sup>th</sup> Street and nearby bike lanes or shoulders on NE Lafayette Ave, Three Mile Ln, 2<sup>nd</sup> St, and 3<sup>rd</sup> St.<sup>9</sup>

### *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.*

The property has good access for walking, biking, bus transit, and driving, as noted in other sections of this application. In particular, the existing sidewalks are accessible and are shielded from traffic by street trees. The property has good walking access with the existing downtown sidewalk network.<sup>10</sup> 5<sup>th</sup> St is designated for bike sharing. The property is less than four blocks away from the transit station and a public parking garage. The property has off-street parking.

### *Livability*

*Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways*

This application will help meet the goal of clustering commercial uses in the downtown core to minimize neighborhood disruption and encourage public transit, biking, and walking.

## *Chapter VII Community Facilities and Services*

*Goal VII 1: To provide necessary public and private facilities and utilities at levels commensurate with urban development . . .*

All needed utilities are already provided for this property, including sewers, storm drainage, water, etc.

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<sup>9</sup> City of McMinnville, Transportation System Plan, Page 1-7 (Ex. 1-3), 3-27 (Ex 3-22), 6-6 (Ex 6-2), available at [\\*\\*\\*\\*\\*.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1305/mcminnville\\_tsp\\_2010.pdf](http://mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1305/mcminnville_tsp_2010.pdf)

<sup>10</sup> Page 3-24, Ex. 3-20, [\\*\\*\\*\\*\\*.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1305/mcminnville\\_tsp\\_2010.pdf](http://mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1305/mcminnville_tsp_2010.pdf)

### *Water and Sewer – Land Development Criteria*

*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.*

This property already has full utilities. This application envisions a commercial leisure use similar to use as a tasting room, so there should not be notable impact on utilities.

### *Parks and Recreation*

*Goal VII 3: To provide parks and recreation facilities, open spaces, and scenic areas for the use and enjoyment of all citizens of the community.*

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

By utilizing an already-developed property in the downtown core, this application helps avoids further enrichment on open spaces and natural areas elsewhere.

### *Chapter VIII Energy*

*Goal VIII 1: To provide adequate energy supplies, and the systems necessary to distribute that energy, to service the community as it expands*

*Policy 171.00 The City of McMinnville shall continue to examine land use decisions in the light of present and projected supplies of electrical, fossil fuel, and other sources of energy.*

By utilizing an already-developed property in the downtown core, this application helps minimize energy use. By locating near the current clusters of commercial leisure business in the downtown core and along Alpine, customers of the business at this property can easily walk to nearby similar businesses, which will reduce overall fuel use and lower carbon emissions.

Similarly, by locating in the already-developed downtown core, this application will not require any new energy system changes or development.

#### *Energy Conservation*

*Goal VIII 2: To conserve all forms of energy through utilization of land use planning tools.*

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

This application proposes further development within a compact urban core, which will help conserve all forms of energy. This application helps cluster commercial uses near other commercial uses instead of having a small, isolated island of industrial uses within an area that is predominately commercial. This promotes efficiency for customers moving between this commercial use and nearby commercial uses.

#### *Chapter IX Urbanization*

*Goal IX 1: To provide adequate lands to service the needs of the projected population to the year 2023, and to ensure the conversion of these lands in an orderly timely manner to urban services.*

This application focuses on orderly and timely development of commercial uses in the downtown core, which will help reduce the pressure for bringing in new lands to the UGB due to the projected shortage of commercial property described above.

#### *Chapter X Citizen Involvement and Plan Amendment*

*Goal X 1: To provide opportunities for citizen involvement in the land use decision making process established by the city of McMinnville.*

*Goal X 2: To make every effort to engage and include a broad cross section of the community by maintaining an active and open citizen involvement program that is accessible to all members of the community and engages the community during development and implementation of land use policies and codes.*

*Goal X 3: To periodically review and amend the McMinnville Comprehensive Plan to reflect changes in community circumstances, in citizen desires, and in the statewide goals.*

*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.*

*Policy 189.00 The City of McMinnville shall establish procedures for amending the Comprehensive Plan, Volumes I and II, and the implementation ordinances and measures in Volume III, which allow for citizen review and comment.*

Citizen involvement is ensured through this process by the applicant holding a publicly-noticed neighborhood meeting and providing a summary of all public comments as an attachment to this application, participating in a publicly-noticed public hearing before the Planning Commission, and ultimate consideration at a publicly-noticed meeting before the City Council.

All neighborhood meeting requirements under 17.72.095(G) have been met here.

*1. A copy of the meeting notice mailed to surrounding property owners;*

See Exhibit D.

*2. A copy of the mailing list used to send the meeting notices;*

See Exhibit E.

*3. One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;*

See Exhibit F.

*4. One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and*

See Exhibit G.

*5. Notes of the meeting, which shall include:*

*a. Meeting date;*

*b. Meeting time and location;*

*c. The names and addresses of those attending;*

*d. A summary of oral and written comments received; and*

*e. A summary of any revisions made to the proposal based on comments received at the meeting*

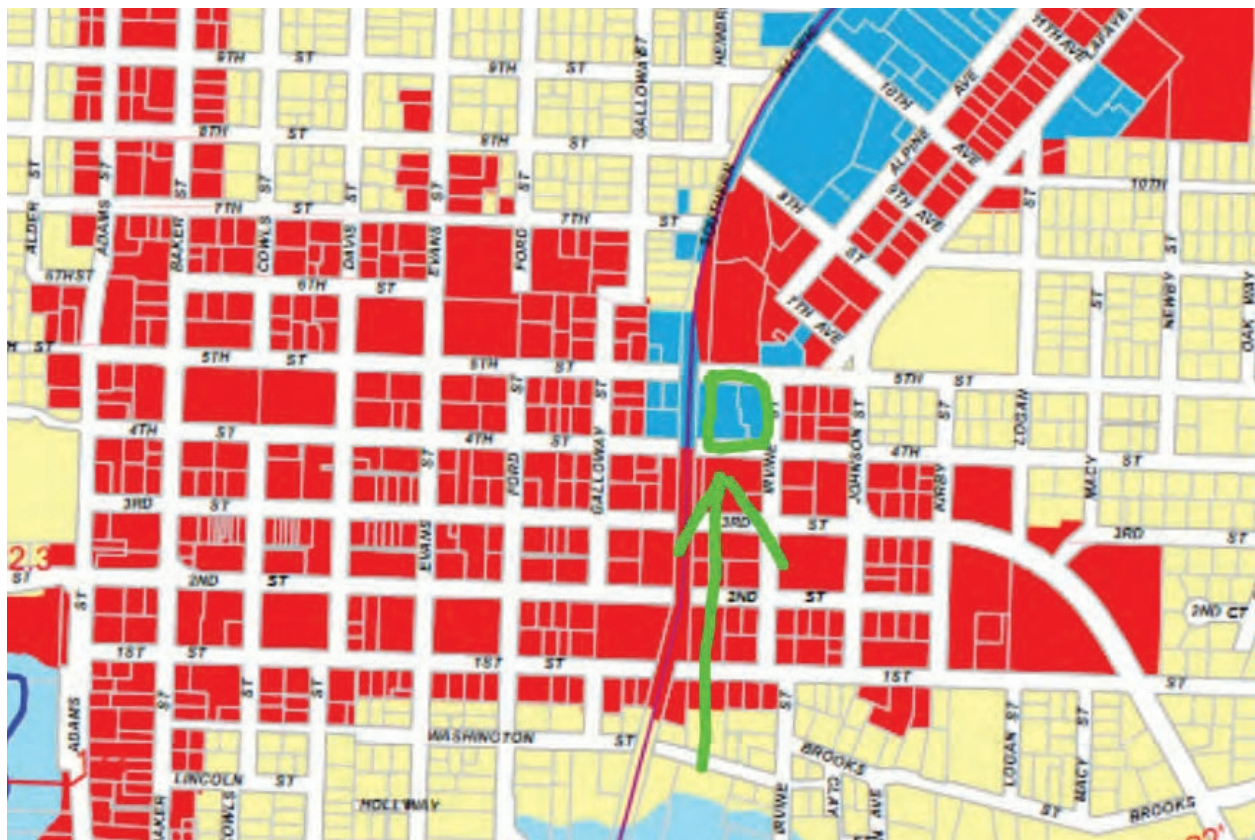
See Exhibit H. Also, revisions to the proposal include providing more information on existing and potential uses in this application, to the extent that is possible given current ongoing planning and the limited factors considered in a zone change application.



**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**

It is hard to imagine a more orderly and timely proposal. If anything, the zone should have been changed years ago. See zoning map in introduction.

On the comprehensive plan map, the property is in an isolated area of industrial (blue) surrounded by a sea of commercial (red). The properties immediately to the south, east, and part of the north are all commercial designation. Changing the comprehensive plan to commercial fits well in the overall current land use pattern, especially by helping link downtown commercial with commercial in the Alpine area.



Over time, the city's industrial area has primarily shifted to the northeastern part of the city and away from downtown. This application is consistent with this shift.

In fact, use of the property for many of the presently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel) would be disturbing to the current land use pattern. There are a number of nearby leisure businesses that would align well with having another leisure business in this location.



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

The property already has sufficient utilities and services. The proposed use for a leisure business like a restaurant is very similar to use as a tasting room, so this change should not have a notable impact on area utilities, services, or traffic.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worse case development scenario per OAR 660-012-0060.

## MEMORANDUM

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Date: May 2, 2022

Project #: 27710

To: Tom Schauer, AICP, & Heather Richards, PCED, City of McMinnville  
Arielle Ferber, PE, & Dan Fricke, ODOT Region 2

Cc: Frank Foti  
Mark Hoyt, Sherman Sherman Johnnie & Hoyt, LLC

From: Julia Kuhn, PE & Chris Brehmer, PE

Project: Carlton Hub Rezone

Subject: Transportation Planning Rule Analyses

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This trip generation memorandum was prepared for review by City of McMinnville and Oregon Department of Transportation (ODOT) Region 2 staff related to the proposed Zone Change and Comprehensive Plan amendment for the property located at 455 NE Irvine Street. Today, the lot is 0.9 acres (i.e., 39,204 square feet) in size and is zoned M-1 (Light Industrial) with a Comprehensive Plan designation of Industrial. For reference purposes, the existing site houses a winery/tasting room, warehouse space and a kitchen in the southern portion of the building and winemaking and related storage in the northern portion. As proposed, the site would be rezoned to C-3 (General Commercial) with a Comprehensive Plan designation of Commercial.

The change in the Zoning and Comprehensive Plan designations require the preparation of Transportation Planning Rule (TPR) analysis per Oregon Administrative Rule (OAR) 660-012-0060. As summarized herein, the proposed changes are not estimated to result in a significant effect on the transportation system, as defined by the TPR. Therefore, we conclude no additional technical analyses are needed and no capacity-based mitigation is required to support the proposals.

## TRANSPORTATION PLANNING RULE (TPR) EVALUATION

Two sections of Oregon's Transportation Planning Rule apply to amendments to acknowledged land use designations. Per OAR 660-012-0060(1) and (2), the first step in assessing an amendment's potential transportation impact is to compare the trip generation potential of the site assuming a "reasonable worst-case" development scenario under the existing and proposed zoning. If the trip generation potential increases under the proposed zoning, additional analysis is required to assess whether the rezone will "significantly affect" the transportation system. Conversely, if the trip generation under the proposed zoning is equal to or less than that under the existing zoning, no additional analysis is necessary to conclude that the proposal does not "significantly affect" the transportation system.

### ***Trip Generation Comparison***

To test for a significant effect, we reviewed the change in trip generation potential of the permitted land uses associated with the existing zoning versus the potential zoning designations. Based on a review of allowed uses summarized in the City's Zoning Code, the reasonable worse case trip generators appear to be:

M-1 = business school, trade school, college, laboratory testing facilities, professional office space, hospitals and medical offices, child care/day care, and up to 400 square feet of wine tasting rooms; of this list, medical office and daycare are the most intensive trip generators

C-3 = drug store or pharmacy, medical or dental office building, a variety of retail uses, daycare, lodging, restaurant, bank, office space, veterinary offices, and residential uses over ground floor retail; of this list, the pharmacy, daycare, bank, and restaurant are the most intensive trip generators.

Based on a comparison of the two zones, a daycare and medical office space is permitted in each whereas a restaurant, pharmacy and bank would be allowable within C-3 but not M-1. For comparison purposes the daily and weekday PM trip generation associated with each of the uses per information contained in the *Trip Generation Manual* (11<sup>th</sup> Edition, as published by the Institute of Transportation Engineers in 2021) is as follows:

Daycare (Land Use 565) = 47.62 daily trips per 1,000 square feet and 11.12 weekday PM peak hour trips per 1,000 square feet.

Medical or Dental Office Building (Land Use 720) = 36 daily trips per 1,000 square feet and 3.93 trips per 1,000 square feet of building space.

Pharmacy without a Drive-Through (Land Use 880) = 90.08 daily trips and 8.51 trips per 1,000 square feet with PM peak hour pass-by rate equal of 53 percent; with pass-by applied this equates to 42.34 net new daily trips and 4 net new weekday PM peak hour trips per 1,000 square feet.

Drive-In Bank (Land Use 912) = 100.35 daily trips and 21.01 weekday PM peak hour trips with a PM peak hour pass-by rate equal to 35 percent (the daily walk-in bank rates not provided and the weekday PM peak hour rates are extremely limited); with pass-by applied this equates to 65.23 net new daily trips and 13.65 net new weekday PM peak hour trips per 1,000 square feet.

High Turn-over, Sit-Down Restaurant (Land Use 932) = 107.20 daily trips and 9.05 trips weekday PM peak hour PM peak hour per 1,000 square feet with a pass-by rate equal to 43 percent; with pass-by applied this equates to 61.10 net new daily trips and 5.16 net new weekday PM peak hour trips per 1,000 square feet.

Based on the above, we suggest that a daycare offers the highest trip generation under the existing M-1 zoning and a drive-in bank and the restaurant offer the highest trip generation under the proposed

zoning. Further, M-1 zoning would permit a Floor Area Ratio (FAR) of 0.40 whereas C-3 would be associated with a 0.25 FAR. Therefore, we postulate that the “reasonable worst case trip generation” would be:

Existing M-1 Zoning = 15,682 square feet daycare (i.e., 0.9 acres \* 0.4 FAR)

Proposed C-3 Zoning = 9,801 square feet of building (using a 0.25 FAR); however, this is larger than a typical bank so we suggest assuming a 5,000 square foot bank (the average of the sites surveyed) and a 4,801 square foot high-turnover, sit-down restaurant share the building space.

Table 1 presents trip generation estimates for both zoning designation scenarios based on the *Trip Generation Manual* rates.

**Table 1. Trip Generation Comparison**

| Land Use  | ITE Code | Size (sq ft) | Average Daily Trips | Weekday PM Peak Hour |     |     |
|---|----------|--------------|---------------------|----------------------|-----|-----|
|   |          |              |                     | Total                | In  | Out |
| Existing M-1 Zoning                             |          |              |                     |                      |     |     |
| Daycare   | 565      | 15,682       | 746                 | 174                  | 82  | 92  |
| Proposed C-3 Zoning                             |          |              |                     |                      |     |     |
| Drive-In Bank                                   | 912      | 5,000        | 502                 | 105                  | 53  | 52  |
| Pass-by Trips (35 percent)                      |          |              | 176                 | 36                   | 18  | 18  |
| High Turnover Restaurant                        | 932      | 4,801        | 514                 | 43                   | 26  | 17  |
| Pass-by Trips (43 percent)                      |          |              | 222                 | 18                   | 9   | 9   |
| Total Trips                                     |          |              | 1,016               | 148                  | 79  | 69  |
| Total Net New Trips                             |          |              | 618                 | 94                   | 52  | 42  |
| Difference between Proposed and Existing Zoning |          |              |                     |                      |     |     |
| Total Trips                                     |          |              | 270                 | -26                  | -3  | -23 |
| Total Net New Trips                             |          |              | -128                | -80                  | -30 | -50 |

As shown, the proposed zoning would result in a decrease in net new trip-making when considering the potential reasonable worst case development scenarios. The City of McMinnville requires a traffic impact analysis (TIA) for development with trip generation increases of 200 or more average daily trips or 20 or more PM peak hour trips. Based on this standard, no significant effect to the transportation system would result from the proposed action.

We further note that the Oregon Department of Transportation (ODOT) has established a threshold for determining whether a proposed amendment is significant. Per Oregon Highway Plan Policy 1F.5, any proposed amendment that does not increase the average daily trips by more than 400 is not considered “significant”. Based on both the City and ODOT standards, we conclude that the proposed zone change does not represent a significant effect per the TPR.

## SUMMARY OF APPLICABLE OREGON ADMINISTRATIVE RULE CRITERIA

OAR Section 660-12-0060 of the TPR sets forth the relative criteria for evaluating plan and land use regulation amendments. Table 2 summarizes the criteria in Section 660-012-0060 and the applicability to the proposed rezone from M-1 to C-3 and the proposed Comprehensive Plan designation change from Industrial to Commercial.

**Table 2. Summary of Criteria in OAR 660-012-0060**

| Section | Criteria   | Applicable? |
|---------|--|-------------|
| 1       | Describes how to determine if a proposed land use action results in a significant effect.  | Yes         |
| 2       | Describes measures for complying with Criteria #1 where a significant effect is determined.  | No          |
| 3       | Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility. | No          |
| 4       | Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.  | No          |
| 5       | Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.  | No          |
| 6       | Indicates that local agencies should credit developments that provide a reduction in trips.  | No          |
| 7       | Outlines requirements for a local street plan, access management plan, or future street plan.  | No          |
| 8       | Defines a mixed-use, pedestrian-friendly neighborhood.   | No          |
| 9       | A significant effect may not occur if the rezone is identified on the City's Comprehensive Plan and assumed in the adopted Transportation System Plan.                                     | No          |
| 10      | Agencies may consider measures other than vehicular capacity if within an identified multimodal mixed-use area (MMA).  | No          |
| 11      | Allows agencies to override the finding of a significant effect if the application meets the balancing test.   | No          |

As shown in Table 2, there are eleven criteria that apply to Plan and Land Use Regulation Amendments. Of these, Criterion 1 is applicable to the proposed land use action. This criterion is provided below in italics with our response shown in standard font.

*OAR 660-12-0060(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

*(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

*(b) Change standards implementing a functional classification system; or*

*(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

*(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

*(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

**Response:** The proposed change in zoning designation would not require changes to the City's functional street classification designations or those standards implementing the functional classification system. Further, the proposal would result in a decrease in net new trip making, thereby not resulting in a degradation of system performance or the level of travel anticipated. Accordingly, no significant affect would result from the proposed change.

## CONCLUSIONS

Based on the above analyses, we conclude that the proposed rezone can be approved without creating significant impacts per OAR 660-012-0060 and no further traffic analysis be required as part of the proposed Carlton Hub Zone Change and Comprehensive Plan amendment. If you have any questions, please feel free to contact us at (503)-228-5230.



WORKSHEET for:

# CARLTON HUB, LLC

Location: NW 1/4 SEC. 21 T. 4 S., R. 4 W., W.M.  
BLOCK 16 ROWLANDS ADDITION,  
CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON

Date: 14 MARCH 2022

TAX LOT: R4421BD - 2400 & 2601

## Legend

- = PROPERTY LINE
- = LOT LINE
- = CENTERLINE STREET
- = FENCE
- = GATE
- = OVERHANG AREA
- = BUILDING
- = EASEMENT FOR ONLINE NW
- = CONCRETE
- = GAS BOX
- = GAS METER
- = POWER METER

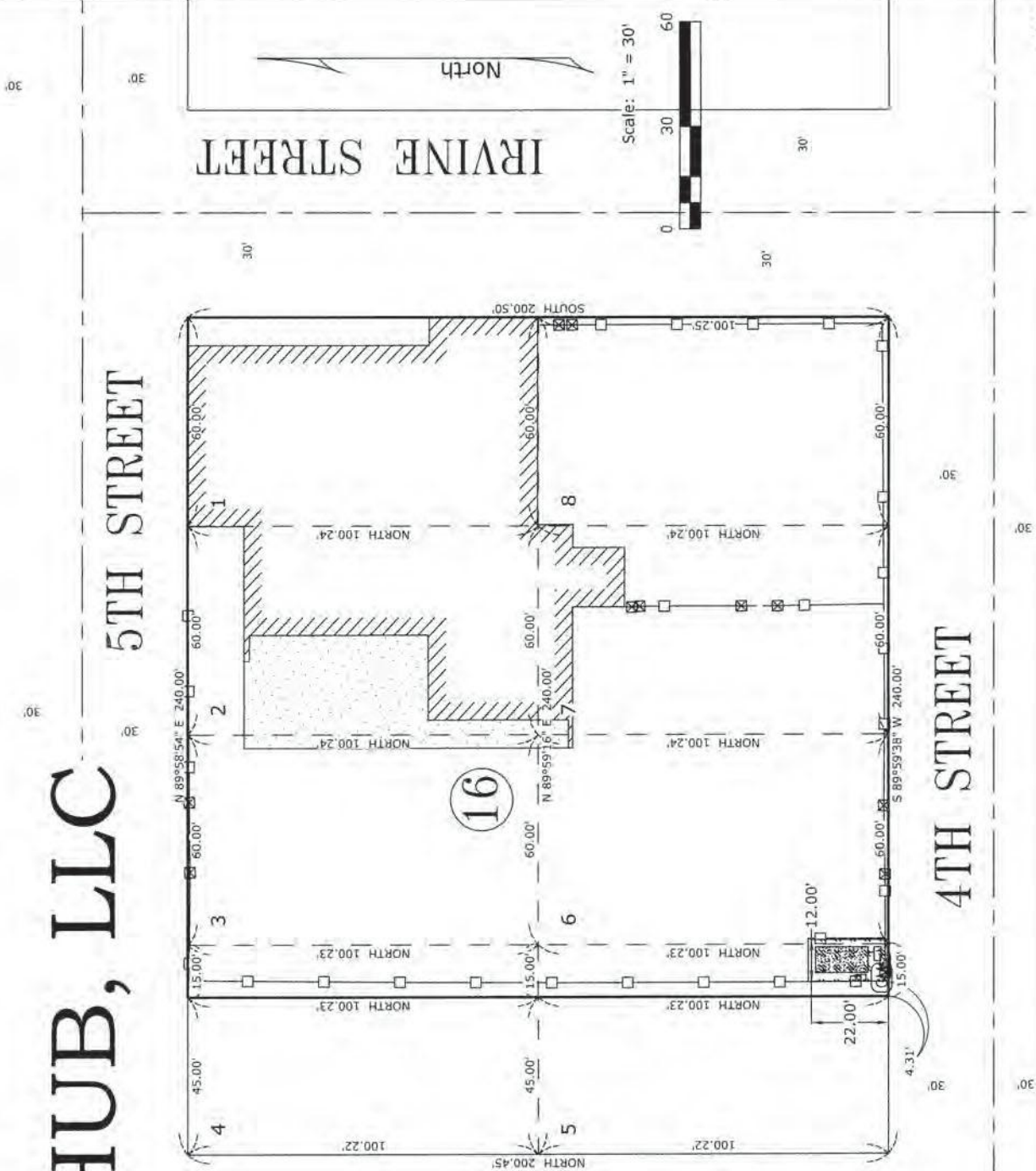
EASEMENT LOCATION IS BASED ON MY CONVERSATION WITH MATT HOPKINS AT ONLINE NW, AND THE PHYSICAL LOCATION OF THE FENCING SURROUNDING THE SUBSTATION, NOT WHAT WAS RECORDED IN INSTRUMENT NO. 202123244 AS IT IS TOO AMBIGUOUS TO PLACE. THE INTENT WAS TO HAVE ACCESS FROM 5TH STREET SOUTHERLY TO THEIR STATION IN THE SOUTHWEST CORNER AND TO BE ABLE TO ACCESS AND MAINTAIN SAID STATION. I HELD THE WIDTH OF 12 FEET FROM INSTRUMENT NO. 202123244.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

By: Leland MacDonald & Assoc., LLC  
Formerly dba Matt Dunckel & Assoc.  
3765 Riverside Drive  
McMinnville, Oregon 97128  
Phone: 503-472-7904  
Fax: 503-472-0367  
Email: lee@macdonaldsurveying.com

OREGON  
January 16, 2002  
LELAND A. MACDONALD  
53226

Renews 31 December 2022





TICOR TITLE™ 471822115257

AFTER RECORDING RETURN  
TO::

Benesch Friedlander Coplan &  
Aronoff LLP  
71 South Wacker Drive, Suite 1600  
Chicago, Illinois 60606  
Attention: Shane T. Devins, Esq.

SEND TAX STATEMENTS TO:

Carlton Hub LLC  
15990 NW Red Shot Lane  
Carlton, Oregon 97111

|  |                               |
|--|-------------------------------|
| Yamhill County Official Records  | <b>202204021</b>              |
| DMR-DDMR   | <b>03/17/2022 12:23:01 PM</b> |
| Stn=1030 WANNERK   |                               |
| 5Pgs \$25.00 \$11.00 \$5.00 \$60.00  | <b>\$101.00</b>               |
| I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records. |                               |
| Brian Van Bergen - County Clerk  |                               |

**STATUTORY SPECIAL WARRANTY DEED**

THIS DEED (this "**Deed**") made this 16th day of March, 2022, by CHAMBERS 455, LLC, an Oregon limited liability company ("**Grantor**"), having an address of 3350 King Edwards Court, Eugene, OR 97401, to CARLTON HUB LLC, an Oregon limited liability company ("**Grantee**"), whose address is 15990 NW Red Shot Lane, Carlton, Oregon 97111.

Grantor conveys and specially warrants to Grantee the real property situated in Yamhill County, State of Oregon, described on the attached Exhibit A, free of encumbrances created or suffered by the Grantor except as specifically set forth on Exhibit B.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9**

**AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7,  
CHAPTER 8, OREGON LAWS 2010.**

The true consideration for this conveyance is \$3,100,000.00.

IN WITNESS WHEREOF, Grantor has duly executed this Deed, as of  
March 16, 2022.

**CHAMBERS 455, LLC**, an Oregon  
limited liability company

By: Julia E. Stiltner

Name: Julia E. Stiltner, Trustee of the  
Elizabeth Chambers Trust UTD February  
20, 2013, as it's member

STATE OF NEVADA                    )  
  )   SS:  
COUNTY OF CLARK                )

This record was acknowledged before me by the means of two-way audio/video communication technology on March 16, 2022, by Julia E. Stiltner, as trustee of the Elizabeth Chamber Trust UTD February 20, 2013 as it's member of CHAMBERS 455, LLC, an Oregon limited liability company.

Signature:

Monica Tait

(OFFICIAL SEAL)



[Signature Page to Special Warranty Deed]

**EXHIBIT A**

Lots 1, 2, 3, 6, 7 and 8, and the East 15 feet of Lots 4 and 5, Block 16, ROWLANDS ADDITION, in the City of McMinnville, County of Yamhill, State of Oregon.



## **EXHIBIT B**

### **Permitted Exceptions**

1. Reservation, exception or other severance of minerals, contained in or disclosed by instrument, in favor of: United States of America, Department of the Interior, acting by and through the Bonneville Power Administration

Reservation of: Reference is hereby made to said document for full particulars  
Recording Date: December 11, 1953  
Recording No.: Book 171, page 750, Deed Records

2. Reservation, exception or other severance of minerals, contained in or disclosed by instrument, in favor of: Southern Pacific Transportation Company

Reservation of: Reference is hereby made to said document for full particulars  
Recording Date: May 15, 1971  
Recording No.: Film Volume 83, page 1135

3. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document:

Recording Date: April 8, 2016  
Recording No: 201605003

4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: McMinnville Access Company  
Purpose: Shelter associated facilities and appurtenances  
Recording Date: November 30, 2021  
Recording No: 202123244  
Affects: Reference is hereby made to said document for full particulars

## Notice of Neighborhood Meeting

**Date and Time:** April 19, 2022 at 6:00 PM

**Location:** 455 NE Irvine St., McMinnville, OR 97128

**Meeting Topic:** You are warmly invited to join a conversation about a potential change to the zoning and comprehensive plan at 455 NE Irvine St. so you can provide your feedback and input.

**Background:** Carlton Hub, LLC just purchased the 0.89-acre property at 455 NE Irvine St (the Elizabeth Chambers Cellar building), where a winery is currently located.



Carlton Hub wants to use the building to operate a leisure/food-related business, which will fit in well with the current vibe of the adjacent central business district. However, the property's current light industrial zoning places significant limits on such uses.

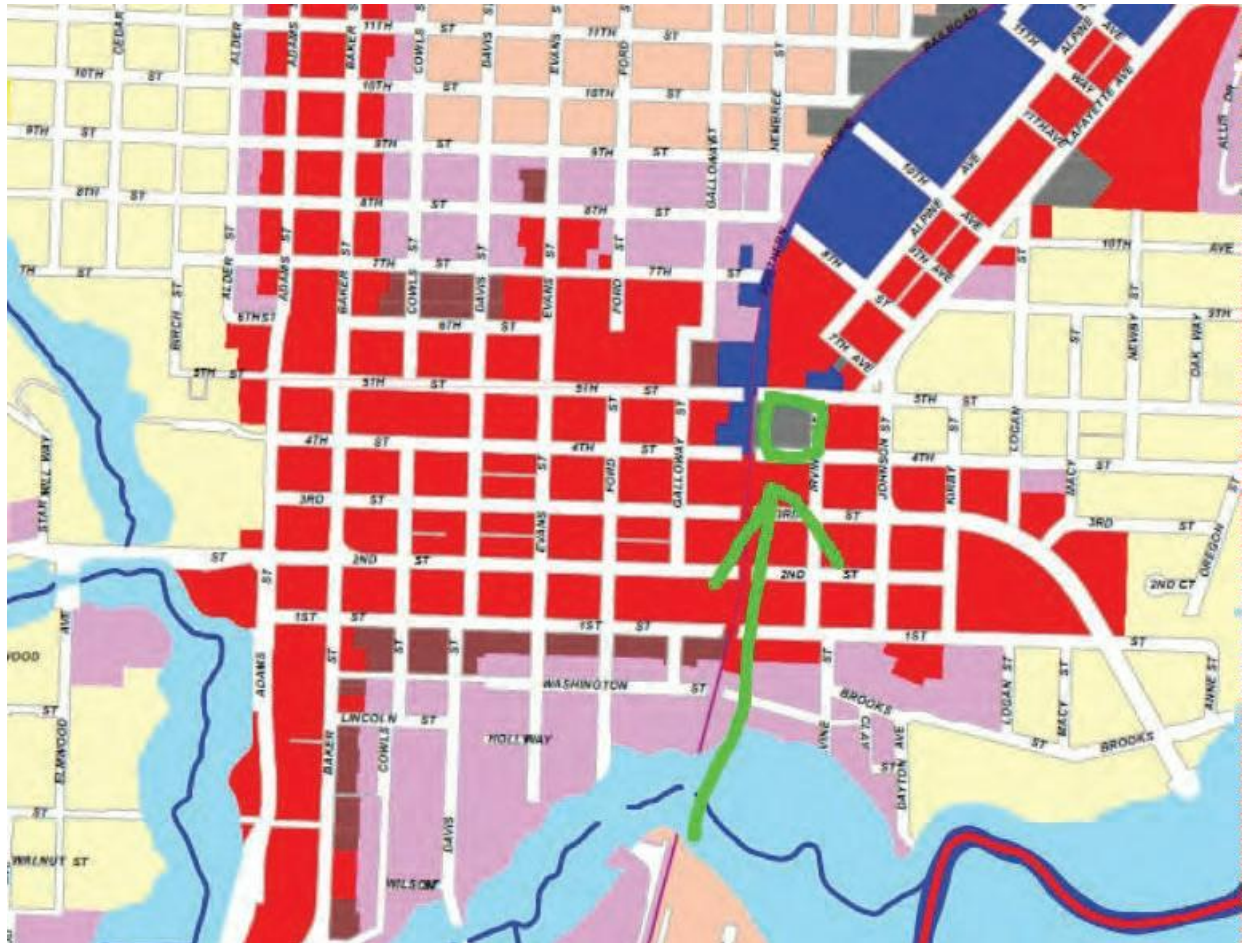
A satellite view of the property's two tax lots (R4421BD 02601 and 02400) from the county tax lot map is below:





**Draft Proposal:** To allow a business aligned with surrounding uses, Carlton Hub is considering seeking a zone change for both tax lots at 455 NE Irvine St from light industrial (M-1) to general commercial (C-3), which also requires a comprehensive plan amendment from industrial to commercial. This application will only address the comprehensive plan and zoning as a specific business use has not yet been determined.

**Current Situation:** The property is on a metaphorical lone island of light industrial zoning (grey) mostly surrounded by a sea of general commercial zoning (red):



The property is immediately north of the central business district—just across 4<sup>th</sup> Street—so it makes sense to change it to commercial zoning like the adjacent central business district. This proposal is timely since McMinnville’s 2020 draft Economic Opportunities Analysis projects a surplus of industrial land (159-acre surplus by 2041) and a deficit of commercial land (286-acre deficit projected by 2041).

We welcome your questions and thoughts before or during the meeting!

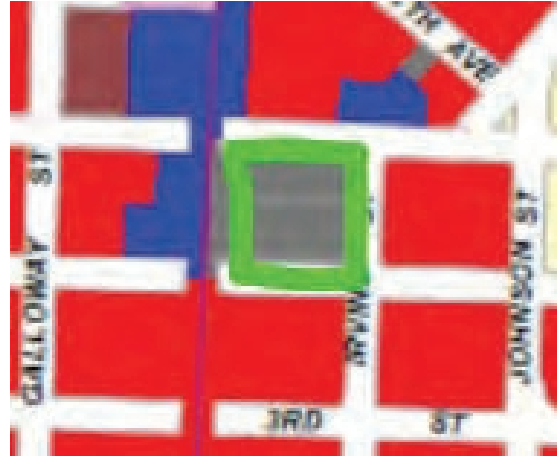
**Applicant Contact:** Kellan Lancaster  
[kellan.lancaster@theground.love](mailto:kellan.lancaster@theground.love)  
971-201-0256

## Conceptual Zoning Changes

Current Comprehensive Plan Map



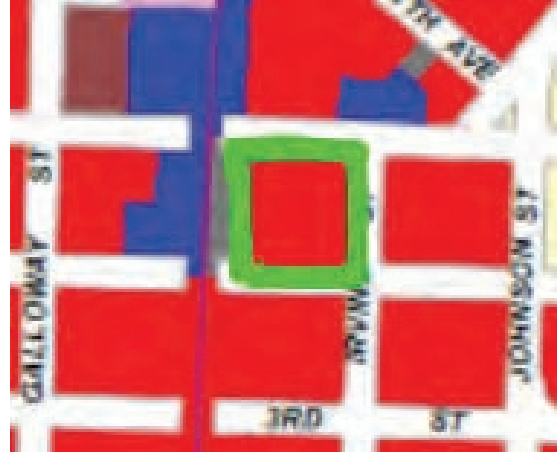
Current Zoning Map



Proposed Comprehensive Plan Map



Proposed Zoning Map



## Exhibit E

| Map No. | Tax Lot       | Situs                |
|---------|---------------|----------------------|
| 1       | R4421BA 04700 | 845 NE 5TH ST 100    |
| 2       | R4421BA 04701 | 855 NE 5TH ST        |
| 3       | R4421BA 04702 |                      |
| 4       | R4421BA 05000 | 615 NE LAFAYETTE AVE |
| 5       | R4421BA 09000 | 600 NE GALLOWAY ST   |
| 6       | R4421BA 09100 | 787 NE 5TH ST        |
| 7       | R4421BA 09300 | 524 NE GALLOWAY ST   |
| 8       | R4421BA 09400 | 707 NE 5TH ST        |
| 9       | R4421BA 09600 | 743 NE 5TH ST        |
| 10      | R4421BD 01600 | 435 NE JOHNSON ST    |
| 11      | R4421BD 02000 | 404 NE IRVINE ST     |
| 12      | R4421BD 02100 | 919 NE 4TH ST        |
| 13      | R4421BD 02300 | 405 NE JOHNSON ST B  |
| 14      | R4421BD 02600 | 716 NE 5TH ST        |
| 15      | R4421BD 02700 | 714 NE 5TH ST        |
| 16      | R4421BD 02800 | 436 NE GALLOWAY ST   |
| 17      | R4421BD 02900 | 420 NE GALLOWAY ST   |
| 18      | R4421BD 03000 | 414 NE GALLOWAY ST   |
| 19      | R4421BD 03100 | 725 NE 4TH ST        |
| 20      | R4421BD 03200 | 777 NE 4TH ST        |
| 21      | R4421BD 04100 | 925 NE 3RD ST        |
| 22      | R4421BD 04400 | 903 NE 3RD ST        |
| 23      | R4421BD 04700 | 303 NE IRVINE ST     |
| 24      | R4421BD 04800 | 741 NE 3RD ST        |
| 25      | R4421BD 04900 | 726 NE 4TH ST        |
| 26      | R4421BD 05000 | 730 NE 4TH ST        |
| 27      | R4421BD 05100 | 344 NE GALLOWAY ST   |
| 28      | R4421BD 05200 | 703 NE 3RD ST        |
| 29      | R4421BD 05300 | 729 NE 3RD ST        |
| 30      | R4421BA 09500 | 715 NE 5TH ST        |
| 31      | R4421BD 01700 | 922 NE 5TH ST        |
| 32      |               |                      |

**Owner**

MCDONALD INDUSTRIAL PROPERTIES LLC 10%  
LEGARD FAMILY LLC  
SCHREIBER MTN DEVELOPMENT LLC 12% &  
REIBOLD DARYL J  
HOUSING AUTHORITY OF YAMHILL COUNTY  
ROLLINS SHAWN E  
RDR INVESTING LLC  
KENZER MARK  
ROLLINS ANN M TRUSTEE FOR  
HENRY CLAY HOLDING COMPANY LLC  
LEGARD GERALD D  
STOCKS WAYNE D & KATHLEEN M  
AMERSON RON C  
SOUTHERN PACIFIC  
SOLMONSSON JODY & RANEE  
WYFFELS JAMES A  
RICHARDSON PETER N & BEVERLY  
RICHARDSON PETER N  
ANRO PROPERTIES LLC  
DBA ERRATIC ENTERPRISES  
KIRCHER LLC  
MINI SUPER HIDALGO LLC  
WOOD E STANLEY  
SOUTHERN PACIFIC RAILROAD  
PINEAPPLE PROPERTIES NW LLC  
MORROW KATHLEEN M S  
SWITZER MARILYN E  
CS PROPERTY HOLDINGS LLC  
MURRAY HILL PROPERTIES LLC  
HUFFINE LUCINDA &  
WALLACE ANDREW J & JOAN L TRUSTEES FOR  
CITY OF MC MINNVILLE

**Attn:**

ZALINA MTN DEVELOPMENT LLC 23%  
  
WINTERS MTN DEVELOPMENT LLC 8% &  
  
ROLLINS ANN M REVOCABLE LIVING TRUST  
  
AMERSON INGRID A H  
TRANSPORTATION CO  
  
WYFFELS SALLY J  
  
RICHARDSON BEVERLY D  
  
LAZZERI LINDA M  
  
SOUTHERN PACIFIC TRANSPORTATION CO  
  
MULCAHY DENNIS (WROS)  
WALLACE FAMILY TRUST  
PLANNING DEPARTMENT

| <b>Mailing Address</b>      | <b>City</b>   | <b>State</b> | <b>Zipcode</b> |
|-----------------------------|---------------|--------------|----------------|
| 845 NE 5TH ST SUITE 200     | MCMINNVILLE   | OR           | 97128          |
| 955 SW GOUCHER              | MCMINNVILLE   | OR           | 97128          |
| 845 NE 5TH ST SUITE 200     | MCMINNVILLE   | OR           | 97128          |
| PO BOX 657                  | YAMHILL       | OR           | 97148          |
| 135 NE DUNN PL              | MCMINNVILLE   | OR           | 97128          |
| PO BOX 953                  | MCMINNVILLE   | OR           | 97128          |
| 93316 SIXES RIVER RD        | SIXES         | OR           | 97476          |
| 589 NE 58TH AVE             | HILLSBORO     | OR           | 97124          |
| 1840 NE 19TH ST             | MCMINNVILLE   | OR           | 97128          |
| 109 NW 5TH ST               | MCMINNVILLE   | OR           | 97128          |
| 404 NE IRVINE ST            | MCMINNVILLE   | OR           | 97128          |
| PO BOX 291                  | MCMINNVILLE   | OR           | 97128          |
| 405 NE JOHNSON ST           | MCMINNVILLE   | OR           | 97128          |
| 800 PACIFIC BLDG            | PORTLAND      | OR           | 97204          |
| 32300 NE OLD PARRETT MTN RD | NEWBERG       | OR           | 97132          |
| 3765 NE HAWN CREEK RD       | MCMINNVILLE   | OR           | 97128          |
| 414 NE GALLOWAY ST          | MCMINNVILLE   | OR           | 97128          |
| 6675 SW LEBOLD RD           | MCMINNVILLE   | OR           | 97128          |
| PO BOX 826                  | MCMINNVILLE   | OR           | 97128          |
| 14945 NW ORCHARD VIEW RD    | MCMINNVILLE   | OR           | 97128          |
| 980 NE 4TH ST               | MCMINNVILLE   | OR           | 97128          |
| 903 NE 3RD ST               | MCMINNVILLE   | OR           | 97128          |
| 303 NE IRVINE ST            | MCMINNVILLE   | OR           | 97128          |
| 1 MARKET PLAZA              | SAN FRANCISCO | CA           | 94105          |
| 15051 SW DUPEE VALLEY RD    | SHERIDAN      | OR           | 97378          |
| 730 NE 4TH ST               | MCMINNVILLE   | OR           | 97128          |
| 344 NE GALLOWAY ST          | MCMINNVILLE   | OR           | 97128          |
| PO BOX 237                  | MCMINNVILLE   | OR           | 97128          |
| 729 NE 3RD ST               | MCMINNVILLE   | OR           | 97128          |
| 715 NE 5TH ST               | MCMINNVILLE   | OR           | 97128          |
| 303 NW 11TH ST              | MCMINNVILLE   | OR           | 97128          |
| 231 NE 5TH ST               | MCMINNVILLE   | OR           | 97128          |



### Notice of Neighborhood Meeting

Date and Time: April 19, 2022 at 6:00 PM

Location: 455 NE Irvine St., McMinn, TN, OR 97128 (tax lots 8442 [BD 02601] and [02400])

**Meeting Topic:** You are warmly invited to join a conversation about a potential change to the zoning and comprehensive plan at 455 NE Irvine St. so you can provide your feedback and input.

**Background:** Carlson Hish, LLC just purchased the 0.89-acre property at 455 NE Irvine St. (the Elizabeth Chambers & Celler buildings, where a nursery is currently located).

Carlson Hish wants to use the building to operate a leisure food-related business, which is not for sale. However, the property's current light industrial zoning places significant limits on such uses.

**Goal/Purpose:** To allow a business aligned with surrounding tax lots at 455 NE Irvine St. to seek a zoning change for both commercial (C-3), which allows light industrial (M-1) for general amendment from industrial to commercial. This application is all only address the comprehensive plan and zoning as a specific; business use has not yet been determined.

**Current Situation:** The property is on a rectangular lot (land of light industrial zoning property mostly surrounded by a sea of general commercial zoning (C-1).

**Applicant Contact:**  
Kellie Lancaster

[kellie@carlsonhish.com](mailto:kellie@carlsonhish.com)  
971-246-6206



We welcome your questions and thoughts before or during the meeting!



### Notice of Neighborhood Meeting

Date and Time: April 19, 2022 at 6:00 PM

Location: 455 NE Irvine St., McMinnville, OR 97128 (tax lots R4421 BD 02601 and 02400)

**Meeting Topic:** You are warmly invited to join a conversation about a potential change to the zoning and comprehensive plan at 455 NE Irvine St. so you can provide your feedback and input.

**Background:** Carlton Hub, LLC just purchased the 0.89-acre property at 455 NE Irvine St (the Elizabeth Chambers Cellar building), where a winery is currently located.

Carlton Hub wants to use the building to operate a leisure food-related business, which will fit in well with the current vibe of the adjacent central business district. However, the property's current light industrial zoning places significant limits on such uses.

**Draft Proposal:** To allow a business aligned with surrounding uses, Carlton Hub is considering seeking a zone change for both tax lots at 455 NE Irvine St from light industrial (M-1) to general commercial (C-3), which also requires a comprehensive plan amendment from industrial to commercial. This application will only address the comprehensive plan and zoning as a specific business use has not yet been determined.

**Current Situation:** The property is on a metaphorical lone island of light industrial zoning (grey) mostly surrounded by a sea of general commercial zoning (red).

**Applicant Contact:**  
Kellian Lancaster  
kellian.lancaster@thecarltonhub.com  
971-201-0256

We welcome your questions and thoughts before or during the meeting!





### Notice of Neighborhood Meeting

**Date and Time:** April 19, 2022 at 6:00 PM

**Location:** 455 NE Irvine St., McMinnville, OR 97128 (tax lots R4421BD 02601 and 02400)

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**Current Situation:** The property is on a metaphorical lone island of light industrial zoning (grey) mostly surrounded by a sea of general commercial zoning (red).

**Applicant Contact:**  
Kellan Lancaster  
kellan.lancaster@carltonhub.com  
971-201-0256



We welcome your questions and thoughts before or during the meeting!



## Notice of Neighborhood Meeting

**Date and Time:** April 19, 2022 at 6:00 PM

**Location:** 455 NE Irvine St., McMinnville, OR 97128 (tax lots R4421BD 02601 and 02400)

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**Background:** Carlton Hub, LLC just purchased the 0.89-acre property at 455 NE Irvine St. (the Elizabeth Chambers Cellar building), where a winery is currently located.

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**Draft Proposal:** To allow a business aligned with surrounding uses, Carlton Hub is considering seeking a zone change for both tax lots at 455 NE Irvine St. from light industrial (M-1) to general commercial (C-3), which also requires a comprehensive plan amendment from industrial to commercial. This application will only address the comprehensive plan and zoning as a specific business use has not yet been determined.

**Current Situation:** The property is on a metaphorical lone island of light industrial zoning (grey) mostly surrounded by a sea of general commercial zoning (red).

**Applicant Contact:**

Kellan Lancaster  
[kellan.lancaster@thebackgroundlove.com](mailto:kellan.lancaster@thebackgroundlove.com)  
971-201-0256

We welcome your questions and thoughts before or during the meeting!





# Neighborhood Meeting – The Plant

4/19/2022 @ 6pm

455 NE Irvine Street, McMinnville, OR 97128

## Summary of Attendee Comments:

- Happy that trees were removed because they reflected the sound back to his property.
- Residents in the apartments on Third were upset with the tree removal because they blocked noise, dust, etc, from the trains. It also disrupted the view and made it more industrial looking.
- Happy with learning about the extension of the property by 4 feet to allow more parking and re-enhance unused space. Also mentioned transient and smoking use in this space.
- What does Full-Service Food mean? What does a food service operation mean? What is this leisure hospitality space going to be? You took over this space and want to change the zoning and use but you don't even know what you want to do?
- Why should anyone support this building not being an operating winery? Concerns about hearing vague answers to questions
- Is there an idea about what you would like to see this group do in the space?
- Excited to hear about what we are doing. Interested in live entertainment, open mic, and poetry type events. (this was from a residential neighbor)
- The only reason I am here is for parking, several others are concerned about parking issues.
- Concerns about folks using loading zone, potentially increase 2-hour parking on the East side of Galloway to accommodate more short-term parking.

- Open on Mondays for locals to eat
- There are parking concerns surrounding large events downtown (UFO, Cruising, etc).
- Examples of other food operations that you own that we can experience?
- Comments around the number of restaurants in McMinnville.
- Too many wine tasting places in the area.
- So this is some kind of new investment group?
- Questions about size of kitchen to be installed.
- Comments about housing prices and affordability for locals (born and raised in McMinnville, has the yard to the North next to the railroad). Gets pressure to change the use of his property and he doesn't want to get that pressure from us, he wants to help this project.
- On the "right side of the tracks" as far as food goes.
- What is the timeline from this meeting to actually seeking the zone change?
- Do you have support on City Council to help through the process?
- How are you going to make this neighborhood better?
- Comment about the potential for bringing new jobs.
- How many parking spots will you have on site with the change?
- Support for another business to help connect the trail from Historic Downtown to Alpine.
- For the record: I am not opposed to the project, just find it dubious that there is no actual plan and that there are bankers and investors involved with no clear plan, it just isn't transparent. No one goes into this type of operation without a clear business plan for their investors and bankers. Concern about a high-volume restaurant. Has anyone in the room actually started a restaurant or knows what they doing?
- Doesn't think that transparency is what it should be.



- What will the space look like, how many seats, etc.
- Another comment that questions are not being answered and he doesn't feel that we are being honest.
- Wants a commitment that we are not going to be upset about a portable toilet and septic company across the street. That is the only thing he cares about.
- Will you be growing all of your own produce on the farm?
- 

What should we do?

- Entertainment, bigger than it was during COVID when it was reservation only. (This was from folks that live in the apartments to the South).

Questions to the group about Off-season Impacts (Tourism)

- The off-season is smaller and smaller with biking, college athletics, etc.

## NEIGHBORHOOD MEETING SIGN-IN SHEET

## Location:

455 NE Irvine St.,  
McMinnville, OR 97128  
(tax lots R4421BD 02601 and 02400)

Date and Time:  
April 19, 2022 at 6:00 PM

| Name            | Company           | Address                  | Phone         | E-Mail                       |
|-----------------|-------------------|--------------------------|---------------|------------------------------|
| Jim Cameron     |                   | 333 NE Irvine<br>Apt 409 | 503-780-2191  | wiscameron@<br>gmail.com     |
| JFF Knapp       | Visit             | 328 NE Davis<br>St       | 971 241 8808  | jff@visit<br>mcminnville.com |
| BRUT KEMPER     | MACMKT            | 1140 NE ALPINE           | 425-220-0412  | BRUT KEMPKT.<br>COM          |
| COBY KEMPER     | "                 | "                        | "             | COBY KEMPER@<br>GMAIL.COM    |
| TODD SEVERSON   | CHAPUL/MAC<br>MKT | 1140 NE ALPINE           | 402-4259-9255 | TODD CHAPUL FRIENDS<br>COM.  |
| Shawn Rollins   | Snapsmte          | 743 NW 5th               | 971-237-1452  |                              |
| Lucinda Huffine |                   | 715 NE 5th               | 503-267-6169  | lucyjane13@comcast<br>.net   |
| Jim Kreutzendor |                   | 1317 NE 9th              |               | jmkreutzendor@<br>gmail      |

# NEIGHBORHOOD MEETING SIGN-IN SHEET

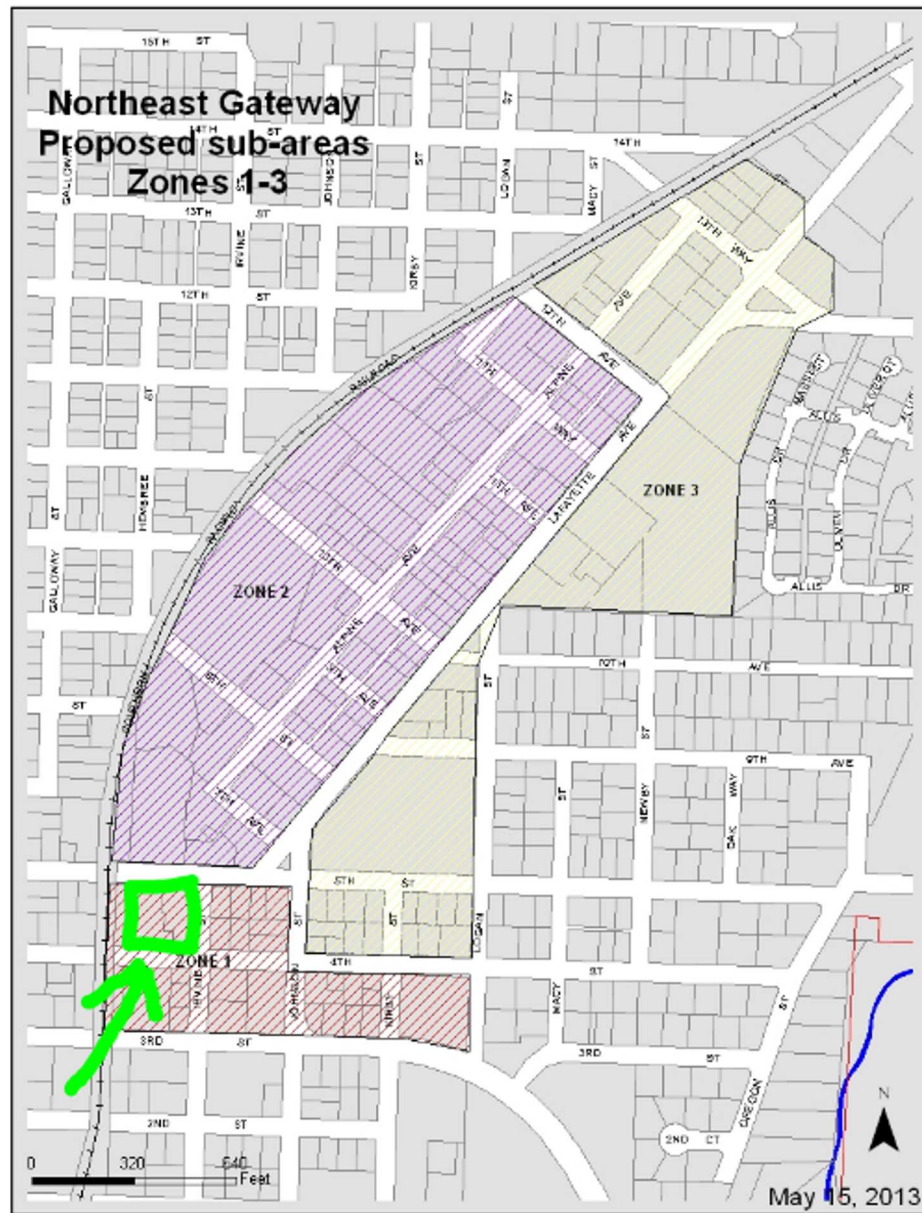
|   |  |
|---|--|
| <b>Location:</b><br>455 NE Irvine St.,<br>McMinnville, OR 97128<br>(tax lots R4421BD 02601 and 02400) | <b>Date and Time:</b><br>April 19, 2022 at 6:00 PM |
|---|--|

| Name                 | Company          | Address     | Phone        | E-Mail   |
|----------------------|------------------|-------------|--------------|--|
| Cruz + Elena Gibbins |                  | NE 10th Ave | 503-409-4261 | Charles Gibbins@gmail.com<br>Elena Gibbins@gmail.com |
| Jay Legend           |                  | 855 NE 5th  | 971-244-2516 | jay.legend@gmail.com                                 |
| CB Mason             | Buchanan Callers | 855 NE 5th  | 971-241-8277 | cb.mason@buchanancallers.com                         |
|                      |                  |             |              |  |
|                      |                  |             |              |  |
|                      |                  |             |              |  |
|                      |                  |             |              |  |
|                      |                  |             |              |  |
|                      |                  |             |              |  |

### Additional Application Material – June 6, 2022

After conversations with the city post-application, the applicant has learned of several other standards further supporting this application.

Frist, the subject property is within the Northeast Gateway Planned Development Overlay (Ordinance No. 4971),<sup>1</sup> which is intended to “guide the transition of a light and heavy industrial area to a vital, mixed-use, pedestrian-friendly neighborhood.”<sup>2</sup>



<sup>1</sup>

[https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1306/4\\_ne\\_gateway\\_pdo\\_4791.pdf](https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1306/4_ne_gateway_pdo_4791.pdf)

<sup>2</sup> Section 2.



The entire overlay area is approximately 75 acres, as shown by the map above.<sup>3</sup> Within the overlay area, the overlay ordinance specifically designates six blocks east of the railroad between 3<sup>rd</sup> and 5<sup>th</sup> Streets—including the subject property—as “Zone 1.” Zone 1 is the most permissive zone in the overlay, and it is intended for “a mixed-use commercial zone which, over time will transition into an extension of the downtown with residential or office uses above active ground floor commercial or retail space with a vibrancy consistent with that associated with downtown McMinnville.”<sup>4</sup>

Of the six blocks in Zone 1 of the overlay, all five blocks other than the subject property are now zoned C-3 and designated commercial in the comprehensive plan. This application will further the transition envisioned in the overlay ordinance of moving all six blocks to C-3 and commercial designation.

The overlay specifically allows a variety of commercial uses on the subject property that are similar to those allowed under C-3 zoning, including food and beverage establishments, general retail sales, personal services, hotels/motels, various types of offices, etc.<sup>5</sup> Due to the overlay, this application will have only a small impact on possible uses for the subject property.

Although the overlay primarily governs new development,<sup>6</sup> it clearly demonstrates the city’s long-term intent is for the subject property to be used as proposed in this application. The Northeast Gateway Planned Development Overlay strongly supports approval of this application.

Second, OAR 660-009-0010(4)’s requirements related to removing land from an industrial use designation do not apply to this application since the subject property is less than two acres.

Third, although property on the other side of the railroad tracks to the west of the subject property is zoned M-2, there are no buffer requirements between the proposed C-3 and M-2 zones that would restrict uses on the M-2 property to the west.

---

<sup>3</sup> Section 3; Exhibit B.

<sup>4</sup> Section 3(A).

<sup>5</sup> Section 6.

<sup>6</sup> Section 3(D)-(E); footnotes 1-2. There is some ambiguity in how the ordinance is written and applies.



## MEMORANDUM

---

Date: June 10, 2022

Project #: 27710

To: Tom Schauer, AICP, & Heather Richards, PCED, City of McMinnville  
Arielle Ferber, PE, & Dan Fricke, ODOT Region 2

Cc: Frank Foti  
Mark Hoyt, Sherman Sherman Johnnie & Hoyt, LLC

From: Julia Kuhn, PE & Chris Brehmer, PE

Project: Carlton Hub Rezone

Subject: Northeast Gateway Planned Development Overlay

---

This memorandum has been prepared as a follow-up to our trip generation and Transportation Planning Rule (TPR) analysis for the proposed Zone Change and Comprehensive Plan amendment of the property located at 455 NE Irvine Street. After submittal of our memorandum, the City provided additional information about the Northeast Gateway Planned Development Overlay (City Ordinance 4971). The subject property is within the designated Zone 1 area covered by the Development Overlay. Further, we note that the overlay purpose is to transition of industrial uses to a vibrant, downtown environment. The proposed zone change to C-3 meets the purpose and intent of the Overlay.

We reviewed the permitted uses within Zone 1 versus those associated with the property's M-1 (Light Industrial) existing designation as well as those of the proposed C-3 (General Commercial) designation.

As discussed in our May memo, the "reasonable worse case" generators appear to be as follows:

- Existing M-1 Zoning = 15,682 square feet daycare (i.e., 0.9 acres \* 0.4 FAR)
- Proposed C-3 Zoning = 9,801 square feet of building (using a 0.25 FAR); however, this is larger than a typical bank so we suggest assuming a 5,000 square foot bank (the average of the sites surveyed) and a 4,801 square foot high-turnover, sit-down restaurant share the building space.

The Northeast Gateway Planned Development Overlay allows for a bank and a restaurant as well as for up to 25,000 square feet of retail uses. A daycare is permitted that serves less than 12 students and is a conditional use if there are greater than 12 students. Further, Zone 1 is subject to the downtown development standards specified in the Zoning Code Section 17.59, which allows for a zero setback for buildings. With the location of the property within the downtown as well as the Development Overlay provisions, we conclude that no change in trip generation would result from the zone change. As such, our conclusions from the May memo remain unchanged.

As discussed in our May memo, we conclude that the proposed rezone can be approved without creating significant impacts per OAR 660-012-0060 and no further traffic analysis be required as part of the proposed Carlton Hub Zone Change and Comprehensive Plan amendment. If you have any questions, please feel free to contact us at (503) 535-7409.



City of McMinnville  
Planning Department  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## EXHIBIT 5 - STAFF REPORT

**DATE:** July 21, 2022  
**TO:** Planning Commission Members  
**FROM:** Tom Schauer, Senior Planner  
**SUBJECT:** Public Hearing – Planned Development Amendment PDA 3-22, Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22)

### STRATEGIC PRIORITY & GOAL:



#### GROWTH & DEVELOPMENT CHARACTER

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

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

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#### Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider four applications for a property of approximately 1.8 acres located at the southwest corner of Booth Bend Road and Highway 99 (Tax Lot R4429CA 00300). **See Vicinity Map (Figure 1) and Zoning Map (Figure 2).**

The applications are: Planned Development Amendment PDA 3-22, Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22).

The requests are summarized below. The applications are submitted as part of a proposal to develop a new Burger King restaurant with a drive-through on the subject property.

**PDA 3-22.** The subject property is within an existing Planned Development Overlay District that also includes other surrounding commercial property. The proposal includes revisions to the master plan which was approved as part of the Planned Development, which requires approval of a Planned Development Amendment. Most of the other properties within the overlay have since been developed.

**LFW 1-22.** The property has certain shared site features, including access, with a large format commercial building (Lowe's), which therefore also requires review and compliance with the large format commercial standards for this proposal. The applicant's proposal includes a request for waivers to certain standards.

**L 6-22.** The proposal includes a landscape plan, which is required for commercial development.

**MP 1-22.** The proposal would partition the subject 1.8-acre parcel into two parcels, with the northerly 0.94-acre parcel being the site of the proposed Burger King restaurant, and the southerly 0.86-acre parcel being a vacant parcel, which would also include an access point and easement to the northerly parcel.

This is a consolidated review to consider these four applications associated with the development of the subject property. There will be one public hearing to receive testimony, and then four separate votes will be taken: one vote for each application, based on the applicable criteria.

The consolidated review procedures specify that the decisions for all applications are subject to the procedure that affords the most opportunity for public hearing and notice:

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

A decision for a Planned Development Amendment is made by City Council, so the Planning Commission will make a recommendation to City Council for all applications through the consolidated procedure. City Council will make the final decision on the applications. However, if the Planning Commission recommends denial, then that is the final decision unless appealed to City Council.

The applicable criteria are provided in the following sections of the Zoning Ordinance:

- Planned Development Amendment: Section 17.74.070
- Large Format Commercial Review and Waivers: Sections 17.56.050, 17.56.040(D)
- Landscape Plan: Section 17.57.070
- Partition: Sections 17.53.060 , 17.53.100-153

Applicable Goals and Policies of the Comprehensive Plan are also criteria for land use decisions.

**Background:**

The subject property is within a commercial Planned Development Overlay, Ordinance 4688, which is predominantly built-out and includes Lowe's Roby's Furniture, Hometown Dental, and restaurant pads across Booth Bend Road to the north.

The applications would facilitate a partition of the remaining vacant parcel into two parcels, with a Burger King development on the northerly parcel and the proposed southerly parcel to remain vacant at this time.

**Discussion:**

More detailed background and discussion is provided in the "Application Summary" section of the Decision Document.

Staff recommends conditions to address:

- Additional information regarding queuing analysis at the proposed easterly driveway onto Booth Bend Road, and potentially restricting that access to right-in, right-out only.
- Revisions to the proposed elevations to comply with certain Large Format Commercial Standards
- Revisions to the proposed site plan to address screening of the trash enclosure, bicycle parking, and the design of the pedestrian connector.
- Conditions addressing provision of utilities, easements, and agreements associated with the partition and development of the Burger King use.

### **Attachments:**

1. CPA 1-22/ZC 2-22 Decision Document

### **Planning Commission Options:**

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

### **Staff Recommendation:**

#### **PDA 3-22**

Staff has reviewed the proposal for consistency with the applicable criteria. Staff finds that, based on the findings in the attached Decision Document, the application submitted by the applicant and the record contain evidence that demonstrates that, with conditions, the application complies with the applicable criteria and that the applicant has met the burden of proof.

Staff **RECOMMENDS APPROVAL** of the application based on the findings in the attached Decision Document.

#### **LFW 1-22**

Staff has reviewed the proposal for consistency with the applicable criteria. Staff finds that, based on the findings in the attached Decision Document, the application submitted by the applicant and the record contain evidence that demonstrates that, with conditions, the application complies with the applicable criteria and that the applicant has met the burden of proof. Staff does not recommend approval of the requested waivers and has instead recommended conditions for the building to comply with the applicable standards.

Staff **RECOMMENDS APPROVAL** of the application based on the findings in the attached Decision Document.

#### **L 6-22**

Staff has reviewed the proposal for consistency with the applicable criteria. Staff finds that, based on the findings in the attached Decision Document, the application submitted by the applicant and the record contain evidence that demonstrates that, with conditions, the application complies with the applicable criteria and that the applicant has met the burden of proof.

Staff **RECOMMENDS APPROVAL** of the application based on the findings in the attached Decision Document.

#### **MP 1-22**

Staff has reviewed the proposal for consistency with the applicable criteria. Staff finds that, based on the findings in the attached Decision Document, the application submitted by the applicant and



the record contain evidence that demonstrates that, with conditions, the application complies with the applicable criteria and that the applicant has met the burden of proof.

Staff **RECOMMENDS APPROVAL** of the application based on the findings in the attached Decision Document.

**Suggested Motion:**

**PDA 3-22**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE PLANNED DEVELOPMENT AMENDMENT, PDA 3-22, SUBJECT TO THE CONDITIONS IN SECTION II OF THE DECISION DOCUMENT.**

**LFW 1-22**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE THE LARGE FORMAT COMMERCIAL REVIEW WITH WAIVERS, LFW 1-22 SUBJECT TO THE CONDITIONS IN SECTION II OF THE DECISION DOCUMENT.**

**L 6-22**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE THE LANDSCAPE PLAN REVIEW, L 6-22. SUBJECT TO THE CONDITIONS IN SECTION II OF THE DECISION DOCUMENT.**

**MP 1-22**

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE THE PARTITION, MP 1-22 SUBJECT TO THE CONDITIONS IN SECTION II OF THE DECISION DOCUMENT.**

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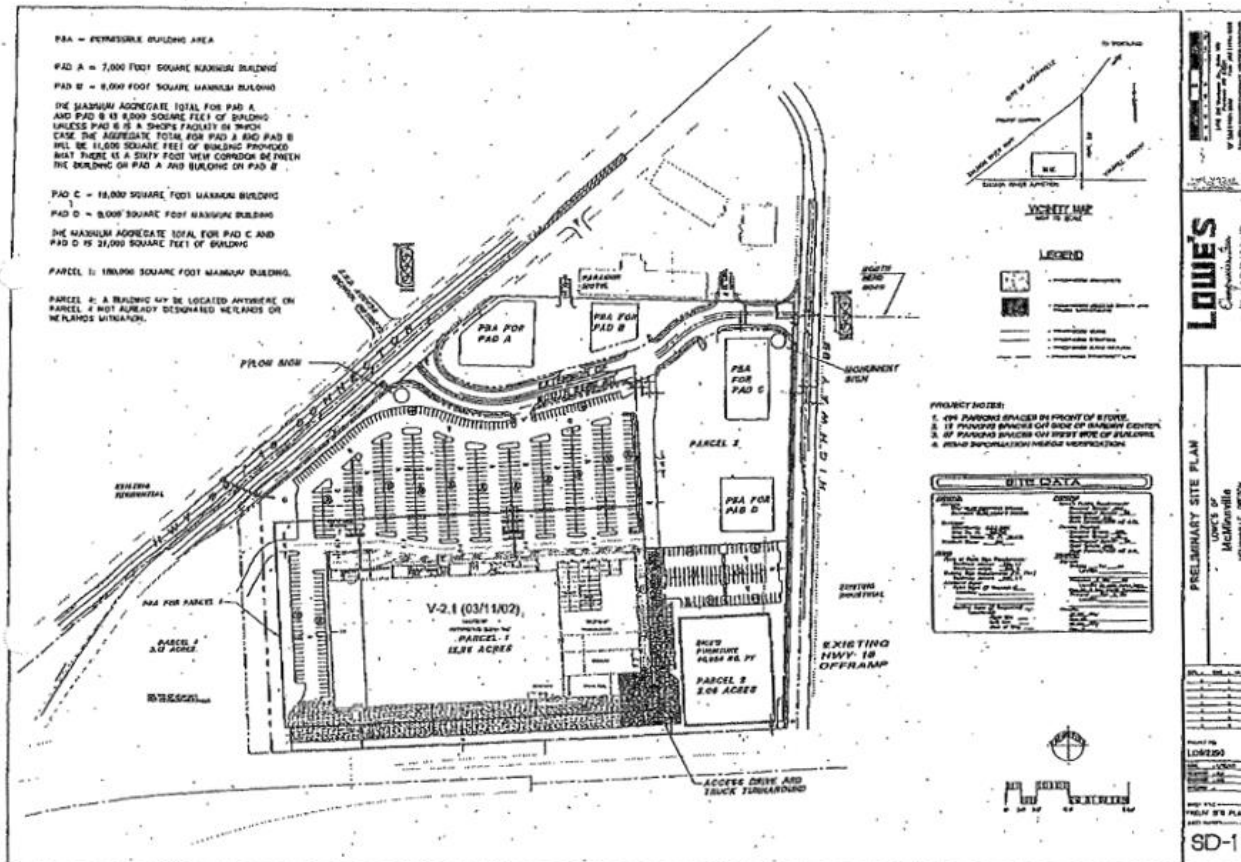
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## Proposed Amendments to Planned Development - Development Plan





**PLANNED DEVELOPMENT AMENDMENT  
PROPOSED CONDITIONS**

**MCMINNVILLE, OR  
3/21/2022**

**Proposed Amendments to PUD Ordinance No. 4688:**

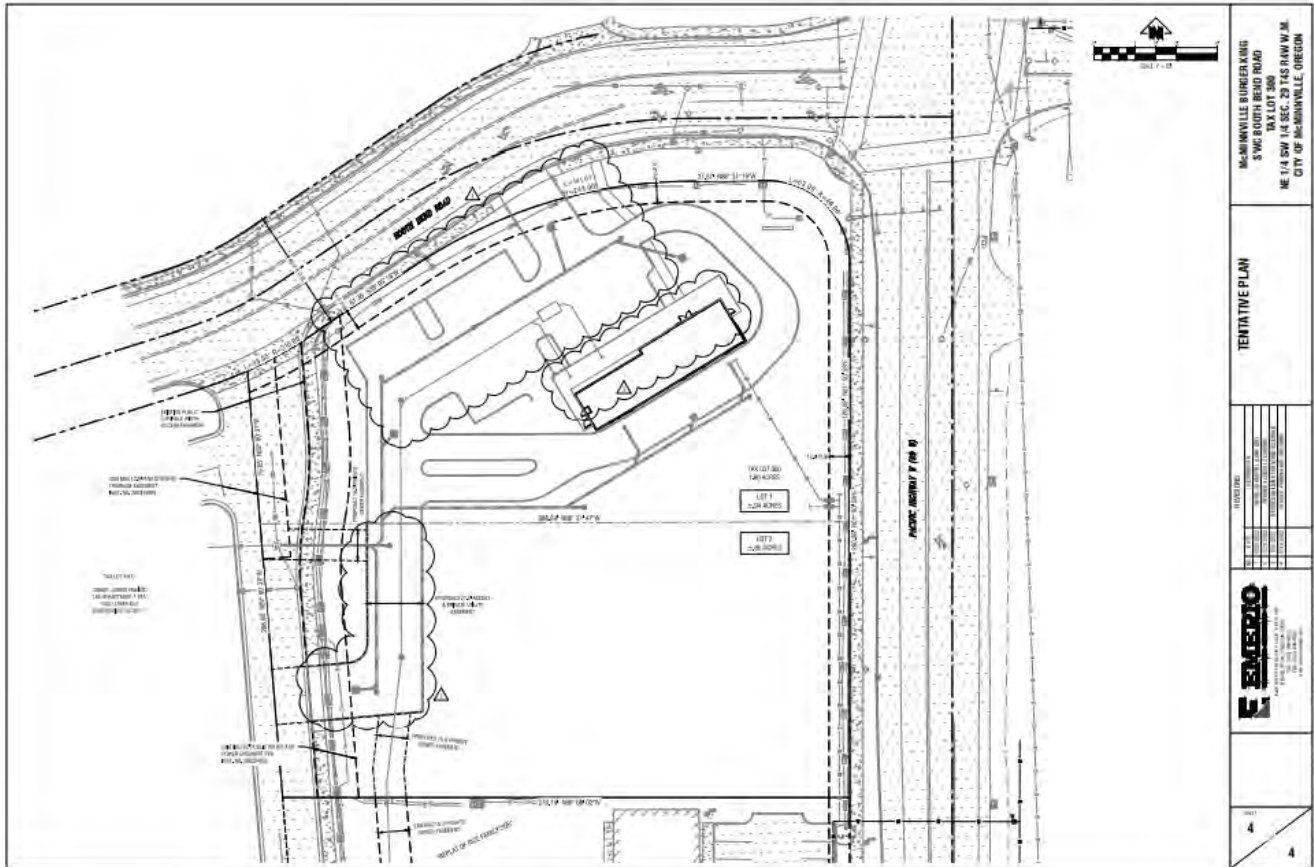
1. Subdivide Parcel at SW corner of SW Booth Bend Rd. and SW Highway 99W into two (2) separate lots with two (2) separate Permissible Building Areas (PBA's).
2. Divide previously approved PBA for subject property (16,000 SF) into two separate PBA's: 1,937 SF on Lot 1, and 5,000 SF on Lot 2.



**InSite**

1400 15th Street, Suite 300  
Oak Brook, IL 60523-8854  
Office: 630.617.9190  
www.insiteeditsite.com

## Applicant's Proposed Partition Tentative Plan



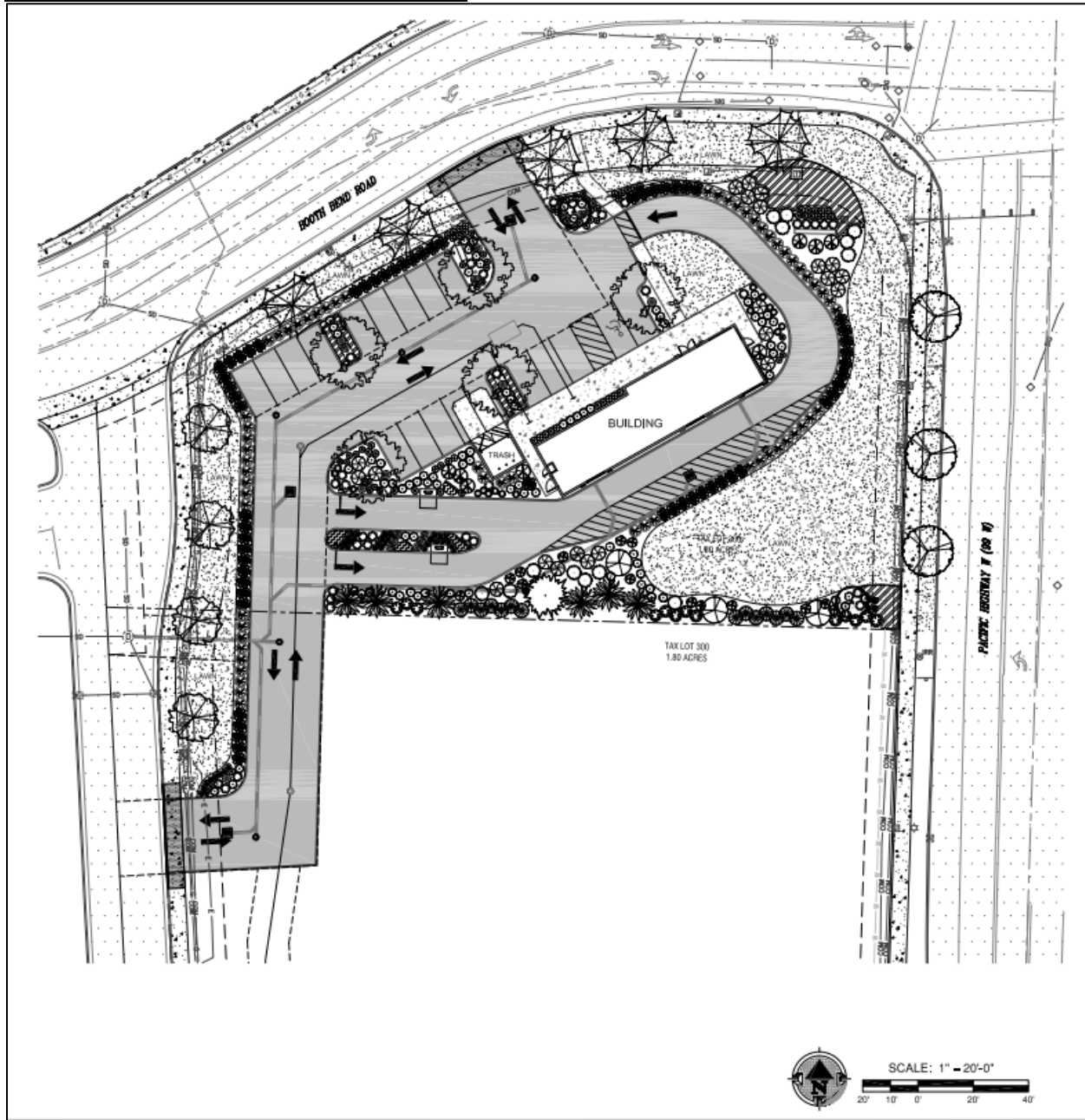


Site plan for the Pacific Hospitality Center. The plan shows a large building complex with a central courtyard. The building is labeled 'HOTEL' and 'RESTAURANT'. There are several parking areas, including a large one labeled 'PARKING' and a smaller one labeled 'PARKING'. The plan also shows 'LOT 1' and 'LOT 2' with their respective areas. The plan is oriented with North at the top.

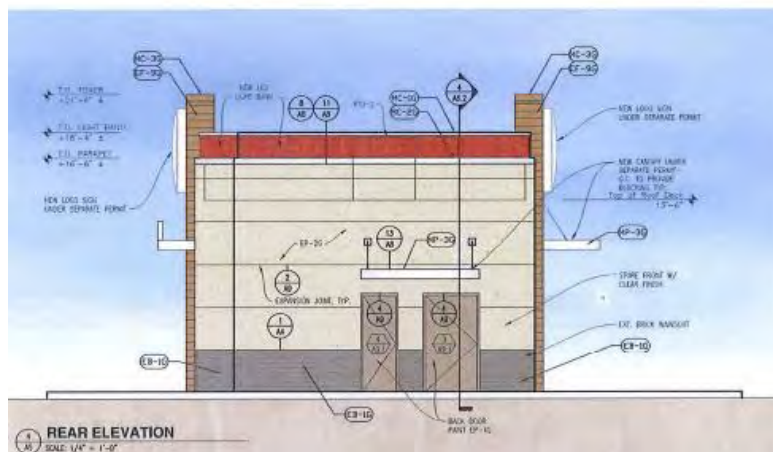
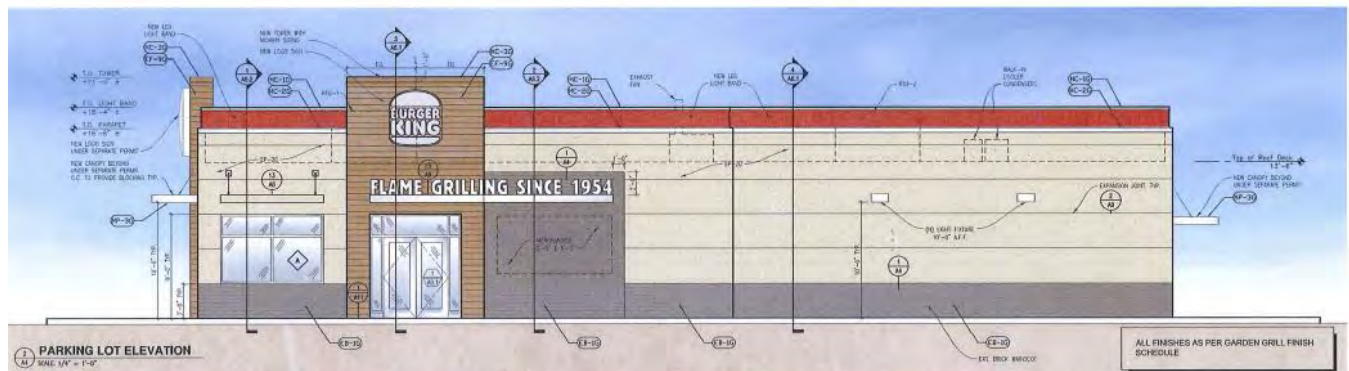
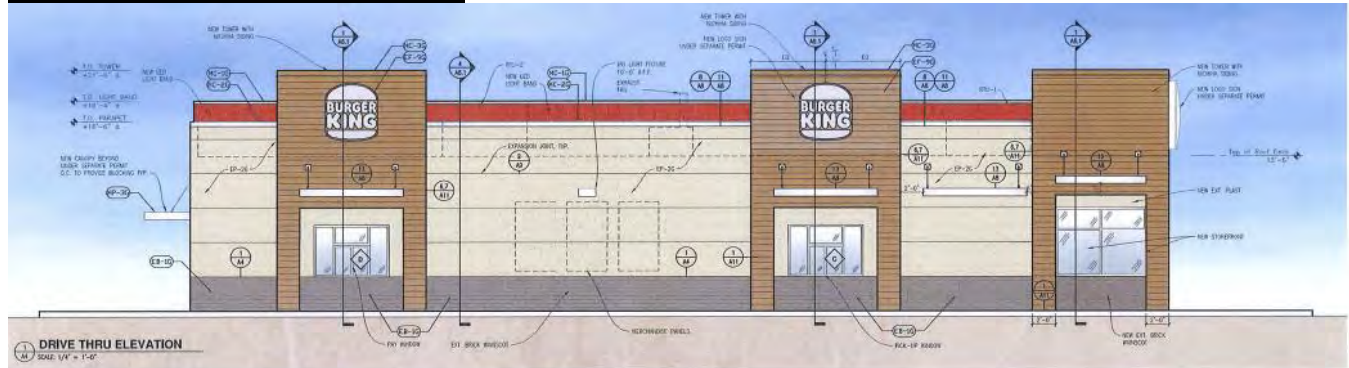
Key features and labels on the plan include:

- BOOTH ROAD**: The main road running along the top and left side of the site.
- RESTAURANT**: A large building complex in the center-right of the site.
- HOTEL**: A building complex adjacent to the restaurant.
- PARKING**: A large parking area in the center-left of the site.
- LOT 1**: A rectangular lot on the right side of the site, labeled 'LOT 1 1.00 ACRES'.
- LOT 2**: A rectangular lot on the right side of the site, labeled 'LOT 2 0.40 ACRES'.
- LANDSCAPE**: Various landscaped areas throughout the site.
- BOOTH ROAD**: The main road running along the top and left side of the site.
- RESTAURANT**: A large building complex in the center-right of the site.
- HOTEL**: A building complex adjacent to the restaurant.
- PARKING**: A large parking area in the center-left of the site.
- LOT 1**: A rectangular lot on the right side of the site, labeled 'LOT 1 1.00 ACRES'.
- LOT 2**: A rectangular lot on the right side of the site, labeled 'LOT 2 0.40 ACRES'.
- LANDSCAPE**: Various landscaped areas throughout the site.

## Applicant's Proposed Landscape Plan



## Applicant's Proposed Elevations







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 PLANNED DEVELOPMENT AMENDMENT, LARGE FORMAT COMMERCIAL REVIEW WITH WAIVERS, LANDSCAPE PLAN, AND PARTITION FOR PROPERTY AT THE SW CORNER OF BOOTH BEND ROAD AND HIGHWAY 99, (TAX LOT R4429CA 00300)**

**DOCKET:** PDA 3-22, LFW 1-22, L 6-22, MP 1-22

**REQUEST:** Applications for a Planned Development Amendment (PDA 3-22), Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22).

The applications are submitted as part of a proposal to develop a new Burger King restaurant with a drive-through on the subject property.

**PDA 3-22.** The subject property is within an existing Planned Development Overlay District that also includes other surrounding commercial property. The proposal includes revisions to the master plan which was approved as part of the Planned Development, which requires approval of a Planned Development Amendment. Most of the other properties within the overlay have since been developed.

**LFW 1-22.** The property has certain shared site features, including access, with a large format commercial building (Lowe's), which therefore also requires review and compliance with the large format commercial standards for this proposal. The applicant's proposal includes a request for waivers to certain standards.

**L 6-22.** The proposal includes a landscape plan, which is required for commercial development.

**MP 1-22.** The proposal would partition the subject 1.8-acre parcel into two parcels, with the northerly 0.94-acre parcel being the site of the proposed Burger King restaurant, and the southerly 0.86-acre parcel being a vacant parcel, which would also include an access point and easement to the northerly parcel.

**LOCATION:** Address: SW Corner of Booth Bend Road and Highway 99  
Map & Tax Lot: r4429CA 00300

**ZONING:** C-3 PD

**APPLICANT:** InSite Real Estate Investment Properties LLC, c/o Andrew Johnson  
(Property Owner Richard D. Rice)

**STAFF:** Tom Schauer, Senior Planner

**DATE DEEMED**

**COMPLETE:** June 29, 2022

**DECISION MAKING**

**BODY & ACTION:** The McMinnville Planning Commission makes a recommendation to City Council, and the City Council makes the final decision. However, if the decision of the Planning Commission is denial, then that becomes the final decision, unless the Planning Commission's decision is appealed to City Council.

**DECISION DATE**

**& LOCATION:** This will be a hybrid meeting with the opportunity to join an in-person meeting at Civic Hall or virtually on a zoom meeting.

**Meeting Location:**

McMinnville Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, OR 97128

**Zoom Online Meeting:**

<https://mcminnvilleoregon.zoom.us/j/86430461362?pwd=c0tJZzN6eFBXTkpFNh5a2p6ck5UZz09>

**Meeting ID:** 864 3046 1362, **Passcode:** 904774

The public may also join the Zoom meeting by phone by using the phone number and meeting ID below:

**Phone:** +1 253 215 8782, **Meeting ID:** 864 3046 1362

**PROCEDURE:**

For a consolidated application, the application is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The applications are reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance. The Planning Commission makes a recommendation to City Council and the City Council makes the final decision. However, if the recommendation/decision of the Planning Commission is denial, that is the final decision unless appealed to City Council.

**CRITERIA:**

The applicable criteria for a Planned Development Amendment are provided in Section 17.74.070 of the Zoning Ordinance. Applicable Goals and Policies of the Comprehensive Plan are also criteria for land use decisions.

**APPEAL:**

If the Planning Commission's decision is denial, then the Planning Commission's decision may be appealed to the City Council within 15 calendar days of the date the written notice of decision is mailed as specified in Section 17.72.180 of the Zoning Ordinance. Otherwise, the Planning Commission makes a recommendation to City Council, and the City Council's decision is appealable to LUBA as specified in Section 17.72.190. The City's final decision is subject to the 120-day processing timeline, including resolution of any local appeal.

**COMMENTS:**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department;

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Attachments :

Attachment 1 – Application and Attachments

Attachment 2- Ordinance 4688



Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas. Their comments are provided in Section IV 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 Planned Development Amendment (PDA 3-22), Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan (L6-22), and Partition (MP 1-22), **subject to the conditions of approval provided in Section II of this document.**

- ////////////////////////////////////
- **PDA 3-22 RECOMMENDATION: APPROVAL WITH CONDITIONS**
  - **LFW 1-22 RECOMMENDATION: APPROVAL WITH CONDITIONS**
  - **L 6-22 RECOMMENDATION: APPROVAL WITH CONDITIONS**
  - **MP 1-22 RECOMMENDATION: APPROVAL WITH CONDITIONS**
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Planning Commission: \_\_\_\_\_  
Sidonie Winfield, Chair of the McMinnville Planning Commission

Date: July 21, 2022

Planning Department:   
Heather Richards, Planning Director

Date: July 21, 2022

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### Attachments :

Attachment 1 – Application and Attachments  
Attachment 2- Ordinance 4688

## **I. APPLICATION SUMMARY:**

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

The subject property is located at the southwest corner of Booth Bend Road and Highway 99. **See Figure 1 for Vicinity Map & Aerial Photo and Figure 2 for Zoning Map.**

Four applications were submitted as part of this proposal, which are reviewed through a consolidated review process. The applications are: Planned Development Amendment (PDA 3-22), Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22).

The applications are submitted as part of a proposal to develop a new Burger King restaurant with a drive-through on the subject property.

The property is zoned C-3 PD, subject to the approved master plan for the Planned Development (PD) overlay approved as part of Zone Change ZC 15-98, Ordinance 4688, adopted January 26, 1999. **See Attachment 2.** The approved PD Master Plan is shown in **Figure 3.** Most of the property has since been divided and built-out, including Lowe's, Roby's Furniture, Hometown Dental, and the restaurant buildings on the north side of Booth Bend Road: Carl's Junior and Subway/Former Taco Del Mar). That development has occurred substantially as shown on the master plan with some differences in access locations and pad configurations.

The remaining area within the PD overlay that isn't built-out includes the subject property and the easterly portion of the Hometown Dental property south of this property. Frontage improvements have been constructed along the frontage of the subject property, including curb-tight sidewalk along Booth Bend Road and along the shared driveway. Sidewalks with a planter strip have been installed along Highway 99, but street trees haven't been planted.

### ***Planned Development Amendment (PDA 3-22)***

The applicant's requested amendments to the Planned Development are to the approved master plan, and no changes are proposed to the development provisions/conditions specified in ordinance 4688. The proposed amendments are to facilitate the applicant's site plan shown in **Figure 4.** *Note: The proposed site plan reflects some revisions to the preliminary site plan initially submitted by the applicant for a preapplication application, and a revision submitted following the application completeness review.* The preliminary plan submitted for preapplication didn't include the easterly driveway access to Booth Bend Road. The applicant revised the site plan upon resubmittal of application materials, and made revisions to sidewalk width and some other items such as easements following the initial completeness review.

The proposed changes to the Planned Development master plan are summarized as follows:

The original plan showed two pads C and D on a parcel that included the subject property. Part of that parcel indicated on the attached site plan was previously partitioned off with a building pad - Pad D (Hometown Dental).

This proposal would partition the balance of the remaining parcel into two additional parcels and amend the site plan to allocate the previously identified Pad C into two new pads allocated between the two new parcels. Parcel 1 would have a 1,937 sf fast food restaurant with drive-through configured as shown on the site plan, and Parcel 2 would have a ~5,500 sf building pad. This is shown generically, and is proposed to include an additional shared access.

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#### Attachments :

Attachment 1 – Application and Attachments

Attachment 2- Ordinance 4688

With the current site plan, the applicant would retain the easterly driveway approach to Booth Bend Road at the approximate location shown in the original master plan, but the building pad location and configuration for the Burger King would no longer allow for a north-south access from that driveway to the parcels to the south. The Burger King property would also continue to have shared access via the westerly private driveway which is shared with Lowe's and Roby's furniture. With the current site plan, the access of the shared driveway for the Burger King Parcel 1 and proposed Parcel 2 has been moved further south onto Parcel 2 rather than was shown on the original site plan, which helps avoid some traffic conflicts near the shared driveway intersection on Booth Bend Road and the northerly Lowe's access to that shared driveway.

Comments and conditions have been provided regarding the proposed easterly access. That access is proposed as a full left-in/left-out, right-in/right-out access. Due to the proximity to the signalized intersection and its location within an "IAMP" Interchange Area Management Plan, the applicant needs to provide queuing analysis, and the easterly driveway may be restricted to right-in/right-out access only.

The Planned Development Amendment would also authorize a total of five parcels south of Booth Bend Road to have access via an existing private shared access easement. All five parcels have public street frontage: Two parcels also have, or would have, direct access to Booth Bend Road: Lowe's has direct access to Booth Bend Road and access via this shared driveway, and proposal for Burger King would have direct access to Booth Bend Road and access via this shared driveway. Roby's Furniture and Hometown Dental rely on the shared driveway for access, and Parcel 2 of the proposed partition would also rely on the shared driveway for access. Hometown Dental was previously divided onto an additional separate parcel from what was shown on the PD master plan.

#### ***Large Format Commercial Review with Waivers (LFW 1-22)***

Chapter 17.56 of the Zoning Ordinance has design and development standards that apply to large format commercial structures over 25,000 square feet, additions that result in a combined building footprint exceeding 25,000 square feet, and buildings less than 25,000 square feet that share facilities such as driveways, parking, and pedestrian walkways with developments which are subject to the Chapter.

The proposed development is a fast-food restaurant of just under 2,000 square feet. It is subject to these standards since the site shares facilities with Lowe's and Roby's, each over 25,000 square feet.

The original Planned Development Ordinance 4688 contained conditions related to architectural design, but the Large Format commercial standards were subsequently adopted as Chapter 17.56 of the Zoning Ordinance in 2008. These standards provide that "where existing planned development provisions differ from the standards of this Chapter, the standards of this Chapter shall take precedence."

The application addresses the standards of this Chapter. The applicant initially requested a waiver to a standard for the minimum required width of the pedestrian connection. However, upon resubmittal following the completeness review letter, the applicant revised the proposal to meet the standards for the pedestrian connector. However, at that time, the applicant also requested waivers associated with architectural features.

The application doesn't explicitly state the waiver request, but a May 13, 2022 e-mail from the applicant describes the requested waivers consistent with the proposed architectural design submitted by the applicant.

- **Roof Features.** The standards call for cornices on parapets and overhanging cornices. In place of a cornice, the BK prototype building provides metal coping and an LED light band along the top of the building.

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Attachments :

Attachment 1 – Application and Attachments

Attachment 2- Ordinance 4688

- **Exterior Building Materials.** The standards call for 75% of the building to be brick, stone, rock, CMU, or other material approved by the Planning Director. The BK prototype building provides brick wainscoting, brick features, and vintage wood cedar Nichiha. The remainder of the building is EIFS

In the completeness review letter, staff notified that applicant that the initial application didn't address the criteria for a waiver in Section 17.56.040(D) of the Zoning Ordinance, and staff requested that the applicant address those criteria. The applicant's June 6, 2022 additional submittal/resubmittal doesn't address those criteria. As addressed in the findings, staff finds that the applicant hasn't met the burden of proof regarding the requested waivers. The first criterion for a waiver is:

"There is demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use of the site."

There is no indication that there is any demonstrable difficulty in completing with the standards that address exterior materials and/or roof features. Staff does not recommend approval of the waivers. The applicant has not met the burden of proof to demonstrate that the applicable criteria for a waiver are satisfied, and there is no indication that the criteria would be satisfied. Staff has recommended a condition requiring that the applicant submit revised building elevations for review by the Planning Director that comply with the required standards for roof features and exterior building materials. Staff has reviewed the proposal and found there are additional revisions needed to meet the Large Format Commercial standards which are addressed as conditions of approval and discussed in the findings.

### ***Landscape Plan (L 6-22)***

A landscape plan is required for commercial site development. The standards and criteria are provided in Chapter 17.57 of the Zoning Ordinance. In addition, the Large Format Commercial standards in Chapter 17.56 of the Zoning Ordinance include some more stringent standards for parking lot landscaping. Also, Chapter 17.61 includes standards for landscape screening of trash enclosures.

The landscape plan is generally in compliance with the applicable standards and criteria. Staff has recommended conditions of approval, including a condition to make a minor adjustment to the location of the trash enclosure to allow for the required landscape screening on three sides to achieve consistency with the applicable standards in Chapter 17.61.

Planned Development Ordinance 4688 also includes the following provisions:

That landscape plans for the commercial site shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to issuance of permits for any of the commercial buildings. At a minimum, 15 percent of the site shall be landscaped with emphasis placed along all street frontages, at major entrances to the commercial complex, within off-street parking lots, and at building perimeters. Final site and landscape plans should incorporate extensive streetside landscaping areas which facilitate meandering sidewalk(s) and street tree planting along both highway frontages (Highway 99W and the Highway 99W/Highway 18 Connector). A continuous evergreen screen shall be planted along the southern boundary of the site.

Sidewalks have already been installed along the frontage of the properties within the Planned Development overlay area, including the subject property. Curb-tight sidewalks are present along the frontage of Booth Bend Road and the private shared driveway, and a sidewalk with planter strip is present along the Highway 99 frontage.

The proposed landscape plan does provide a substantial amount of landscape area adjacent to Highway 99 and at the corner of Highway 99 and Booth Bend Road. Much of the easterly landscape

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area is lawn; however, shrubs are incorporated around the perimeter of the parking and drive-through area. The landscaping coverage of this lot is approximately 50%, exceeding the 7% commercial standard, the 10% large format commercial standard, and the 15% provision above which applies to the entirety of the PD overlay area.

### **Partition (MP 1-22)**

The proposed partition would create one additional parcel. It wouldn't create new streets, and would generally retain the existing shared access configuration, with an additional access easement for Parcels 1 and 2 to access the existing private driveway on the west side of southerly Parcel 2, providing addition separation from Booth Bend Road. The primary issue with the partition is provision if utilities through easements to be extended and shared by the proposed parcels.

### **Other**

**Sign Permits.** A sign permit application would be required prior to installation of any signage. The property will continue to be considered a "multi-tenant complex" for purposes of applying the sign regulations.

**Figure 1. Vicinity Map**



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Figure 2. Zoning Map

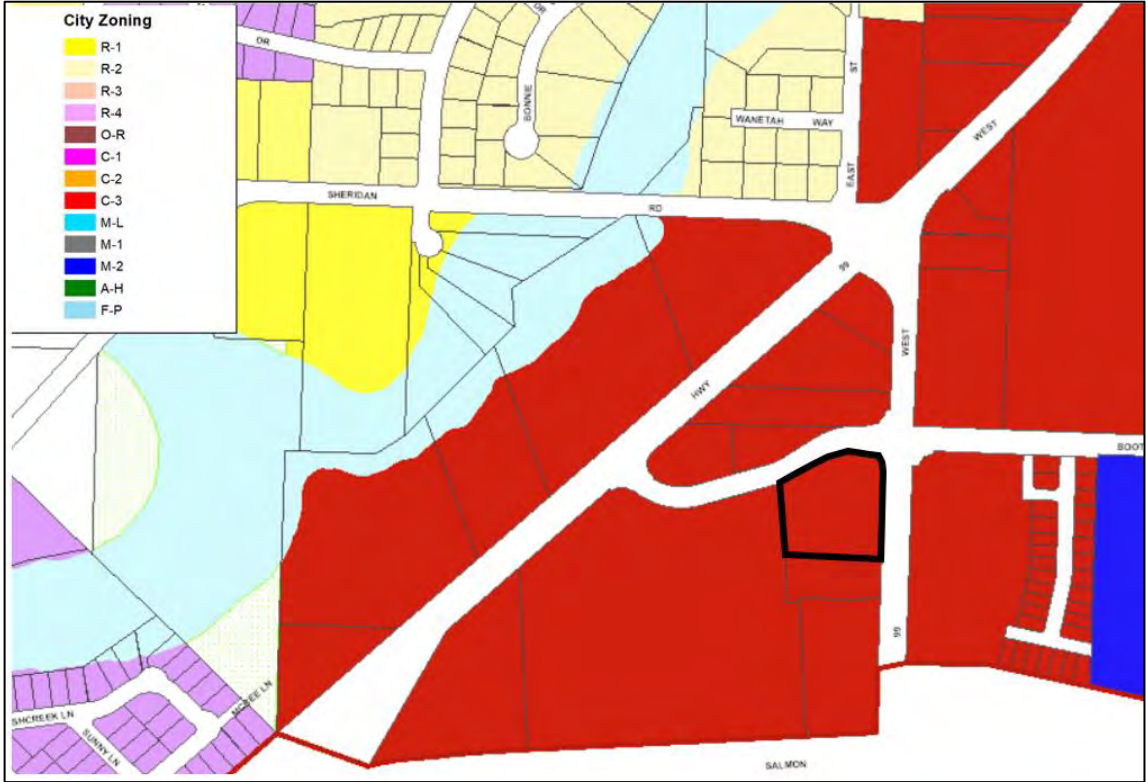


Figure 3. Approved PD Master Plan, Ordinance 4688

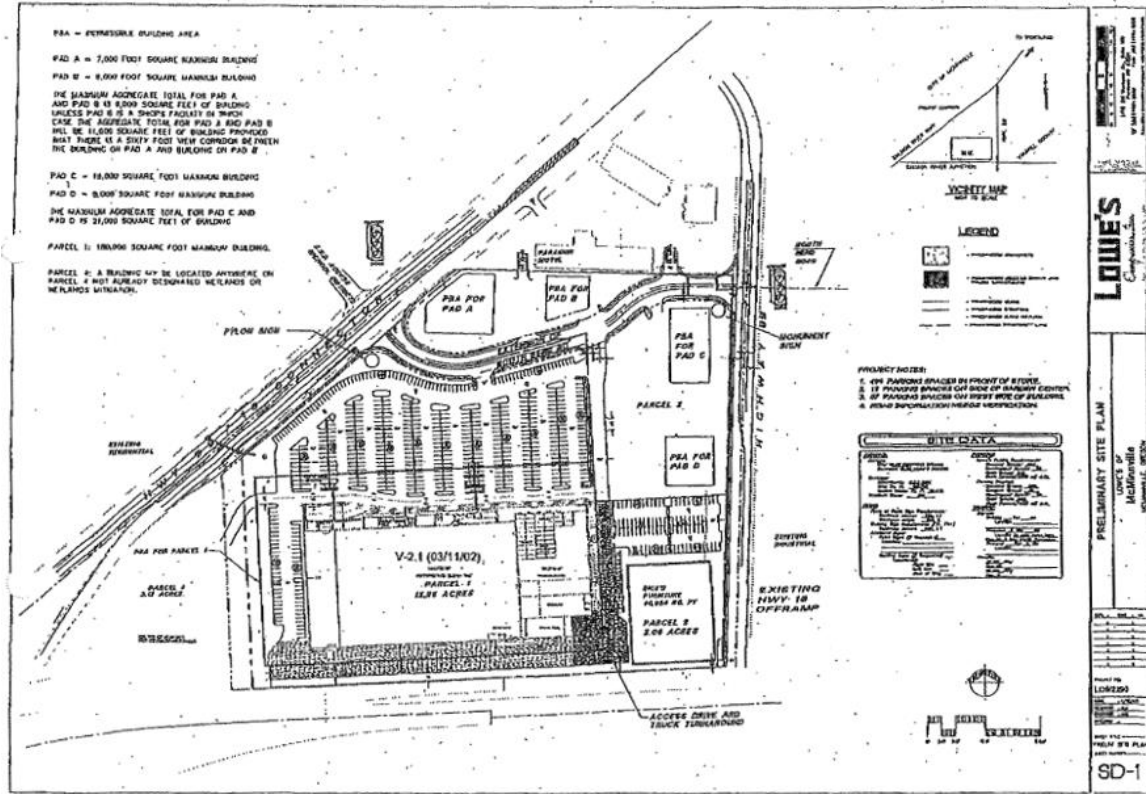


Figure 4. Existing Conditions and Applicant’s Proposed Site Plan/Amendment to Master Plan

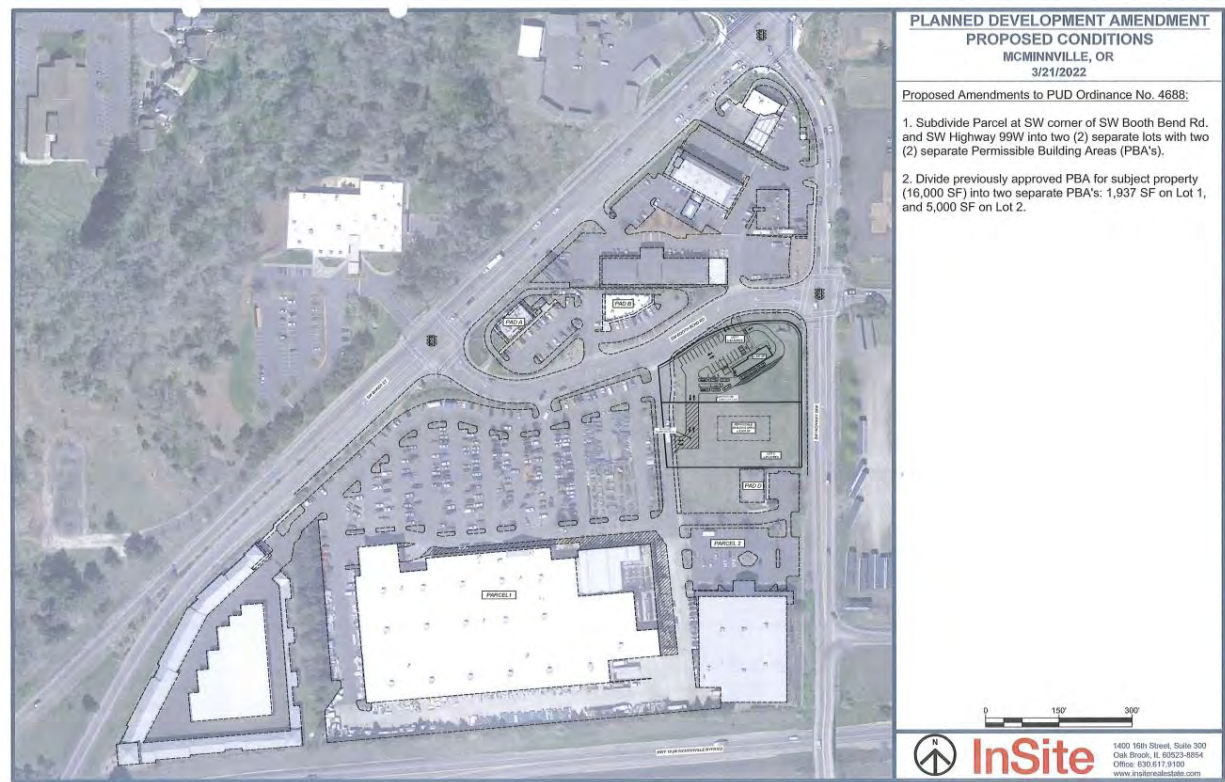
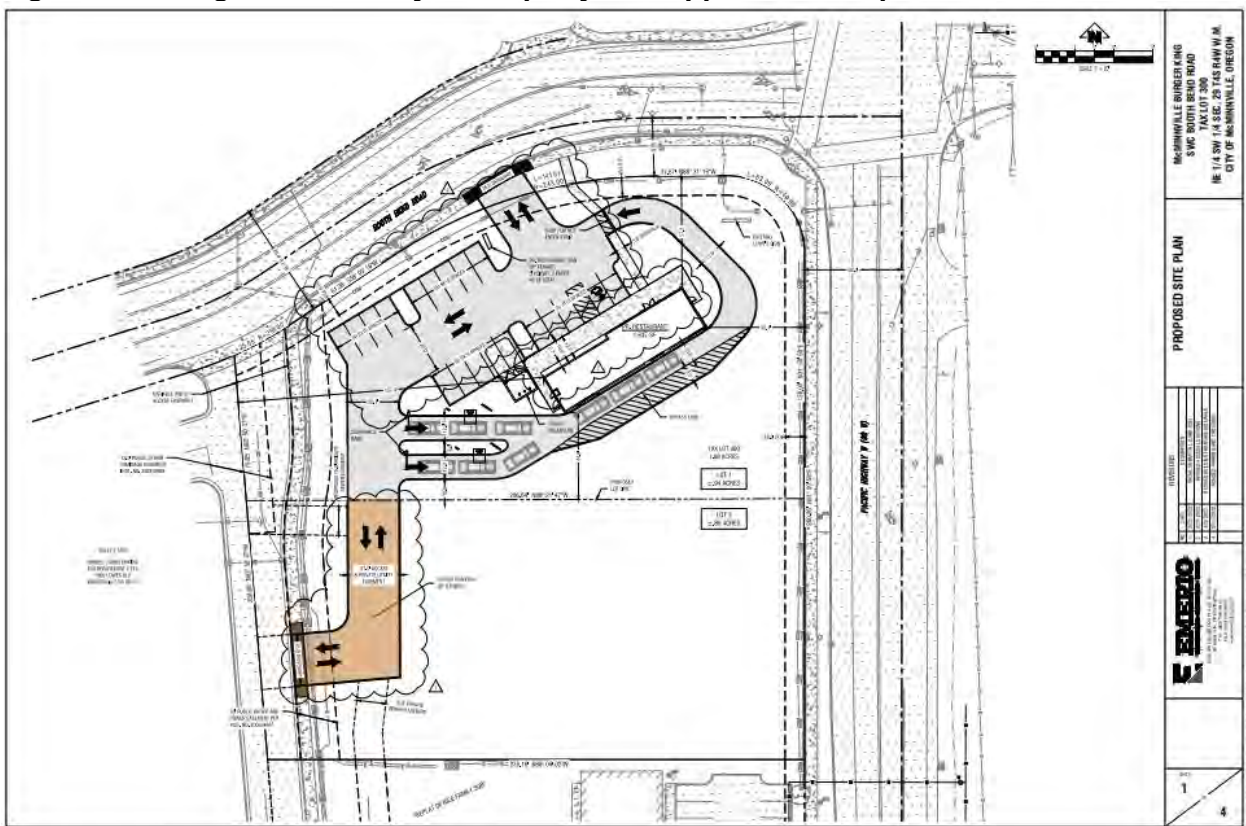


Figure 5. Enlargement of Subject Property and Applicant’s Proposed Site Plan



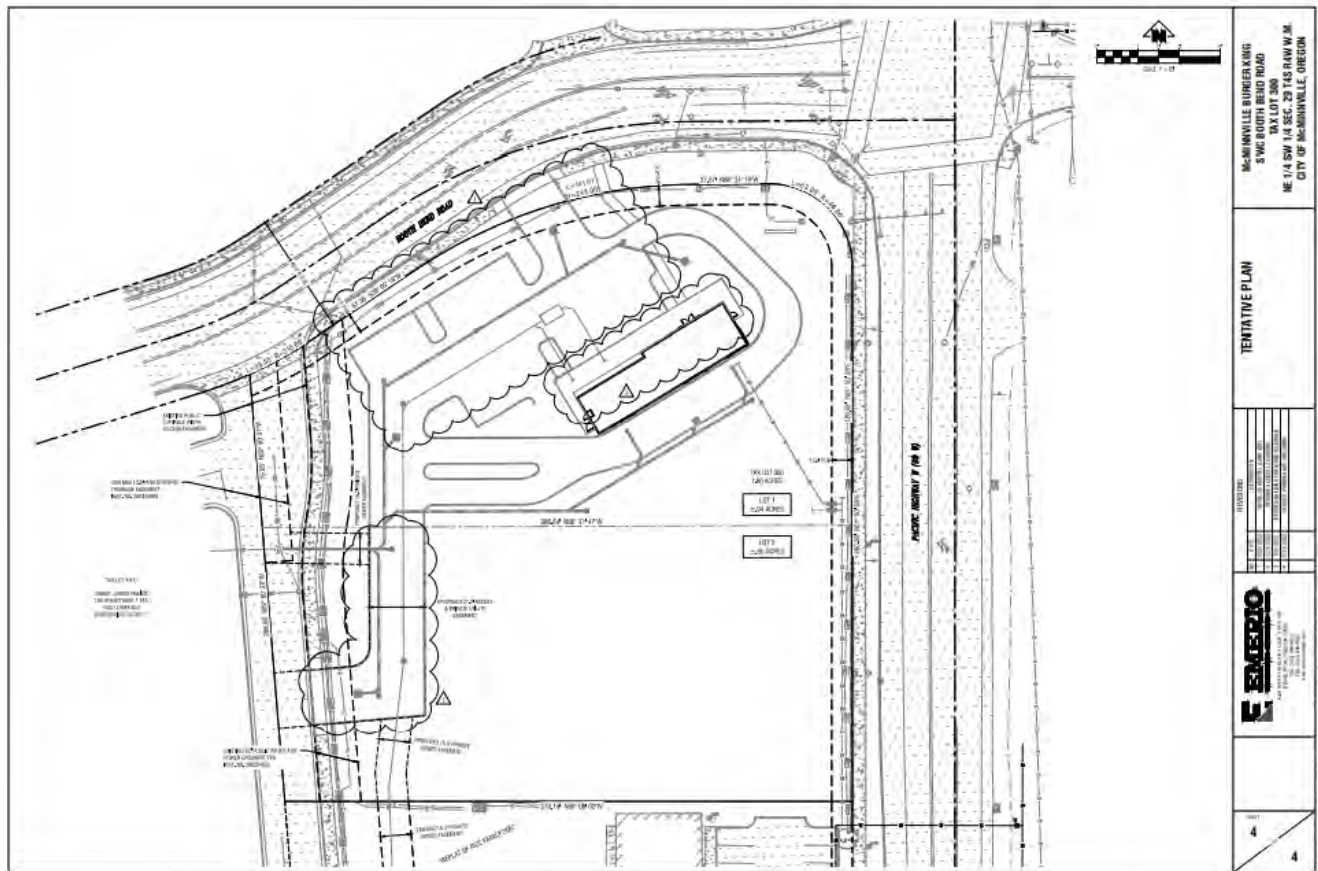
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**Figure 8. Proposed Tentative Partition Plan****Public Comments**

No public comments have been received as of July 14, 2022.

**Agency Comments**

Notice of the proposal was sent to affected agencies and departments. Comments received from agencies are provided in Section IV of this Decision Document.

**II. CONDITIONS:**

The applications are **approved subject to the following conditions:**

**Conditions Common to All Applications (PDA 3-22, LFW 1-22, 6-22, MP 1-22)**

The following conditions are common to the approval of the plans for the combined applications: the amendment to the approved PD Master Plan, the Large Format Commercial Site Plan and Associated Landscape Plan, and the proposed access configuration and easements for the Partition:

1. The applicant shall provide additional information to address queuing issues, related to the proposed driveway location and requirements of the 2002 Interchange Area Management Plan.

The driveways shall be located to minimize turning-movement conflicts and be designed to accommodate truck turning movements.” The applicant must provide evidence that these

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requirements have been met. The memo provided by DKS Associates and dated December 27, 2021 does not address off-site vehicle queues or truck turning movements.

- a. For the purpose of documenting driveway volumes and potential queueing issues, the applicant shall include the full trip generation calculation including the gross AM and PM peak hour trips (as opposed to only the pass-by-adjusted and trip length-adjusted net PM peak hour trips on page 5 of the memo packet)
  - b. For a proper understanding of future queueing impact, a queueing analysis including the intersection of Hwy 99W/Booth Bend Rd is necessary
  - c. Without a queueing analysis, to be conservative for safety and operational purpose, the easterly site access at Booth Bend Road shall be limited to right-in, right-out only with one of the following two treatments options, with the determination of the option to be made by the City:
    - i. Solid double yellow centerline marking on Booth Bend Rd, and a non-traversable right-in right-out channelizing island (porkchop) at the site driveway
    - ii. Non-traversable median (raised curb) on Booth Bend Road extending from 99W intersection to past site driveway, "left-turn prohibited" signage at site driveway.
2. For the final revised plans required for the applications, sight distance at any new or modified access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.
  3. The approval of the Large Format Commercial Review, Landscape Plan, and Partition are valid for 12 months.

### **General Conditions**

1. No sign shall be installed without first applying for applicable sign permits, building permits, and electrical permits. For purposes of applying the sign regulations, properties including any newly partitioned properties within the PD overlay which meet the definition of "multi-tenant complex" shall continue to be considered part of the "multi-tenant complex."
2. Prior to construction, developer to submit a Commercial Design Application to MWL with water and electric requirements.
3. A Line Extension Agreement may be required with McMinnville Water and Light for extension of electric facilities to the site.

### **PDA 3-22 Conditions of Approval and Amendments**

1. **Master Plan.** The Planned Development Amendment authorizes the amendment to the approved master plan (Ordinance 4688) for the subject property consistent with the proposed site plan, upon approval of revisions by the City as addressed in the conditions of approval herein.
2. **Standards.** The Planned Development Amendment authorizes the number of parcels to be served by the existing shared private driveway as proposed through the partition, subject to final approval of the master plan, utilities, and associated easements.

### **LFW 1-22 Conditions of Approval**

1. Approval of the site plan for LFW 1-22 is contingent on approval of the Planned Development Amendment PDA 3-22, and subject to compliance with the conditions and approval of the revisions herein.

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2. The applicant shall submit a revised site plan for review and approval by the Planning Director, addressing issues and incorporating the changes and conditions required in this decision document.
  - a. Consistent with Chapter 17.61, and 17.56.050(A)(3), the applicant shall provide a revised site adjusting the location of the trash enclosure further west to allow required landscape screening on the east side. The enclosure shall meet the applicable material and color requirements, and the site plan shall be revised to demonstrate “no parking” in front of the trash enclosure and associated “no parking” signage.
  - b. The applicant shall demonstrate the pedestrian access from Booth bend Road to the building entrance is 6-feet wide, provides a continuous accessible path, and provides a concrete surface or similar material where it crosses the drive-through exit lane.
  - c. The applicant shall provide two bicycle parking spaces (based on 10% of vehicular parking spaces provided).
3. The applicant shall submit revised building elevations for review and approval by the Planning Director, addressing issues and incorporating the changes and conditions required in this decision document, as follows:
  - a. Elevations demonstrating compliance with the Roof Feature standards in 17.56.050(B) and Exterior Building Material standards in 17.56.050(A)(6) of the Large Format Commercial design standards. The requested waivers to these standards are not approved.
  - b. Elevations demonstrating compliance with the Design Features of Subsection 17.56.050(A)(2). The elevations shall provide at least two of the design features along the majority of the main façade.
  - c. As part of the revised and updated elevations, the new exterior materials shall address the repeating elements of Subsection 17.56.050(A)(5) as discussed in the findings.
4. The applicant shall submit a lighting plan that demonstrates compliance with this requirement. Freestanding lighting shall have cut-off shielding to prevent glare off-site except on adjacent pedestrian facilities. Illumination levels shall meet but not exceed required level of illumination. Wall-mounted lighting shall not shine out onto the parking lot without use of cut-off shielding that prevents glare onto the adjacent roadways.
5. The site plan shall be consistent with, and incorporate all requirements for access, utilities, and easements included in the conditions for the Partition MA 1-22.
6. This approval is valid for 12 months.

#### **L 6-22 Conditions of Approval**

1. Approval of the landscape plan, as configured, is contingent on approval of the proposed master plan amendment for Planned Development Amendment PDA 3-22 and the associated site plan for LFW 1-22, as revised and approved.
2. The applicant shall submit a revised landscape plan consistent with the revised site plan for review and approval, incorporating any required revisions of the site plan. Required revisions include:
  - a. The trash enclosure shall be moved far enough to the west to allow sufficient area on the east side for the required landscape screening of the third side of the trash enclosure.
  - b. Landscaping shall be provided around three (3) sides of the required trash and recycling enclosure. Climbing vines and screening shrubs are appropriate, and plant material must be a minimum of three (3) feet in height at the time of planting.

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- c. Utility service to the parcel has not been designed. Final location of transformers and vaults may require modifications to the landscape plan.
3. The applicant shall install landscaping as shown on the revised, approved landscape plan and shall comply with required conditions of approval.
4. The applicant shall contact the appropriate utility-locate service (dial 811 or 800-332-2344) prior to any planting excavation to ensure that underground utilities are not damaged.
5. The applicant shall maintain proper clearances around the existing and future water and electrical services that will be located on the site. Landscaping shall not be placed within four (4) feet of fire hydrants, within four (4) feet of water valves, within four (4) feet of vaults, within three (3) feet of the back or side of a transformer, or within one (1) foot of water meters. Minor adjustments in plant placement from the locations shown on the approved landscape plan are allowed if relocation is necessary to meet minimum clearances.
6. The planting of street trees shall be subject to the design drawings and specification developed by the City in May 2014. The applicant shall provide root barrier protection in order to minimize sidewalk and tree root conflicts. The barrier shall be placed on the public 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, street trees shall be staked and provided with two (2) deep watering tubes to promote deep root growth per the specification.
7. The applicant is reminded that trees are not to be planted within:
  - a. Five (5) feet of a private driveway or alley;
  - b. Ten (10) feet of a fire hydrant, transformer, power or water vault, water meter box, utility pole, sanitary sewer, storm or water line; or
  - c. Twenty (20) feet of street light standards or street intersections.
8. All street trees shall be a minimum of two (2) inches in caliper measured at six (6) inches above grade. All trees shall be healthy grown nursery stock with a single straight trunk, a well-developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
9. The applicant shall schedule an inspection with the McMinnville Public Works Superintendent of the installed root barrier and water tubes prior to any street tree planting. Trees intended for planting shall be on-site and available for inspection. The applicant shall contact the McMinnville Public Works Superintendent, at (503) 434-7316 to schedule a planting inspection prior to backfilling.
10. All approved landscaping and street trees shall be continually maintained, including necessary watering, weeding, pruning, and replacement, by the developer or property owner. Maintenance of the street trees shall be the continuing obligation of the abutting property owner.
11. As provided in Section 17.57.070(C), minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee.

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12. This approval is valid for 12 months.

### **MP 1-22 Conditions of Approval**

1. Approval of the Partition is contingent on approval of the Planned Development Amendment PDA 3-22, and consistent with any required revisions to address conditions of approval.
2. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Currently proposed lot 2, 0.86 acres does not have access to public sanitary or storm sewer.
3. The applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone.
4. The applicant shall apply for a right-of-way permit for the storm connection into the city storm main. Contact Matt Bernards 503-434-7312 [matthew.bernards@mcminnvilleoregon.gov](mailto:matthew.bernards@mcminnvilleoregon.gov).
5. For any work within the ODOT right-of-way, the applicant shall obtain any necessary permits from ODOT.
6. Prior to the City's approval of the final plat, the applicant shall reconstruct the site driveways and sidewalks in the right-of-way that conform to the public right-of-way accessibility guideline (PROWAG) standards. Only those sections that do not meet the PROWAG standards have to be reconstructed. Contact Matt Bernards at 503-474-5106 with any questions regarding the driveway/sidewalk improvements.
7. The final partition plat shall include easements for access, sanitary sewer, and storm water facilities, and landscaping as shown on the tentative partition plat. These easements shall be noted as private.
8. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements.
9. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
10. That two (2) copies of the final partition plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.
11. That this partition will not be considered a legal partition until such time that a copy of the recorded document is provided to the City of McMinnville's Planning Department.
12. That approval of this tentative plat will expire 12 (twelve) months after the effective date of decision. If the final plat has not been submitted prior to expiration of the tentative plat, or a written request for an extension of this approval has not been submitted and approved within

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that same period, the applicant must resubmit a tentative plat for further consideration and comply with regulations and conditions applicable at that time.

### **III. ATTACHMENTS:**

1. PDA 3-22 Application and Attachments (on file with the Planning Department)
2. Planned Development Ordinance 4688

### **IV. COMMENTS:**

#### ***Agency Comments***

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

- **ODOT**  
These comments are for the proposed Burger King at the SW corner of Booth Bend and OR-99W:
  - It doesn't appear that any work is proposed in the ODOT right-of-way. If that changes, the applicant will need a permit from ODOT.
  - The proposed driveway on Booth Bend Road is a city decision, but the city should consult the [OR-18/OR-99W Interchange Access Management Plan](#) that was adopted in 2002. Figure 7-4 and the text on page 68 show and describe access on Booth Bend Road. Up to three driveways are allowed on the south side of Booth Bend Road, but it specifies that "vehicle queues at the traffic signals...do not spill back beyond the driveways." Please verify compliance.
- **McMinnville Engineering Department**  
Here are our comments and suggested conditions of approval regarding the above listed applications:

### **PDA 3-22, MP 1-22 COMMENTS:**

#### **TRANSPORTATION**

1. Per the Highway 18/99W South Interchange Access Management Plan dated November 12, 2002, and prepared by Kittelson and Associates "Between the HWY 18 Connector and HWY 99W, the Booth Bend Road Extension will include up to three driveways on the north side and three driveways on the south side to serve future private development. The driveways shall be located to ensure that adequate storage is available for vehicle queues at the traffic signals and that queues do not spill back beyond the driveways. The driveways shall be located to minimize turning-movement conflicts and be designed to accommodate truck turning movements." The applicant must provide evidence that these requirements have been met. The memo provided by DKS Associates and dated December 27, 2021 does not address off-site vehicle queues or truck turning movements.

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2. Prior to the City's approval of the final plat, the applicant shall reconstruct the site driveway and sidewalk in the right-of-way that conform to the public right-of-way accessibility guideline (PROWAG) standards. Only those sections that do not meet the PROWAG standards have to be reconstructed. Contact Matt Bernards at (503) 434-7312 with any questions regarding the driveway/sidewalk improvements.

### SANITARY SEWER

Suggested conditions of approval related to sanitary sewer service include:

1. The applicant shall submit to the City Engineer, for review and approval, a utility plan for the subject site. At a minimum, this plan shall indicate the manner in which separate sanitary sewer, storm sewer, and water services will be provided to each of the proposed lots. Currently proposed lot 2, 0.86 acres does not have access to public sanitary or storm sewer.

### STORM DRAINAGE

Suggested conditions of approval related to storm drainage include:

1. The applicant will apply for a right-of-way permit for the storm connection into the city storm main. Contact Matt Bernards 503-434-7312, [matthew.bernards@mcminnvilleoregon.gov](mailto:matthew.bernards@mcminnvilleoregon.gov).

### MISCELLANEOUS

Additional suggested conditions of approval include:

1. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements.
  2. The final partition plat shall include easements for access, sanitary sewer, and storm water facilities as shown on the tentative partition plat. These easements shall be noted as private.
  3. The applicant shall secure from the Oregon Department of Environmental Quality (DEQ) any applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
  4. That the applicant shall submit a draft copy of the partition plat to the City Engineer for review and comment which shall include any necessary cross easements for access to serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone.
- McMinnville Fire Department  
The Fire Department has no issues with this proposed development. Note: building must be built to meet all current Fire Codes, access and water supply.
  - McMinnville Water & Light  
McMinnville Water & Light has the following comments:
    1. Landscape Plan: Utility service to the parcel has not been designed. Final location of transformers and vaults may require modifications to the landscape plan.
    2. Prior to construction, developer to submit a Commercial Design Application to MWL with water and electric requirements.

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3. A Line Extension Agreement may be required for extension of electric facilities to the site.

- Recology  
No concerns as proposed.
- Comcast  
After review, Comcast has no comment on this project.

### **Public Comments**

No public comments have been received as of July 14, 2022.

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

1. The applicant mailed notice of a neighborhood meeting dated September 30, 2021 and held a neighborhood meeting on October 23, 2021.
2. The applicant submitted the applications with payment made on March 28, 2022.
3. The applications were deemed incomplete on April 25, 2022. The applicant submitted additional information on June 6, 2022. The applications were deemed complete on June 29, 2022.
4. On July 1, 2022, notice of the applications 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, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Frontier Communications; Comcast; Recology; Oregon Department of State Lands; and Northwest Natural Gas.

Comments received from agencies are addressed in Section IV of this Decision Document.

5. On June 30, 2022, notice of the applications and the July 21, 2022 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
6. Notice of the application and the July 21, 2022 Planning Commission public hearing was published in the News Register on Friday, July 15, 2022, in accordance with Section 17.72.120 of the Zoning Ordinance.
7. On July 21, 2022, the Planning Commission held a duly noticed public hearing to consider the applications.

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

1. **Location:**
  - a. Address: SW Corner of Booth Bend Rd and Hwy 99
  - b. Map & Tax Lot: R4429CA 00300
2. **Size:** Approximately 1.8 acres

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- Booth Bend Road is a Local Access Street. Highway 99 and Highway 18 are Major Arterials. Highway 99 is a Regional Highway, and Highway 18 is a Regional Highway on the west side and a State Highway on the south side.

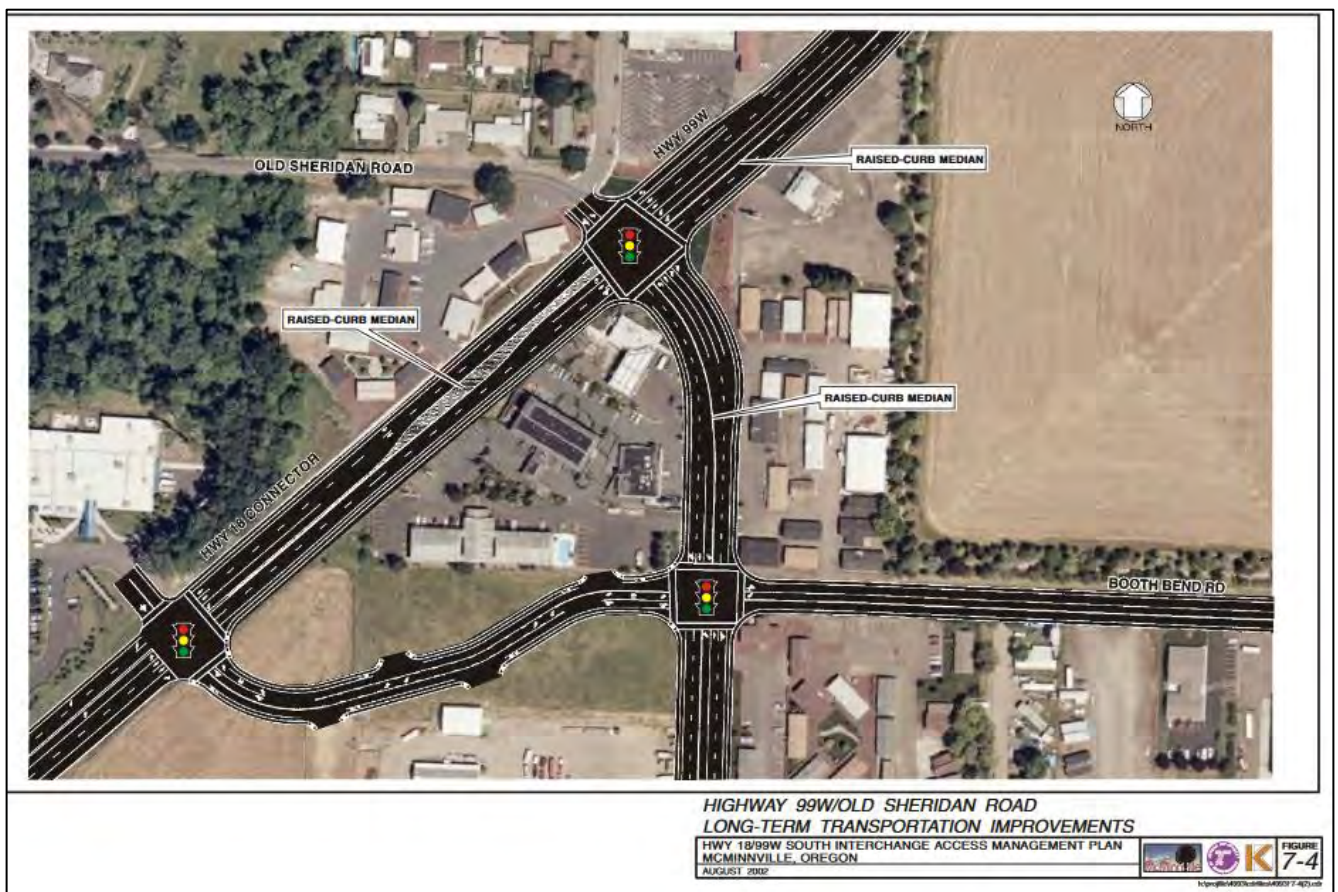
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The frontage of the subject property and the other properties within the PD Overlay are improved with curb, gutter, and sidewalk. Curb-tight sidewalk is present along Booth Bend Road and along the east side of the shared private driveway. Sidewalk with a planter strip is present along the frontage of Highway 99.

This area is included within an “IAMP” (Interchange Area Management Plan) adopted in 2002. The plan restricts access to the adjacent highways and establishes limits for access onto Booth Bend Road.

The IAMP authorizes three accesses to the south side of Booth Bend Road, and the prior Planned Development showed an access point at the approximate location proposed by the applicant.

The IAMP calls for a medium- to long- term improvement to Highway 99 for widening to five lanes. This is not a City project, and the City’s SDCs do not include finding of this project.



ODOT provided the following comments regarding access:

- It doesn't appear that any work is proposed in the ODOT right-of-way. If that changes, the applicant will need a permit from ODOT.
- The proposed driveway on Booth Bend Road is a city decision, but the city should consult the [OR-18/OR-99W Interchange Access Management Plan](#) that was adopted in 2002. Figure 7-4 and the text on page 68 show and describe access on Booth Bend Road. Up to three driveways are allowed on the south side of Booth Bend Road, but it

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specifies that “vehicle queues at the traffic signals...do not spill back beyond the driveways.” Please verify compliance.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria and standards for the application.

### **McMinnville Zoning Ordinance**

The following Sections of Title 17, Zoning Ordinance, of the McMinnville Municipal Code provide criteria and standards applicable to the requests:

#### **Planned Development Amendment PDA 3-22**

The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance. Development standards for the C-3 Zone are provided in Chapter 17.33 of the Zoning Ordinance.

17.74.070 Planned Development Amendment - Review Criteria. *An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:*

- *An increase in the amount of land within the subject site;*
- *An increase in density including the number of housing units;*
- *A reduction in the amount of open space; or*
- *Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.*

**APPLICANT’S RESPONSE:** No response

**FINDING: SATISFIED/APPLICABLE.** The proposed amendment is a major amendment due to changes to the vehicular system which results on changes to shared driveways, parking areas, and access. Therefore, the application is processed in accordance with 17.72.120, with the Planning Commission making a recommendation to City Council.

*An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:*

- A. *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;*

**APPLICANT’S RESPONSE:** The physical building layout and architectural design are in conformance with the conditions and objectives described in the approved PD Ordinance. The proposed Permissible Building Area (PBA) as shown on the PD Site Plan, is proposed to be divided into two (2) separate PBA’s (1,937 SF and 5,500 SF), the combination of which (7,437 SF) will still be less than the previously approved PBA for a single building (16,000 SF). In addition, the existing lot (+/- 1.80 acres) is proposed to be subdivided into two (2) lots (Parcel 1 = 40,898 SF (0.94 acres); Parcel 2 = 37,659 SF (0.86 acres)), one for each PBA. The northern of the two subdivided lots will be the subject property for development of the 1,937 SF fast-food restaurant.

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The original plan showed two pads C and D on a parcel that included the subject property. Part of that parcel indicated on the attached site plan was previously partitioned off with a building pad - Pad D (Hometown Dental). This proposal would partition the balance of the remaining parcel into two additional parcels and amend the site plan to allocate the previously identified Pad C into two new pads allocated between the two new parcels. Parcel 1 would have a 1,937 sf fast food restaurant with drive-through configured as shown on the site plan, and Parcel 2 would have a ~5,500 sf building pad. This is shown generically, and is proposed to include an additional shared access.

**FINDING: SATISFIED WITH CONDITIONS.** The proposal is predominantly a revision to the approved Planned Development master plan, and not predominantly a departure from applicable standards. The plan would include a departure from standards for the partition for an additional parcel to use the shared driveway. This wouldn't dramatically change the existing shared access configuration from the master plan.

- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;*

**APPLICANT'S RESPONSE:** The proposed development is consistent with the Comprehensive Plan in that the area is contemplated to be developed as commercial property.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed amendments remain consistent with the intent of the Comprehensive Plan and the original Planned Development approval, retaining a master planned commercial center that includes shared access and circulation features predominantly in the same configuration as the original master plan as it has built-out with some adjustments over the years.

The provisions for shared access remain suitable to allow for reasonable access and circulation to the remaining undeveloped areas of the original PD on the subject parcel and to the south. The coordinated access and circulation are also suitable for the additional number of parcels utilizing shared access facilities that would result from the partition. The shared private access as previously approved and constructed remains suitable for this property given the access control limitations and associated lack of further opportunity for public street connectivity.

As conditions of approval, the applicant shall submit information for review and approval regarding queuing, which may require the easternmost driveway to be limited to right-in right-out only, and the applicant shall provide information from a registered engineer addressing sight distance.

- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;*

**APPLICANT'S RESPONSE:** The proposed driveway access shown on the Site Plan is matching the previously approved PD Site Plan.

**FINDING: SATISFIED WITH CONDITIONS.**

#### **Access**

The applicant's preliminary proposal which was discussed at a pre-application didn't include the easternmost driveway and included an access point to the shared driveway

further to the north almost across from the Lowe's parking lot drive aisle near the intersection of Booth Bend Road.

The applicant's final application submittal has a new easterly driveway at the approximate location of the driveway shown in the approved PD master plan. It also includes a shared access point with the proposed Parcels 1 and 2 to the shared driveway which is farther south than the preliminary proposal, reducing conflicts near the intersection of the private shared driveway and Booth Bend Road.

As a condition of approval, the applicant will need to address queuing and may be required to restrict left-turn movements from Booth Bend Road into the easterly driveway, so the easterly driveway will be right-in/right-out only. The applicant hasn't provided queuing analysis and hasn't demonstrated adequate distance for deceleration and queuing as it relates to the east-bound left-turn lane from Booth Bend Road onto Highway 99 at the signalized intersection of Booth Bend Rd and Highway 99.

As a condition of approval, the applicant shall also provide information from a registered engineer addressing sight distance for review and approval.

### **Services**

Comments have been provided from the Engineering Department and McMinnville Water and Light regarding provision of utility services. Those have been incorporated as conditions of approval. This criterion is met as it relates to provision of services subject to conditions of approval. The plans require provision of some services via easements from adjoining parcels within the Planned Development overlay area.

- D. The plan can be completed within a reasonable period of time;*

**APPLICANT'S RESPONSE:** The intent is to start construction as soon as possible with an estimated 6-month construction schedule, not including weather delays.

**FINDING: SATISFIED.** The applicant has demonstrated they would be able to proceed with construction this year. There is no current proposal to develop proposed Parcel 2.

- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;*

**APPLICANT'S RESPONSE:** Please refer to the Trip Generation Memo prepared by DKS Associates.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant has provided information from a traffic engineering addressing traffic generation, which is predominantly pass-by trips during the pm peak hour period.

Specific issues identified by staff to be addressed through conditions of approval are related to the specific access configuration proposed by the applicant relative to the traffic generation. As a condition of approval, the applicant will need provide information regarding queuing and may be required to limit access to the easterly driveway to right-in/right-out to avoid conflicts with the left-turn lane at the signalized intersection and to address queuing beyond the driveway.

The applicant has also proposed an access easement across proposed Parcel 2 to provide access from proposed Parcel 1 to the shared private driveway to south of the proposed

property line. This proposed access configuration and necessary easements are part of the proposal and conditions.

- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*

**APPLICANT'S RESPONSE:** Per conversations with the City during the Pre-Application Meeting, and then further verified by a licensed land surveyor, there are adequate utilities available at or near the property boundary.

**FINDING: SATISFIED WITH CONDITIONS.** No residential development or population density is served. Subject to conditions of approval regarding provision of utilities and easements, utility and drainage facilities will be adequate to serve the proposed commercial development.

- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

**APPLICANT'S RESPONSE:** The noise, air, and water pollutants are partially governed by local standard which the proposed development will comply with. Any pollutants will be minimized to the fullest extent practicable. Any potential impact will be consistent with other typical commercial development, which will not result in any adverse impacts to surrounding areas or the larger community.

**FINDING: SATISFIED.** The proposed Planned Development Amendment doesn't result in changes that would be significantly different regarding these issues when compared the current Planned Development approval.

### **Large Format Commercial Review with Waivers (LFW 1-22)**

#### **17.56.030. Applicability.**

- A. *The requirements of this Chapter shall apply to:*
1. *New commercial structures, the footprint of which exceeds 25,000 square feet of gross floor area;*
  2. *Additions to commercial structures that result in a combined total footprint exceeding 25,000 square feet of gross floor area, and that represent more than a 20 percent increase in building gross floor area. In those cases, the building's entire façade shall be brought into compliance with the standards of this chapter to the extent practicable.*
  3. *Buildings less than 25,000 square feet in size that share appurtenant facilities, such as driveways, parking and pedestrian walkways, with developments otherwise subject to the requirements of this chapter. Examples include restaurants, banks, gas stations and convenience stores constructed on building pads or separate lots located within a larger development site that is otherwise subject to the requirements of this chapter.*
- B. *Where existing planned development provisions differ from the standards of this Chapter, the standards of this Chapter shall take precedence.*

**APPLICANT'S RESPONSE:** No response.

**FINDING: SATISFIED/APPLICABLE.** The large format commercial standards apply to the subject development under Subsection (A)(3) since the proposed Burger King of ~2,000 square

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feet shares appurtenant facilities with Lowe's and Roby's Furniture, both larger than 25,000 square feet. Per Subsection (B), the Large Format Commercial Standards, adopted after the original Planned Development approval, take precedence.

**17.56.040(D)**

*A guideline or standard contained in this ordinance may be waived as a part of the design review process. If a waiver is requested, the applicant must explain in their application how the proposed design meets or exceeds the guidelines and standards of this chapter. A request for a waiver shall be reviewed by the Planning Director and notification shall be provided as set forth in Section 17.72.110. The Director shall base a decision to approve, approve with conditions, or deny a waiver request based on the following criteria:*

- 1. There is a demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use(s) of the site;*
- 2. There is demonstrable evidence that the alternative design shall accomplish the purpose of this chapter in a manner that is equal to or superior to a project designed consistent with the guidelines standards contained herein; and,*
- 3. The waiver requested is the minimum necessary to alleviate the difficulty of meeting the requirements of this chapter.*
- 4. Notification of the Director's decision shall be provided as set forth in Section 17.72.150. A copy of the Director's letter shall be provided to the Building Official.*
- 5. An appeal of a decision by the Planning Director may be made subject to the provisions of Section 17.72.170. (Ord. 4920, §4, 2010)*

**APPLICANT'S RESPONSE:** No response. *[Note: The applicant referenced the requested waivers under the responses regarding the applicable standards, but did not address the waiver criteria].*

**FINDING: NOT SATISFIED.** In the April 25, 2022 Completeness Review Letter, staff provided the following comment:

**LFW 1-22.**

The criteria for a waiver are provided in Section 17.56.040(D) of the Zoning Ordinance. The application doesn't address the applicable criteria. Please address these criteria.

The applicant initially requested a waiver to a standard for the minimum required width of the pedestrian connection. However, upon resubmittal following the April 25 completeness review letter, the applicant revised the proposal to meet the standards for the pedestrian connector. However, at that time, the applicant also requested waivers associated with architectural features.

The application doesn't explicitly state the waiver request, but a May 13, 2022 e-mail from the applicant describes the requested waivers consistent with the proposed architectural design submitted by the applicant.

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- **Roof Features.** The standards call for cornices on parapets and overhanging cornices. In place of a cornice, the BK prototype building provides metal coping and an LED light band along the top of the building.
- **Exterior Building Materials.** The standards call for 75% of the building to be brick, stone, rock, CMU, or other material approved by the Planning Director. The BK prototype building provides brick wainscotting, brick features, and vintage wood cedar Nichiha. The remainder of the building is EIFS

The application doesn't address the waiver criteria, and the applicant hasn't met the burden of proof that the criteria are met for the requested waivers.

Further, there is no evidence to indicate that Criterion 1 could be satisfied: "There is a demonstrable difficulty in meeting the specific requirement(s) of this chapter due to a unique or unusual aspect of the site, an existing structure, or the proposed use(s) of the site."

There is no identified unique or unusual aspect of the site, existing structure, or proposed use of the site that would create demonstrable difficulty in complying the standards for roof features or exterior building materials.

Therefore, the requested waivers are not approved, and as a condition of the Large Format Commercial Review, the applicant shall submit revised plans and elevations for review and approval that demonstrate compliance with the standards for Roof Features and Exterior Building Materials.

#### 17.56.050. Development Standards.

*Large-dimensional, plain, building facades are typically perceived as architecturally monotonous and do not reflect the existing or desired character of the McMinnville community. Toward reducing the visual scale of such buildings, McMinnville supports architectural designs that relate to both the pedestrian as well as to those traveling within adjacent rights-of-way.*

*To implement that vision, McMinnville requires that large commercial structures, as defined in this chapter, provide architectural features that "break up" or articulate the building's horizontal plane, and that provide visual interest. Examples of elements supportive to this design include, but are not limited to, the use of vertical columns, gables, a variety of compatible and complementary building materials, the provision of openings in the building façade, and landscaping, both around the perimeter and throughout the site.*

*This vision for development is addressed through the following four sections of this chapter identified as: Building facades; roof features; site design; and energy efficiency.*

- A. **Building Facades.** *Buildings shall have architectural features and patterns that provide visual interest relating to both the pedestrian as well as to those traveling within adjacent rights-of-way. The following elements shall be integral parts of the building fabric, and not superficially applied trim, graphics, or paint.*
  1. **Architectural Projections or Recesses.** *Features such as projections and recesses can create an interplay of sun and shadow along the façade and provide the building a sense of depth and substance. Additionally, projections and recesses can also provide strong visual focal points and are often used to emphasize specific aspects of the design such as an entry or adjacent plaza.*

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**Standard:** *Building facades shall include architectural projections and/or recesses incorporated into each exterior wall design. The proposed design shall be of such dimension to relate significantly to both the pedestrian as well as to those traveling within adjacent rights-of-way.*

**APPLICANT'S RESPONSE:** The proposed building elevations incorporate projections and recesses into the exterior wall design.

**FINDING: SATISFIED.** The proposal incorporates changes in the horizontal plane of the walls together with changes in materials in vertical height at the customer entrances on the front elevations and also at the location of the drive-through windows and front bay on the rear elevation

2. **Design Features.**

*Large structures that provide a combination of design features add visual interest to the building, and help it relate the pedestrian scale. Further, the provision of customer amenities such as covered walkways also help to create a more inviting atmosphere for the community at-large. In an effort to avoid the construction of large, architecturally plain commercial facilities, McMinnville encourages architectural variety and character in its building design and the provision of pedestrian amenities to create a more livable and enjoyable outdoor environment for the community.*

**Standard:** *Buildings shall include at least two design features along the majority of the main façade such as canopies, awnings, porticos, covered walkways, or transparent display windows.*

**APPLICANT'S RESPONSE:** The proposed building elevations include multiple of the standard design features listed, including canopies, covered walkways, and transparent display windows.

**FINDING: SATISFIED WITH CONDITIONS.** While these items are present on the customer entrance elevations, two of these features are not present along the majority of the façade. As a condition of approval, the applicant shall submit revised elevations demonstrating compliance with this standard.

3. **Loading Facilities.**

*To aid in mitigating negative visual impacts commonly associated with off-street loading facilities, such facilities shall be visually screened by either a wall designed to architecturally complement the building exterior, an evergreen vegetative screen, or a combination of these two options. Solid waste and recycling enclosures shall be designed as required by Chapter 17.61(Solid Waste and Recycling Enclosure Plan) of the McMinnville Zoning Ordinance.*

**APPLICANT'S RESPONSE:** There are no proposed designated loading facilities, so this standard is not applicable.

**FINDING: SATISFIED WITH CONDITIONS.** There is no loading dock. Service doors are located away from public right-of-way facing a landscaped area.

In order to comply with the requirements of Chapter 17.61, as conditions of approval, the applicant shall revise the site plan to adjust the location of the trash enclosure to provide sufficient area on the east side to provide the required landscape screening; the applicant shall demonstrate that the area in front of the trash enclosure is signed for "no parking" and verify adequate parking spaces with the revised site plan; and

the applicant shall provide information regarding the design of the trash enclosure, including material and color, to demonstrate compliance with Chapter 17.61.

4. Entrances.

*To provide architectural interest to the building and to provide meaningful focal point(s), the customer entrance(s) of each large commercial structure shall be clearly visible and architecturally prominent.*

**APPLICANT'S RESPONSE:** The proposed entrance to the building is a meaningful focal point, highlighted by Vintage Wood Cedar Nichiha as well as a clearly visible, architecturally prominent, canopy-mounted signage.

**FINDING: SATISFIED.** Each customer entrance is defined with a vertical and horizontal offset and change in material.

5. Repeating Elements.

*All building facades shall include a repeating pattern that includes at least three of the following four elements, one of which shall repeat horizontally:*

- a. *Color change*
- b. *Texture change*
- c. *Material change*
- d. *Architectural or structural bays provided through a change in plane of at least 12 inches in width, such as a reveal, projecting rib, or offset.*

**APPLICANT'S RESPONSE:** There are multiple examples of repeating elements shown on the proposed building elevations, including color changes, texture changes, material changes, and expansion joints.

**FINDING: SATISFIED WITH CONDITIONS.** To comply with the Exterior Building Materials standards, the applicant needs to submit revised elevations with 75% of exterior building materials meeting the requirement of Subsection 6 below. With that resubmittal, the applicant shall demonstrate compliance with the requirements for repeating element. For example, if EIFS is replaced with additional masonry, the reveal lines shall be replaced with a masonry belt course or similar features that meet the standards of this section.

6. Exterior Building Materials.

- a. *At least 75% of exterior building materials shall include:*
  - i. *Brick*
  - ii. *Rock*
  - iii. *Stone,*
  - iv. *Tile, and/or*
  - v. *Tinted and textured concrete masonry units*
  - vi. *Other materials as approved by the Planning Director*
- b. *Exterior building materials may include the following architectural and design elements as approved by the Planning Director; the applicant shall demonstrate compliance of the design guideline goals and standards of this chapter:*
  - i. *Smooth-faced concrete masonry units*
  - ii. *Metal siding*
  - iii. *Smooth-faced tilt-up concrete panels*
- c. *Exterior building materials shall not include:*
  - i. *T-111 siding*
  - ii. *Plain plywood, and*

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*iii. Sheet Pressboard*

**APPLICANT'S RESPONSE:** While the proposed exterior building materials shown on the building elevations submitted are not explicitly compliant with the City's LFCDS, the exterior building materials for the proposed building include brick wainscoting, since brick is one of the desired exterior building materials identified in the LFCDS. In addition to the brick wainscoting, there is Nichiha (vintage wood cedar style) parapets, while the remainder of the building is mostly comprised of stucco. The proposed building materials sufficiently accomplish the intent and objectives of this section of the LFCDS.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant didn't demonstrate the criteria were met for a waiver to this standard. As a condition of approval, the applicant shall submit revised elevations for review and approval that meet the requirements of Subsection (A)(6)(a) for the required materials for 75% of the façade.

7. *Multiple-Tenant Buildings.*

*When large commercial structures contain multiple tenants, each business that occupies less than 15,000 square feet of gross ground-floor area, and with separate exterior entrance(s), shall have transparent windows along at least 50 percent of the horizontal length of its storefront. The bottom of the ground floor windows shall be no more than three (3) feet above the adjacent exterior grade. These requirements are in addition to all other requirements of this Chapter.*

**APPLICANT'S RESPONSE:** No response.

**FINDING: NOT APPLICABLE.** The proposed building is not a multi-tenant building.

- B. *Roof Features.* *Rooftops and rooflines have the ability to define the skyline and become symbols of the building. Architectural variability in the roof design can enhance the character of the development and can add to its positive relationship to the neighborhood around it. McMinnville encourages roof designs that provide architectural variation and visual interest to complement the community at-large. Toward this end, roof features shall incorporate no less than two of the following features:*

- 1. Parapets with cornices;*
- 2. Overhanging eaves or cornices;*
- 3. Prominent portions of the roof design exhibiting slopes with a plane of between 4/12 (33 degrees) and 6/12 (45 degrees).*

**APPLICANT'S RESPONSE:** The proposed building elevation includes roof features consistent with the City's standards including parapets as described previously in this letter. In addition to the architecturally significant parapets, the proposed building includes a significant architectural feature in the form of metal coping and an LED Light Band around the full perimeter of the building. These specialty roof features sufficiently accomplish the intent and objectives of this section of the LFCDS and furthermore are considered essential to the proposed Tenant's branding.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant didn't demonstrate the criteria were met for a waiver to this standard. As a condition of approval, the applicant shall submit revised elevations for review and approval that meet the requirements of Subsection (6)(B) for a design that provides at least two of the required roof features.

C. Site Design.

1. Buffering.

*Where a property containing a large commercial structure(s) abuts land zoned for residential use, and no public street separates the residential-zoned land from the commercially zoned property, the proposed use shall provide screening in the form of sight-obscuring, evergreen plantings, shade trees, fences, walls, or combinations of plantings and screens. Where plant material is used, emphasis shall be placed on achieving an effective year-round vegetative screen as approved by the Landscape Review Committee. Chain-link fencing shall not be permitted.*

**APPLICANT'S RESPONSE:** Buffering is required when a Large Format Commercial Building is proposed adjacent to a residential use, however, that is not the case for the subject development, and as such, no vegetative screening of fencing is required.

**FINDING: NOT APPLICABLE.** All surrounding land is zoned C-3, and the property doesn't abut residential zoning or use at a common property line.

2. Pedestrian Walkways.

- a. *Continuous 10-foot-wide pedestrian walkways shall be provided along the full length of any building facade featuring a customer entrance, and along any other building facade abutting customer parking areas for the distance that the parking lot abuts the building.*
- b. *Continuous 10-foot-wide pedestrian walkways may be allowed to be separated from the building façade with planting beds for foundation landscaping except where features such as covered entrances, awnings or canopies are part of the building façade, wherein the walkway must abut the building façade. Such walkways shall include weather-protection features, such as awnings, within 30 feet of all customer entrances and connecting to the entrance(s).*
- c. *Continuous six-foot-wide pedestrian walkways shall be provided from the sidewalk along the adjacent public or private street(s) to the principal customer entrance(s) of all large commercial structures. These pedestrian walkways shall feature abutting landscaped areas of no less than five-feet in width for no less than 50 percent of the length from the building to the adjacent street.*
- d. *Pedestrian walkways shall be distinguished from driving surfaces through use of durable, low maintenance surface materials such as pavers, bricks, or scored or dyed concrete.*
- e. *Walkways within a site with multiple structures shall be located and aligned to directly and continuously connect all commercial buildings, and shall not be located and aligned solely based on the outline of a parking lot configuration. Walkways within parking lots shall be raised or enhanced with a paved surface not less than six (6) feet in width. Drive aisles leading to main entrances shall have walkways on each side of the drive aisle.*
- f. *Where it is necessary for the primary pedestrian access to cross drive aisles or other internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety. The material and layout of the pedestrian access shall be continuous as it crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way. The*

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*pedestrian crossings must be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas, or other design elements as may be approved.*

**APPLICANT'S RESPONSE:** The previously submitted Civil Engineering Plans have been revised to include an additional 3' of sidewalk width to comply with the Pedestrian Walkway Requirements of this chapter.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant shall submit a revised plan demonstrating the pedestrian access from Booth Bend Road is 6-feet wide, provides a continuous accessible path from the sidewalk on Booth Bend Road to the customer entrance, and provides a concrete surface or similar materials where it crosses the drive-through exit lane as required by this Subsection.

3. Parking.

*Parking spaces shall be provided at no more than 120 percent of the minimum required by Chapter 17.60 (Off-Street Parking and Loading). Additionally, all parking areas shall be designed in a manner that is attractive, easy to maintain, and minimizes the visual impact of off-street parking. Bicycle parking accommodations shall be provided as required by Chapter 17.60.140 (Off-Street Parking and Loading) of the McMinnville Zoning Ordinance.*

**APPLICANT'S RESPONSE:** The proposed development complies with the Parking Requirements of the LFCDS regarding parking count (no more than 120% minimum requirement). In addition parking lot and perimeter landscaping is provided in an attractive manner

**FINDING: SATISFIED WITH CONDITIONS.** Vehicular parking meets the requirement of this Subsection. As a condition of approval, the applicant shall submit a revised site plan showing 2 bicycle parking spaces as required by Chapter 17.60. (Bicycle parking shall be provided at a rate of 10% of vehicular spaces provided).

4. Parking Lot Landscaping.

- a. *All parking facilities shall include landscaping to equal not less than ten percent (10%) of the gross site area supporting the proposed commercial development; exclusive of building footprint(s).*
- b. *Landscaped peninsulas and islands shall be evenly distributed throughout all parking areas, and separated by no more than 60 feet, one from another. Such landscaped areas shall be provided with raised curbs, be a minimum of five feet in width, and shall each contain at least one deciduous tree. To achieve the maximum canopy coverage, all trees shall be non columnar in form or as may be approved by the Landscape Review Committee.*

**APPLICANT'S RESPONSE:** The previously submitted Civil Engineering Plans have been revised to include landscaped peninsulas as required within the LFCDS. The off-street parking now complies with the LFCDS.

**FINDING: SATISFIED WITH CONDITIONS.** The landscape plan demonstrates compliance with this requirement. The revised site plan and landscape plan required as a condition of approval to address other standards shall remain in compliance with this standard.

5. **Dark Skies Lighting.**

*Exterior lighting often creates a substantial amount of unintended sky-directed glare (sky glow). "Dark skies" lighting aims to protect the night sky from light pollution by use of partially and fully shielded lighting, and by more careful selection of lighting options for the application. These efforts help to ensure that the majority of the light reaches its intended target and reduces both vertical and lateral glare. Additionally, as energy prices increase, the city encourages the use of more efficient lighting.*

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

**APPLICANT'S RESPONSE:** A final photometrics plan will be submitted as part of final design for the City's review and approval and all parking lot lighting will be direct toward the site interior and away from property lines, to comply with the City's LFCDS.

**FINDING: SATISFIED WITH CONDITIONS.** The applicant shall submit a lighting plan that demonstrates compliance with this requirement. Freestanding lighting shall have cut-off shielding to prevent glare off-site except on adjacent pedestrian facilities. Illumination levels shall meet but not exceed required level of illumination. Wall-mounted lighting shall not shine out onto the parking lot without use of cut-off shielding that prevents glare onto the adjacent roadways.

**17.56.060 Energy Efficiency.** *Locally and nationally, energy costs have continued to rise as has the desire to lessen the volume and severity of pollutants released into the environment. McMinnville supports the vision of local sustainability and endorses the utilization of proven and innovative energy efficient design and construction technologies to reduce building heat-gain, lower energy consumption and lessen pollutant output such as:*

- A. Energy-efficient windows*
- B. LEED level construction*
- C. White reflective cool-roof technology to reduce heat absorption*
- D. Use of other energy-efficient technologies as approved through the review process outlined in this chapter.*

**APPLICANT'S RESPONSE:** To comply with the suggested energy efficiency measures listed in the LFCDS, the roof is proposed to be painted white, and the windows will be Low-E, so they are energy efficient.

**FINDING: SATISFIED.** The applicant's proposed addresses this standard.

**Landscape Plan (L 6-22)**

**17.57.050(C)**

*The landscaping plan shall be approved if it is found to be compatible with the purpose, intent, and requirements of this chapter.*

**17.57.010. Purpose and intent.** *The purpose and intent of this Chapter is to encourage and, where appropriate, require the use of landscape elements, particularly plant materials, in proposed developments in an organized and harmonious manner that will enhance, protect and promote the economic, ecological and aesthetic environment of McMinnville. Landscaping is considered by McMinnville to be an integral part of a complete comprehensive development plan. The City recognizes the value of landscaping in achieving the following objectives:*

- A. Provide guidelines and standards that will:*

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1. *Reduce soil erosion and the volume and rate of discharge of storm water runoff.*
2. *Aid in energy conservation by shading structures from energy losses caused by weather and wind.*
3. *Mitigate the loss of natural resources.*
4. *Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.*
5. *Create safe, attractively landscaped areas adjacent to public streets.*
6. *Require the planting of street trees along the City's rights-of-way.*
7. *Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.*
8. *Provide shade, and seasonal color.*
9. *Reduce glare, noise and heat.*
- B. *Promote compatibility between land uses by reducing the visual noise and lighting impacts of specific developments on users of the site and abutting properties.*
- C. *Unify development and enhance and define public and private places.*
- D. *Preserve existing mature trees.*
- E. *Enhance the urban forest and tree canopy.*
- F. *Encourage the use of plants native to the Willamette Valley to the maximum extent feasible, in order to reduce watering requirements and agricultural chemical applications, and to provide a sense of regional identity with plant communities unique to the area.*
- G. *Establish and enhance a pleasant visual character and structure to the built environment that is sensitive to safety and aesthetic issues.*
- H. *Support McMinnville as a community that cares about its appearance.*

*It is further recognized that landscaping increases property values, attracts potential residents and businesses to McMinnville, and creates safer, more pleasant living and working environments for all residents and visitors to the city.*

*The guidelines and standards contained in this chapter serve to help McMinnville realize the objectives noted above. These guidelines and standards are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed these in seeking more creative solutions both for the enhanced value of their land and for the collective health and enjoyment of all citizens of McMinnville. The landscaping provisions in Section 17.57.070 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. The landscaping objectives shall also seek to accomplish the purposes set forth in Section 17.03.020. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

**APPLICANT'S RESPONSE:** No response.

**FINDING: SATISFIED.** The proposed landscape plan demonstrates compliance with the purpose and intent of 17.57.010. There are no existing trees on site to be preserved.

17.57.070 Area Determination—Planning factors.

- A. *Landscaping shall be accomplished within the following ranges:*
  1. *...*
  2. *Commercial, at least seven percent of the gross area. This may be reduced to not less than five percent upon approval of the review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met.)*

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**APPLICANT'S RESPONSE:** N/A.

**FINDING: SATISFIED.** The landscape plan shows almost 50% of the site in landscaping. This meets the 7% commercial requirement, the 10% large format commercial requirement, and the Planned Development requirement or 15% of the total PD site as it applies to this property.

17.57.070 Area Determination—Planning factors.

*B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:*

- 1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.*
- 2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens.*
- 3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.*
- 4. The development and use of islands and plantings therein to break up parking areas.*
- 5. The use of suitable street trees in the development of new subdivisions, shopping centers and like developments. Certain trees shall be prohibited in parking areas: poplar, willow, fruit, nut, birch, conifer, and ailanthus.*
- 6. Suitable watering facilities or irrigation systems must be included in or near all planted areas;*

**APPLICANT'S RESPONSE:** The Landscape Plan has been revised to include irrigation scope, specifically to include the City's Standard Street Tree Detail.

**FINDING: SATISFIED WITH CONDITIONS.** The proposed landscape plan includes on-site landscaping and street trees. The street trees are selected from the approved street tree list, and the landscaping and trees are compatible with surrounding landscaping on the adjacent properties.

The landscape plan includes hedge/shrub screening of on-site vehicular areas such as the drive-through and perimeter of the parking lot. A condition of approval requires a minor adjustment to the location of the trash enclosure to allow screening on three sides.

There are no existing trees to be preserved on the site.

The proposed landscape plan includes landscape islands to break up parking areas. There are no more than five continuous parking spaces without a landscape island and no more than 60 feet between landscape islands per the Large Format Commercial standards.

Trees have been selected from the street tree list, and interior trees on the property are suitable species.

An automatic irrigation system is proposed.

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Attachments :

Attachment 1 – Application and Attachments

Attachment 2- Ordinance 4688

17.57.070 Area Determination—Planning factors.

C. All landscaping approved through the Landscape Review Committee shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement. Minor changes in the landscape plan, such as like-for-like replacement of plants, shall be allowed, as long as they do not alter the character and aesthetics of the original plan. It shall be the Planning Director's decision as to what constitutes a major or minor change. Major changes to the landscape plan shall be reviewed and approved by the Landscape Review Committee. (Ord. 5027 §2, 2017; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**APPLICANT'S RESPONSE:**

**FINDING: SATISFIED WITH CONDITIONS.** A condition of approval is included to ensure compliance with this requirement.

17.61.030 Guidelines and Standards (Trash Enclosure)

A. Any trash or recycling enclosure which is visible from the street must provide landscaping around three (3) sides of the structure. Climbing vines and screening shrubs or hedges are appropriate and landscaping must be a minimum of three-feet (3) in height at the time of planting.

...

C. Generally, the design of the structure should match the exterior surface of the building and can be constructed of masonry, wood or concrete blocks in combination with plant material capable of forming a complete evergreen hedge. The floor of the enclosure shall be a concrete holding pad which must extend eight-feet (8) beyond the gates.

...

G. Parking is prohibited in front of the enclosure and all parked vehicles must be located at a safe distance. A "No Parking" sign must be visibly placed on the gates of the enclosure.

**APPLICANT'S RESPONSE: N/A**

**FINDING: SATISFIED WITH CONDITIONS.** As a condition of approval, the applicant shall submit a revised site plan and information demonstrating compliance with these excerpted standards (as referenced and conditioned in the Large Format Commercial Review criteria and standards above).

**Partition MP (1-22)**Approval of Streets and Ways

17.53.100. Creation of Streets

17.53.101. Streets

17.53.103. Blocks

17.53.105. Lots

17.53.110. Lot Grading

Improvements

17.53.150. Improvement Procedures

17.53.153. Improvement Requirements

**APPLICANT'S RESPONSE: N/A**

**FINDING: SATISFIED WITH CONDITIONS.** No new streets are proposed. The proposal substantially retains the same internal circulation plan. The proposed PD amendment would

Attachments:

Attachment 1 – Application and Attachments

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authorize the partition with an additional parcel sharing the existing private driveway. Frontage improvements are existing, other than street trees.

Conditions of approval are included to address the requirements for the utility plan, access, easements, and maintenance agreements.

### **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 many of the goals, policies, and proposals as they apply to quasi-judicial land use applications 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 certain applications, and are not addressed below.

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

### **CHAPTER X: CITIZEN INVOLVEMENT AND PLAN AMENDMENT**

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

##### ***Policies***

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

#### **APPLICANT'S RESPONSE: N/A**

**FINDING: SATISFIED.** The proposal includes a proposed amendment to a Planned Development and master plan, which requires a Planning Commission recommendation and City Council decision. The Zoning Ordinance provides for a concurrent consolidated review process when there are multiple applications associated with a development proposal, using the procedure that provides the greatest opportunity for public involvement.

In addition, the procedures require the applicant to conduct a neighborhood meeting prior to submitting the application. The applicant conducted the required neighborhood meeting and provided the required documentation with the application.

TS

## **Planned Development Amendment Information & Submittal Requirements**



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

### **Overview**

A planned development is applied to property as a vehicle to encourage variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private open spaces. A planned development is not intended as a guise to circumvent the intent of the Zoning Ordinance. Once adopted and applied to a property, the planned development -- in concert with the Zoning Ordinance -- guides development within the subject property. The City recognizes that changes to the details of a planned development may be necessary on occasion due to circumstances that may be beyond the control of the property owner. This application is used to request such amendments.

An amendment to an existing planned development overlay may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Any text amendments or major changes to an adopted site plan must be approved by the Planning Commission. Major changes to an adopted site plan include the following:

- A. An increase in the amount of land within the subject site;
- B. An increase in density, including the number of housing units;
- C. A reduction in the amount of open space; or
- D. Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas, and access.

For further clarification as to what constitutes a major or minor amendment, you are encouraged to contact the Planning Department before submitting an application.

### **Application Submittal**

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

- ☒ A completed Planned Development Amendment application form. If additional explanation or materials would assist or support the request, include them with the application form.
- ☒ A site plan (drawn to scale, with a north direction arrow, legible, and of a reproducible size). The site plan should show existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; and significant features (slope, vegetation, adjacent development, drainage, etc.).
- ☒ A legal description of the subject site, preferably taken from the deed.

- ☒ A copy of the current planned development overlay ordinance.
- ☐ Compliance of Neighborhood Meeting Requirements.
- ☒ Payment of the applicable review fee.

## **Review Process**

Upon receipt of a complete application for a major change to an existing planned development, the Planning Department will schedule a date and time for the Planning Commission's public hearing on the request, and provide notification of the proposed amendment to property owners within 300 feet of the subject site. The Planning Commission's public hearing will follow the procedures as stated in Sections 17.72.120 (Applications – Public Hearings) and 17.72.130 (Public Hearing Process) of the Zoning Ordinance.

Approval of an amendment to an existing planned development requires that the applicant demonstrate that the following criteria, as stated in Section 17.74.070 (Planned Development Amendment – Review Criteria) of the Zoning Ordinance have been met:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to, and efficient provision of, services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

Following the close of the hearing, the Commission will vote to forward a recommendation to the City Council to approve the requested amendment, or approve it with a different form. If the Commission recommends the request be denied, no further proceedings shall be held, unless an appeal of the Commission's decision is filed, as stated in Section 17.72.180 (Appeal from Ruling of Planning Commission) of the Zoning Ordinance.

Upon receipt of the decision of the Planning Commission to recommend approved the Council shall:

- A. Based on the material in the record and the findings adopted by the Commission and transmitted to the City Council, adopt an ordinance effecting the proposed change, or;
- B. Call for a public hearing on the proposal subject to the notice requirements stated in Section 17.72.120(D-F) (Applications – Public Hearings) of the Zoning Ordinance.





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**Office Use Only:**

File No. PDA 3-22  
Date Received 3.29.2022  
Fee \$3093.50  
Receipt No. 205877  
Received by IS

569-22-000102-PLNG

## Planned Development Amendment Application

### Applicant Information

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

Applicant Name INSITE REAL ESTATE INVESTMENT PROPERTIES, L.L.C. Phone (630) 617-9124

Contact Name Andrew Johnson Phone (847) 287-9292  
(If different than above)

Address 1400 16th Street, Suite 300

City, State, Zip Oak Brook, Illinois 60523

Contact Email ajohnson@insiterealestate.com

### Property Owner Information

Property Owner Name Richard D. Rice Phone \_\_\_\_\_  
(If different than above)

Contact Name (Same As Above) Phone \_\_\_\_\_

Address 900 Hill Road, No. 339

City, State, Zip McMinnville, Oregon 97128

Contact Email \_\_\_\_\_

### Site Location and Description

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

Property Address Null

Assessor Map No. R4429CA00300 - Total Site Area 0.94 acres (after proposed subdivision, submitted under separate application. Existing Lot is 1.80 acres)

Subdivision Replat of Rice Family Subdivision Block N/A Lot 3 (Existing)

Comprehensive Plan Designation Commercial Zoning Designation C3

1. Show in detail how your request seeks to amend the existing planned development overlay. State the reason(s) for the request and the intended use(s) of the property: \_\_\_\_\_

The Planned Development (PD) that InSite is seeking to amend was approved via the City of McMinnville Ordinance No. 4688, which was approved on January 26 1999, and was previously amended by Ordinance No. 4924, approved on March 23, 2010. While the text portion of the PD Ordinance appears to have been amended by Ordinance No. 4924, the Preliminary Site Plan, included as Exhibit A in Ordinance No. 4688 does not appear to have been amended since it's original approval in 1999. The Site Plan is largely illegible and after coordinating with the City Planning Department, it seems that there is not a cleaner version available. The area in question is the Parcel (number is illegible) that contains the "Permissible Building Area" (PBA) for Pads C and D. Based on review of available GIS data and conversations with the City of McMinnville Planning Department, it appears that the subject parcel was previously subdivided into Lots 3 and 4 of the "Replat of Rice Family Subdivision," although the PD was not amended at that time. In addition, a dental office was constructed roughly in the area outlined as "PBA for Pad D," and the PD was similarly not amended to show the building area either. Now, InSite would like to further subdivide Lot 3 of the Replat of Rice Family Subdivision into two separate lots and develop a 1.937 SF fast-food restaurant on the area roughly identified as "PBA for Pad C" on Exhibit A. An amended PD Site Plan is included with this submittal showing the proposed subdivision line and proposed building area.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 (Volume II): \_\_\_\_\_

There are four (4) goals identified in Chapter IV (Economy of McMinnville) contained in the Comprehensive Plan that are applicable to the proposed development. Below is a summary of those goals and how the proposed development is in compliance with those goals:

**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."**

The proposed development will enhance the general well-being of the community by creating new employment opportunities. In addition to new employment opportunities, a new place of business will help grow the McMinnville economy.

**Goal IV 2: "To encourage the continued growth of McMinnville as the commercial center of Yamhill County in order to provide the employment of opportunities, goods, and services for the City and County residents."**

The proposed development is located near the southern boundary of McMinnville close to two major roads, which will allow travelers through Yamhill County to patron the commercial development in McMinnville, and even encourage patrons to utilize other nearby commercial developments.

**Goal IV 3: "To ensure commercial development that maximizes efficiency of land use through utilization of existing commercially designated lands, through appropriately locating future commercial lands, and discouraging strip development."**

The proposed development is located on property that is currently zoned commercially and is not a part of a strip development.

**Goal IV 4: "To promote the downtown as a cultural, administrative, service, and retail center of McMinnville."**

This goal is not applicable to the proposed development because the subject property is outside of the downtown area of McMinnville.



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

Based on coordination with the City Planning Department, we understand that there has been previous development within the subject Planned Development without a formal amendment to the Planned Development Ordinance. The Lowe's building and adjacent commercial building were constructed prior to 2003 according to historic aerials. The most recent development appears to be the fast-food restaurant at the NE corner of SW Baker St. and SW Booth Bend Rd. which was completed around 2010-2011, approximately 8 years after the Lowe's construction. Now 11 years after the most recent construction, it is proposed to develop the last remaining lot within the Planned Development. The proposed development is consistent with the use restrictions in the Planned Development Ordinance and the City Zoning Restrictions. The proposed fast food restaurant appears to fit well with the surrounding fast food restaurant and commercial uses as well.

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

The existing neighborhood or surrounding area consists of commercial uses, so the proposed development is compatible. In addition, the submission and approval of this Planned Development Amendment will help the City to identify the latest condition of the Planned Development, as currently the only available copy is illegible and out of date. The Site Plan contained as an exhibit to this Planned Development Amendment Application shows the buildings, parking lots, and other as-built features that were not contained on the previously approved Planned Development, or on any subsequent amendment.

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5. 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:

Per Coordination with the City's Public Works Department and after completing a topographic survey, all necessary utilities are available at or near the existing property line. Any off-site utilities requiring an extension are contained within an easement of public R.O.W. The existing utilities have been sized adequately to accommodate the proposed development within the larger shopping center.

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

InSite hired DKS Associates to complete a Trip Generation Memo for the proposed development. According to that memo, the number of trips generated by the proposed development was based on the City's Transportation System Development Charge (SDC) Calculator. Using the spreadsheet calculator provided by the City, the estimated peak hour trips generated by the 1,937 SF fast food restaurant is a total of 9 vehicle trips after pas-by and other trip reductions. There are two project site accesses proposed, a full access onto SW Booth Bend Road and a full shared access on the private road along the western edge of the property. Both of the proposed driveways meet the City's access spacing standard. In addition, both of the proposed driveway locations are consistent with the previously approved driveway locations on the Planned Development Site Plan.

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

- ☒ A site plan (drawn to scale, legible, and of a reproducible size). The site plan should show existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; north direction arrow, and significant features (slope, vegetation, adjacent development, drainage, etc.).
- ☒ A copy of the current planned development overlay ordinance.
- ☒ A legal description of the subject site, 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

3/10/2022  
Date

  
Property Owner's Signature

3-22-22  
Date

ORDINANCE NO. 4688

An Ordinance rezoning certain property from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone to permit the development of a commercial shopping complex on 21.26 acres of land located north of Oregon State Highway 18 (Salmon River Highway), west of Oregon State Highway 99W, east of the Highway 18/99 Connector, and south of the Vineyard and Paragon motels.

RECITALS

The Planning Commission received an application (ZC 15-98) from Alan M. Roodhouse of Farallon Development Corporation dated September 15, 1998, requesting approval to rezone some 21.26 acres of land from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone to permit the development of a commercial shopping complex. The subject site is located north of Oregon State Highway 18 (Salmon River Highway), west of Oregon State Highway 99W, east of the Highway 18/99 Connector, and south of the Vineyard and Paragon motels, and is more specifically identified as Tax Lots 1500, 1800, 1801, and 1900, Section 29, T. 4 S., R. 4 W., W.M.

A public hearing was held on November 19, 1998, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on November 14, 1998, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said request, found that said change conformed to the zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change to the Council; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Farallon Development Corporation.



Section 2. That the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference is hereby rezoned from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone subject to the following conditions:

1. That detailed plans for the proposed commercial development showing site layout, proposed circulation pattern, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Community Development Department prior to the issuance of any building permits for said development. Approval or denial of such plans shall be based on findings that, to the extent possible, the building and site design employs principles that will ensure compatibility with adjacent development, and provide an architectural style appropriate to a "gateway" or entrance to the City of McMinnville. In addition, approval or denial of the exterior building design shall be based on a finding that, to the extent possible, the building design incorporates design and architectural features that would serve to break up the building's horizontal plan and provide visual interest. This may include, but is not limited to, the use of vertical columns, gables, variety of compatible and complimentary building materials, providing openings in the building facade, and landscaping at the building perimeter. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, planting design, window treatment, vertical and horizontal articulation, massing, voids to solids relationships, and other elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval. The applicant may appeal the decision of the Community Development Department to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Community Development Department's decision.
2. That landscape plans for the commercial site shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to issuance of permits for any of the commercial buildings. At a minimum, 15 percent of the site shall be landscaped with emphasis placed along all street frontages, at major entrances to the commercial complex, within off-street parking lots, and at building perimeters. Final site and landscape plans should incorporate extensive streetside landscaping areas which facilitate meandering sidewalk(s) and street tree planting along both highway frontages (Highway 99W and the Highway 99W/Highway 18 Connector). A continuous evergreen screen shall be planted along the southern boundary of the site.

3. That signs located on the commercially zoned land shall be subject to review by the Planning Department as to their location and design, and to the following limitations:
  - a. That site signage located on the Highway 99W frontage is limited to a single monument sign a maximum of six (6) feet in height and fifteen (15) feet in width, situated at the major entrance as may be approved by ODOT. Site signage located on the Highway 99/18 Connector frontage shall be limited to a single pole-mount sign no more than twenty (20) feet in height and twelve (12) feet in width, situated at the major entrance as may be approved by ODOT. Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic or plexi-glass type cabinet or faces be allowed. In addition, no signs, including wall-mount, shall be allowed on the southern facade of those buildings adjacent to Highway 18, and no roof-mount signs of any type shall be permitted within the subject site.
  - b. That an easement for maintenance, access and placement be granted to the City of McMinnville sufficient to accommodate a "Welcome to McMinnville" sign at the far southwest corner of the subject site.
  - c. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than twelve inches from the building face. There is no limit on the number or size of signs attached to the building faces.
4. That the submitted master plan and development plans, as approved by the Community Development Department, shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted plans. Minor changes to the details of the adopted plans may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
5. That the applicant obtain required access permits from the Oregon Department of Transportation for use of the existing or proposed access drives prior to issuance of any development permits for the site.



6. That the State Highway 99W, State Highway 18, and the Highway 18/99W Connector frontages adjacent to the subject site shall be improved by the applicant to standards as required by the Oregon Department of Transportation (ODOT).
7. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and grading permit for lot fill and grading from the City Building Division.
8. That the applicant provide utility and access easements across the subject site as required. Costs associated with the provision of the required utilities shall be borne by the developer.
9. That the applicant submit to the City Engineer and ODOT for review and approval a design for the Highway 99W and Highway 18/99W Connector intersections and associated improvements. All costs associated with the construction of all site accesses, to include the signalization of both intersections, and other improvements as stipulated in existing agreements between the applicant and City and ODOT, and as may be additionally required by the City and ODOT, shall be borne by the applicant. All required improvements and right-of-way dedications shall be completed prior to occupancy of any buildings within the subject site.
10. That 10-foot utility easements be provided along both sides of all rights-of-way. Additional utility easements as required by the Water and Light Department for transformer and vault locations and for the servicing with utilities shall also be provided.
11. That storm water drainage plans shall be submitted to the Community Development Department and ODOT for review and approval. All required improvements shall be installed prior to issuance of occupancy permits.
12. That fire hydrants as required by the Uniform Fire Code shall be installed by the applicant.
13. That within the commercially zoned land, all business, storage, or displays shall be conducted wholly within an enclosed building except for off-street parking and loading. Incidental exterior display and outdoor dining areas may be allowed if incorporated into future building design, are operated by the owner of a business located on the subject site, and are approved for such use by the Planning Director. Temporary seasonal activities, such as Christmas tree sales and fireworks sales, shall be permitted.

14. That utilities shall be extended to the property boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
15. That the conceptual land use plan submitted by the applicant as part of this land use request shall in no way be binding on the City, particularly as regard proposed vehicular access.
16. That off-street parking at the rate of four and one-half (4.5) spaces per 1,000 square feet of gross floor area may be permitted provided a minimum of fifteen percent (15%) of the subject site be landscaped as approved by the McMinnville Landscape Review Committee.

Passed by the Council this 26th day of January 1999, by the following votes:

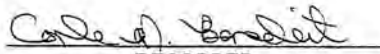
Ayes: Aleman, Hughes, Kirchner, Payne, Rabe, Windle

Nays: \_\_\_\_\_

Approved this 26th day of January 1999.

  
MAYOR

Attest:

  
RECORDER

ORDINANCE NO. 4924

An Ordinance amending the sign-regulating provisions of certain planned development ordinances within McMinnville and amending Ordinances Nos. 3736, 3807 as amended, 3837, 3847, 4123, 4502, 4647, 4648, 4656, 4662, 4672 as amended, 4688 as amended, 4695, 4709, 4719, 4743, 4749, 4752, 4832, 4885, and 4915.

RECITALS:

The McMinnville Sign Ordinance (No. 4900), adopted November 18, 2009, regulates signage City-wide, excluding properties that have signage regulated by a planned development overlay or that are located within the Downtown Design District. Specific to the former exemption, the adopted sign ordinance directs staff to review existing planned development ordinances that regulate signage in McMinnville and provide recommendations as to any amendments that should be considered in an effort to simplify and make equitable the requirements for all sign regulations, where appropriate. At a public work session with the Planning Commission on November 19, 2009, staff reviewed the process undertaken in this analysis and its draft recommendations.

Public hearings were held before the McMinnville Planning Commission on January 21, 2010, and February 18, 2010, for the purpose of taking testimony on these draft recommendations. At these hearings, staff reviewed its analysis and recommendations relative to sign-regulating planned development provisions that are contained in 26 separate planned development ordinances within the City. Of these, 12 affected areas located east of the Three Mile Lane Bridge and eight areas located west of the bridge were recommended for amendment or to be deleted in their entirety; the remaining sign provisions found within planned development ordinances were recommended to remain in effect. Notices of these public hearings were published January 13, 2010, and February 10, 2010, respectively, in the News Register and mailed to owners of property located within 300 feet of the affected areas. Following the close of the public hearings, and based upon the testimony provided, the Commission voted unanimously (with one abstention) to recommend that the City Council adopt the amendments as proposed by staff.

Now, therefore, THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the following Planned Development Ordinance provisions are deleted in their entirety:

- A. Ordinance No. 3736 (Attachment, item 9);
- B. Ordinance No. 3807, Section 1 (5), as amended;
- C. Ordinance No. 3837, Section 2 (e);
- D. Ordinance No. 3847, Section 2 (a);
- E. Ordinance No. 4123, Section 1 (e);
- F. Ordinance No. 4656, Section 3 (6);
- G. Ordinance No. 4662, Section 3 (7);

- H. Ordinance No. 4695, Section 3 (1);
- I. Ordinance No. 4709, Section 3 (13);
- J. Ordinance No. 4719, Section 2 (8);
- K. Ordinance No. 4743, Section 2 (1)(c);
- L. Ordinance No. 4749, Section 3 (7);
- M. Ordinance No. 4752, Section 3 (11);
- N. Ordinance No. 4832, Section 2 (13-14); and
- O. Ordinance No. 4915, Section 2 (17).

Section 2. That the following Planned Development Ordinance sections are amended to read as follows (insertion of new replacement text is noted in **bold underline**, while removal of text is shown in ~~strikethrough~~):

- A. Ordinance No. 4502, Section 2 (f)
  - "(f) That **signage on the subject site, which is considered as the commercially zoned property described in this ordinance, is subject to the signage provisions as outlined in Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance.** ~~only one free-standing sign, limited to a maximum of 30 feet in height, is allowed on the site. There is no limit on the numbers of signs attached to the building faces.~~"
- B. Ordinance No. 4647, Section 2 (d)
  - "d. That **signage on the subject site, which is considered as the commercially zoned property described in this ordinance, is subject to the signage provisions as outlined in Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance.** ~~only one free-standing sign, limited to a maximum height of 30 feet, shall be permitted on the site. There is no limit on the number of signs attached to the building faces. A single monument sign, limited to a height of six feet and total sign face of 100 square feet, may be permitted on each of the proposed lots, subject to review by the Planning Department as to their location and design.~~"
- C. Ordinance No. 4648, Section 2 (5)
  - "5. That **signage on the subject site, which is considered as the commercially zoned property described in this ordinance, is subject to the signage provisions as outlined in Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance.** ~~only one free-standing sign, limited to a maximum height of 30 feet, shall be permitted on the site. There is no limit on the number of signs attached to the building faces. A single monument sign, limited to a height of six feet and total sign face of 100 square feet, may be permitted subject to review by the City as regard location and design.~~"
- D. Ordinance No. 4672, Section 3 (6), as amended



"6. That signage on the subject site, which is considered as the commercially zoned property described in both Ordinance No. 4672 and 4885, is subject to the signage provisions as outlined in Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance. signs located on the commercially zoned land shall be subject to review by the Planning Department as to their location and design, and to the following limitations:

- (a) That one free-standing sign, a maximum of 30 feet in height, shall be permitted within the subject site (28-acre site adjacent to South Baker Street). The maximum square footage per sign face is 150 square feet, and there shall be a maximum of two sign faces per free-standing sign.
- b. That one monument sign, limited to a height of six feet and total sign face of 100 square feet, may be permitted as may be approved by the Planning Commission as part of the master plan or site plan review process. Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic sign cabinets are allowed.
- c. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than twelve inches from the building face."

E. Ordinance No. 4688, Section 2 (3), as amended:

"3. That signage on the site, which is considered as the commercially zoned property described in this ordinance, is subject to the provisions of Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance, and subject to the following limitations:

- a) That an easement for maintenance, access, and placement be granted to the City of McMinnville sufficient to accommodate a "Welcome to McMinnville" sign at the far southwest corner of the subject site.
- b) No signs, including wall-mount, shall be allowed on the southern facade of those buildings adjacent to Highway 18. signs located on the commercially zoned land shall be subject to review by the Planning Department as to their location and design, and to the following limitations:
  - a. That site signage located on the Highway 99W frontage is limited to a single monument sign a maximum of six (6) feet in height and fifteen (15) feet in width, situated at the major entrance as may be approved by ODOT. One additional monument sign on the Highway 99W frontage may be permitted, provided it complies with the following:
    - i. The sign shall be situated directly east of the "Hometown Dental" office building and a minimum of five feet from the Highway 99W right-of-way.
    - ii. The sign structure shall have an outside dimension that measures a maximum of 5.5 feet in height, measured from top of curb on Highway 99W, and 8 feet in width.
    - iii. The sign shall use materials, colors, and lighting (indirect illumination) as represented on the rendering submitted to the City on May 24, 2005, a copy of which is on file with the McMinnville Planning Department.
    - iv. The sign shall allow space for the advertising of three businesses located within the subject site.
    - v. Appropriate foundation landscaping shall be placed at the sign's perimeter.
  - b. Site signage located on the Highway 99/18 Connector frontage shall be limited to a single pole-mount sign no more than twenty (20) feet in height and twelve (12) feet in width, situated at the major entrance as may be approved by ODOT.



- c. ~~Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic or plexi-glass type cabinet or faces be allowed on the southern facades of those buildings adjacent to Highway 18, and no roof-mount signs of any type shall be permitted within the site.~~
- d. ~~That an easement for maintenance, access and placement be granted to the City of McMinnville sufficient to accommodate a "Welcome to McMinnville" sign at the far southwest corner of the subject site.~~
- e. ~~All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than twelve inches from the building face. There is no limit on the number or size of signs attached to the building faces."~~

F. Ordinance No. 4885, Section 3 (2):

"2. That signage on the subject site, which is considered as the commercially zoned property described in both Ordinance No. 4672 and 4885, is subject to the signage provisions as outlined in Chapter 17.62 (Signs) of the McMinnville Zoning Ordinance. the applicable provisions of Ordinances 4672 and 4739 shall apply to the subject site, and as modified below:

- a. ~~That two free-standing signs no more than 30 feet in height and no more than 150 square feet per sign face (total of 300 square feet per sign) shall be permitted within the subject site. Sign height, size and placement shall be determined by the Planning Commission as part of a master plan or site plan review prior to the issuance of construction permits.~~
- b. ~~That the design and location of monument signs shall be as approved by the Planning Commission as part of the master plan or site plan review process. Monument signs shall be limited to no more than six feet in height and shall be non-illuminated, indirectly illuminated, neon, or back-lit, providing that no plastic sign cabinets are allowed.~~
- e. ~~All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face. For building facades that face onto Booth Bend Road, the total area of building wall signage shall not exceed eight percent of the total area of the building face most closely oriented toward Booth Bend Road."~~

Section 3. That signs that were lawfully established before the adoption date of this ordinance, but which do not conform with the provisions of this ordinance, shall be removed or brought into conformance with this ordinance by January 1, 2018, or at the time of occurrence of any of the actions outlined in 17.62.110 (A) of the McMinnville Zoning Ordinance. Notice of sign noncompliance will be mailed to affected property owners within one year following the adoption date of this ordinance and again no later than one year prior to the end of the amortization period.

Section 4. That this ordinance shall be subject to the terms and conditions of Ordinance No. 3823, entitled "Initiative and Referendum," for a period of 30 (thirty) days.

Passed by the Council this 23<sup>rd</sup> day of March 2010, by the following votes:

Ayes: Hill, Jeffries, May, Menke, Yoder

Nays: \_\_\_\_\_

Approved this 23<sup>rd</sup> day of March, 2010.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
RECORDER

Approved as to form:

  
\_\_\_\_\_  
CITY ATTORNEY



*First American*

# Commitment

ALTA Commitment for Title Insurance

ISSUED BY

**First American Title Insurance Company**

## COMMITMENT FOR TITLE INSURANCE

Issued By

**FIRST AMERICAN TITLE INSURANCE COMPANY**

### NOTICE

**IMPORTANT-READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

### COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, **First American Title Insurance Company**, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within 90 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

**First American Title Insurance Company**

Dennis J. Gilmore, President

Greg L. Smith, Secretary

**If this jacket was created electronically, it constitutes an original document.**

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by First American Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions.*

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## COMMITMENT CONDITIONS

### 1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
  - (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
  - (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
  - (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
  - (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
  - (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
  - (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
  - (h) "Title": The estate or interest described in Schedule A.
2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- (a) the Notice;
  - (b) the Commitment to Issue Policy;
  - (c) the Commitment Conditions;
  - (d) Schedule A;
  - (e) Schedule B, Part I—Requirements; and
  - (f) Schedule B, Part II—Exceptions.

### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

### 5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - (i) comply with the Schedule B, Part I—Requirements;
  - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
  - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

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**6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

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**First American**

# Schedule A

## ALTA Commitment for Title Insurance

ISSUED BY

**First American Title Insurance Company**

**Transaction Identification Data for reference only:**

Issuing Agent: First American Title Insurance Company National Commercial Services  
Issuing Office's ALTA® Registry ID:  
Commitment No.: NCS-1062448-MAD  
Property Address: Portion of SWC of Southwest &, Booth Bend  
Southwest Highway 99West, McMinnville, OR  
Revision No.:

Issuing Office: 25 West Main Street, Suite 400,  
Madison, WI 53703  
Loan ID No.:  
Issuing Office File No.: NCS-1062448-MAD

### SCHEDULE A

1. Commitment Date: February 09, 2022 at 8:00 a.m
2. Policy to be issued:
  - (a) ☒ ALTA® Owners Standard Coverage Policy  
Proposed Insured: To Be Determined  
Proposed Policy Amount: \$TBD \$TBD
  - (b) ☐ ALTA® Policy  
Proposed Insured:  
Proposed Policy Amount: \$ \$
  - (c) ☐ ALTA® Policy  
Proposed Insured:  
Proposed Policy Amount: \$
3. The estate or interest in the Land described or referred to in this Commitment is

#### Fee Simple

4. The Title is, at the Commitment Date, vested in:

Richard D. Rice, trustee of the Richard D. Rice Revocable Living Trust dated April 14, 1997, as to an undivided 1/3 interest;  
Wilbur Eugene Rice and Steven E. Rice, co-trustees of the Maxine Marie Rice Revocable Living Trust dated May 5, 1997, as to an undivided 1/3 interest;  
Barbara Groner, sole trustee of the Barbara Groner Trust dated June 27, 2000, as to an undivided 1/3 interest.
5. The Land is described as follows:

**See Exhibit "A" attached hereto and made a part hereof**

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# **FIRST AMERICAN TITLE INSURANCE COMPANY**

**By:**

**Authorized Signatory**

If there are any questions concerning this Commitment, please contact:

Rachael Schroeder at RSchroeder@firstam.com

First American Title Insurance Company National Commercial Services  
25 West Main Street, Suite 400  
Madison, WI 53703  
(608)204-7409 phone

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*First American*

## Schedule BI & BII

### ALTA Commitment for Title Insurance

ISSUED BY

**First American Title Insurance Company**

Commitment No.: NCS-1062448-MAD

#### **SCHEDULE B, PART I**

##### **Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

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**First American**

## **Schedule BI & BII (Cont.)**

### **ALTA Commitment for Title Insurance**

ISSUED BY

**First American Title Insurance Company**

Commitment No.: NCS-1062448-MAD

#### **SCHEDULE B, PART II**

##### **Exceptions**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the Land), encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
5. Any lien or right to a lien for services, labor, material or equipment, unless such lien is shown by the Public Records at Date of Policy and not otherwise excepted from coverage herein.
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
7. City liens, if any, of the City of McMinnville.

Note: There are no liens as of April 16, 2021. All outstanding utility and user fees are not liens and therefore are excluded from coverage.

8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

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9. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:  
Recording Information: May 01, 2002 as Instrument No. 200208853, Deed and Mortgage Records
10. Easement, including terms and provisions contained therein:  
Recording Information: July 03, 2003 as Instrument No. 200315989, Deed and Mortgage Records  
In Favor of: City of McMinnville, a municipal corporation of the State of Oregon  
For: Storm Drainage Sewer
11. Easement, including terms and provisions contained therein:  
Recording Information: September 26, 2003 as Instrument No. 200324655, Deed and Mortgage Records  
In Favor of: City of McMinnville, a municipal corporation of the State of Oregon, acting by and through its Water & Light Commission  
For: Right of way
12. Notes, easements, covenants and restrictions as depicted on the face of the Replat of the "Rice Family Subdivision" plat.
13. Unrecorded leases or periodic tenancies, if any.
14. In order to insure a transaction involving the herein named trust(s), we will need to be provided a Certification of Trust pursuant to ORS 130.800 through ORS 130.910.

-END OF EXCEPTIONS-

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## INFORMATIONAL NOTES

NOTE: Supplemental to bring current; 2021-22 taxes not yet payable. 2nd Supplemental to bring current; reflect 2021-22 taxes paid in full. 3rd Supplemental to bring current.

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: Taxes for the year 2020-2021 PAID IN FULL

Tax Amount: \$8,480.18  
Map No.: R4429CA 00300  
Property ID: 527008  
Tax Code No.: 40.0

NOTE: This Preliminary Title Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

Situs Address as disclosed on Yamhill County Tax Roll:

Not Yet Assigned, McMinnville, OR

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*First American*

Exhibit A

ISSUED BY

**First American Title Insurance Company**

File No: NCS-1062448-MAD

File No.: NCS-1062448-MAD

The Land referred to herein below is situated in the County of Yamhill, State of Oregon, and is described as follows:

LOT 3, REPLAT OF THE RICE FAMILY SUBDIVISION, IN THE CITY OF MCMINNVILLE, COUNTY OF YAMHILL, AND STATE OF OREGON.

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# Landscape Plan Review Information & Submittal Requirements



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

## Overview

It is recognized that quality landscaping not only enhances the appearance of the City, but also benefits the health of the general public. In McMinnville, landscaping is required for any development within commercial or industrial zoned areas, as well as for certain specific uses such as multiple-family, churches, schools, utility substations, and manufactured home parks. A landscape plan for such development is required at the time of building permit application, consistent with the requirements as defined in Section 17.57.040 (Plans – Information to be included) of the Zoning Ordinance. The submitted landscape plan is reviewed by the Landscape Review Committee (LRC), a five-member committee appointed by the City Council and comprised of qualified landscape professionals.

## Application Submittal

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

- ☒ A completed Landscape Review application form.
- ☒ Two (2) copies of the proposed landscape plan (drawn to scale, with a north arrow, legible, and of a reproducible size) containing the following information:
  - The location of existing trees over six inches in diameter, their variety (common or botanical name), and indication of whether they are to remain or be removed from the site;
  - The quantity, location, size, and variety (common or botanical name) of all new plantings and landscaping;
  - The percentage of the gross area to be landscaped;
  - Any equipment proposed for recreation areas;
  - All existing and proposed site features, including walkways, graveled areas, patios, courts, fences, decks, foundations, potted trees, or other open spaces;
  - Building location and dimensions and lot location and dimensions (all information on building permit plot plan); and
  - Irrigation plan.
- ☒ Payment of the applicable review fee.

## Review Process

A landscape plan, once determined to be complete, is then scheduled for review by the LRC as stated in Chapter 17.57 (Landscaping) of the Zoning Ordinance. The LRC may approve, approve with conditions, or deny a submitted landscape plan based upon the factors found in Section 17.57.050 (Area Determination – Planning factors). The decision made by the LRC may be appealed to the Planning Commission, as stated in Section 17.72.170 (Appeal from Ruling of Planning Director) of the Zoning Ordinance.





**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128

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

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

**Office Use Only:**

File No. \_\_\_\_\_

Date Received \_\_\_\_\_

Fee \_\_\_\_\_

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

Received by \_\_\_\_\_

## Landscape Plan Review Application

### **Applicant Information**

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

Applicant Name INSITE REAL ESTATE INVESTMENT PROPERTIES, L.L.C. Phone (630) 617-9124

Contact Name Andrew Johnson Phone (847) 287-9292  
(If different than above)

Address 1400 16th Street, Suite 300

City, State, Zip Oak Brook, Illinois 60523

Contact Email ajohnson@insiterealestate.com

### **Property Owner Information**

Property Owner Name Richard D. Rice Phone \_\_\_\_\_  
(If different than above)

Contact Name (Same As Above) Phone \_\_\_\_\_

Address 900 Hill Road, No. 339

City, State, Zip McMinnville, Oregon 97128

Contact Email \_\_\_\_\_

### **Site Location and Description**

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

Property Address Null

Assessor Map No. R4 429CA00390 - Total Site Area 0.94 acres (after proposed subdivision, submitted under separate application. Existing Lot is 1.80 acres)

Subdivision Replat of Rice Family Subdivision Block N/A Lot 3 (Existing)

Comprehensive Plan Designation Commercial Zoning Designation C3

### **Landscaping Information**

1. Total Landscaped Area: +/- 20,120 SF
2. Percent Landscaped: +/- 49%
3. Building Floor Area:  
New Structure: 1,937 SF Existing Structure: 0 SF Addition: 0 SF
4. Architect Name Mears Design Group, LLC Phone (503) 601-4516  
(Landscape Architect; Engineer; or Other Designer)  
Contact Name Troy Mears Phone (971) 255-7474  
Address PO Box 23338  
City, State, Zip Portland, Oregon, 97281  
Contact Email troym@mearsdesigngroup.com

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

- ☒ *Two (2) copies of the proposed landscape plan containing the information listed in the information sheet and Chapter 17.57 (Landscaping) of the Zoning Ordinance.*
- ☒ *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

3/10/2022  
Date

  
Property Owner's Signature

3-22-22  
Date





InSite Real Estate, LLC  
1400 16th Street, Suite 300 | Oak Brook, IL 60523-8854  
Phone: 630-617-9100 | Fax: 630-617-9120 | [www.insiterealestate.com](http://www.insiterealestate.com)

March 10, 2022

City of McMinnville, Oregon  
Planning Division  
Community Development Center  
231 NE Fifth Street  
McMinnville, OR 97128

**RE: Large Format Commercial Development Design Review and Waiver  
SWC SW Booth Bend Rd. and SW Hwy. 99W  
Fast Food Restaurant**

To Whom It May Concern,


InSite is seeking to develop the property located at the location provided in the subject line of this letter. The proposed development will consist of a 1,937 SF fast-food restaurant with a drive-thru facility, parking lot, and all associated utilities. The restaurant will be a part of an existing Planned Development that includes multiple commercial users and is formally classified as a "Large Format Commercial Development." While the proposed development complies with almost all design standards set forth in Section 17.56.050 of the McMinnville Zoning Ordinance, Large Format Commercial Design chapter, the one item that we would like to request relief from is the Site Design, Pedestrian Walkways requirements for continuous 10' wide walkways along the building façade. The prototype design for the proposed tenant includes 6' walkways in lieu of 10'. In addition, the walkway is separated from the building façade to allow for landscaped area between the building foundations and hardscapes.

Included with this submittal is the latest Site Plan and Building Elevations to show compliance with all other aspects of the Large Format Commercial Development Design Standards.

Please review the above request to deviate from the Large Format Commercial Development Design Standards in regard to the proposed pedestrian walkways and let us know if the waiver will be acceptable to the City.

Please don't hesitate to contact us if you have any questions or concerns.

Sincerely,



Andrew D. Johnson, P.E.  
InSite Real Estate, L.L.C.

## Partition Information & Submittal Requirements



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

### Overview

Under Oregon law, a single unit of land may be partitioned into three or fewer parcels one time within a calendar year. Prior to submitting an application for a tentative partition, you are encouraged to talk to staff from both the Engineering and Planning departments so that you are familiar with the partition submittal and review process. Additionally, you should contact each utility that will be providing service to the proposed parcels. This is recommended so that you will be aware of the rules, regulations, concerns, and capacity of each utility and associated costs. The process for partitioning a parcel of land is outlined in Section 17.53.060 (Submission of Tentative Partition Plat) through 17.53.063 (Filing of Final Partition Plat) of the McMinnville Zoning Ordinance.

### Additional Information

Where a parcel is proposed to be divided into units of one acre or more, the Planning Director shall require the applicant to provide a plan demonstrating that the future division of the property can occur in conformity to the requirements contained in this ordinance. For further information, please refer to Section 17.53.080 (Submission of Future Development Plan) of the Zoning Ordinance.

### Application Submittal

The following materials must be provided at the time of submittal, or the application will not be accepted for processing.

- ☒ A completed Partition application form.
- ☒ A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), on which the following information should be included:
  - A copy of recorded deed and any conveyed rights to define the location and boundaries of the parcel to be partitioned;
  - Name, address, and phone number(s) of the recorded owner(s);
  - Approximate acreage of the subject parcel;
  - For land adjacent to and within the parcel to be partitioned, show locations, names, purpose and existing widths of all street rights-of-way and easements, and location and size of sewer and water lines and drainage ways;
  - Outline and location of existing buildings to remain in place;
  - Lot layout showing size and relationship to existing or proposed streets and utility easements;



- Location and dimension of any existing or planned curb-side planting strip which may border the subject site;
  - Contour lines related to City datum and having minimum intervals of two feet;
  - Location and direction of water courses, and the location of areas within the 100-year floodplain as indicated on the most recent Flood Insurance Rate Maps as prepared by the Federal Emergency Management Agency (FEMA);
  - Location of any natural features such as rock outcroppings, designated wetlands, wooded areas, and natural hazards;
  - Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, storm water disposal and other drainage facility plans, and all other utilities; and
  - Such additional information as required by the Planning Director.
- ☒ A Title Report or Subdivision Guarantee prepared within 60 (sixty) days of the application date.
- ☐ If applicable, submittal of future development plan, per Section 17.53.080 (Submission of Future Development Plan) of the Zoning Ordinance.
- ☐ Any additional information as required by the Planning Director.
- ☒ Payment of the applicable review fee.

## **Review Process**

Upon receipt of a completed application the Planning Department will provide notification of the requested partition to property owners within 100 feet of the subject site after which a 14 (fourteen) day comment period will follow. At the conclusion of that comment period, the Planning Director will make a decision on the request based upon the requirements and criteria stated in Section 17.72.110 (Applications - Director's Review with Notification) of the Zoning Ordinance. Notice of the decision regarding the tentative partition request is then mailed to the applicant.

The decision made by the Director may be appealed to the Planning Commission, as stated in Section 17.72.170 (Appeal from Ruling of Planning Director) of the Zoning Ordinance.

## **Final Partition**

Once a tentative partition plan has been approved by the Planning Director, the applicant must then have a professional land surveyor or engineer, registered with the State of Oregon, prepare the final partition plat. This plat must be prepared within 12 (twelve) months of the approval of the tentative plan and must be surveyed and drawn to the requirements as established by Section 17.53.061 (Submission of Final Partition Plat) of the Zoning Ordinance, Oregon Revised Statutes Chapters 92 and 209, and any additional conditions as may be attached as part of the tentative partition plan's approval.

The final plat, together with any additional material necessary to meet any condition of approval, and the plat check fee, must be submitted to the City Planning and Engineering Departments to determine compliance with the above-noted requirements.

If the final plat is in compliance with the applicable requirements, the partition will receive final approval by the Planning Director and the City Engineer. Approval of the final plat shall be null and void if the plat is not recorded within 30 (thirty) days after the date the last required signature has been obtained.

Parcels cannot be built upon until the final partition plat has been completed, approved, and filed with the City and recorded in the Yamhill County Clerk's office. Additionally, no parcel can be sold until the plat has been filed and a proper registration of the partition has been made with the Oregon State Real Estate Division.





**Planning Department**

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**Office Use Only:**

File No. \_\_\_\_\_

Date Received \_\_\_\_\_

Fee \_\_\_\_\_

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

Received by \_\_\_\_\_

## Partition Application

### Applicant Information

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

Applicant Name INSITE REAL ESTATE INVESTMENT PROPERTIES, L.L.C. Phone (630) 617-9124

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### Site Location and Description

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Subdivision Replat of Rice Family Subdivision Block N/A Lot 3 (Existing)

Comprehensive Plan Designation Commercial Zoning Designation C3


### **General Description of Subject Property**

1. Proposed Parcel Size: #1 40,898 SF #2 37,659 SF #3 \_\_\_\_\_
2. Current Land Use: Vacant
3. Purpose of the partition request: Subdivide existing parcel for two future developments
4. Topography: slightly sloping from east to west
5. Method of Sewage Disposal: Connection to existing sanitary sewer stub located southwest of the proposed development  
(Note: If septic field, this application must be accompanied by a letter of approval from the County Sanitarian indicating their approval. The Sanitarian can be contacted through the Yamhill County Planning Department.)
6. Water Supply: Connection to existing 10" watermain southeast of the proposed development

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 all required information as listed in the information sheet and in Section 17.53.060 (Submission of Tentative Partition Plan) of the Zoning Ordinance, or, if applicable, Section 17.53.080 (Submission of Future Development Plan).
- ☒ A Title Report or Subdivision Guarantee prepared within 60 (sixty) days of the application date.
- ☒ 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

3/10/2022  
Date

  
Property Owner's Signature

3-22-22  
Date

PBA = PERMISSIBLE BUILDING AREA

PAD A = 7,000 SQUARE FOOT MAXIMUM BUILDING

PAD B = 8,000 SQUARE FOOT MAXIMUM BUILDING

THE MAXIMUM AGGREGATE TOTAL FOR PAD A AND PAD B IS 8,000 SQUARE FEET OF BUILDING UNLESS PAD B IS A SHOP/FACILITY IN WHICH CASE THE AGGREGATE TOTAL FOR PAD A AND PAD B SHALL BE 11,000 SQUARE FEET OF BUILDING PROVIDED THAT THERE IS A SIXTY FOOT VIEW CORRIDOR BETWEEN THE BUILDING ON PAD A AND BUILDING ON PAD B

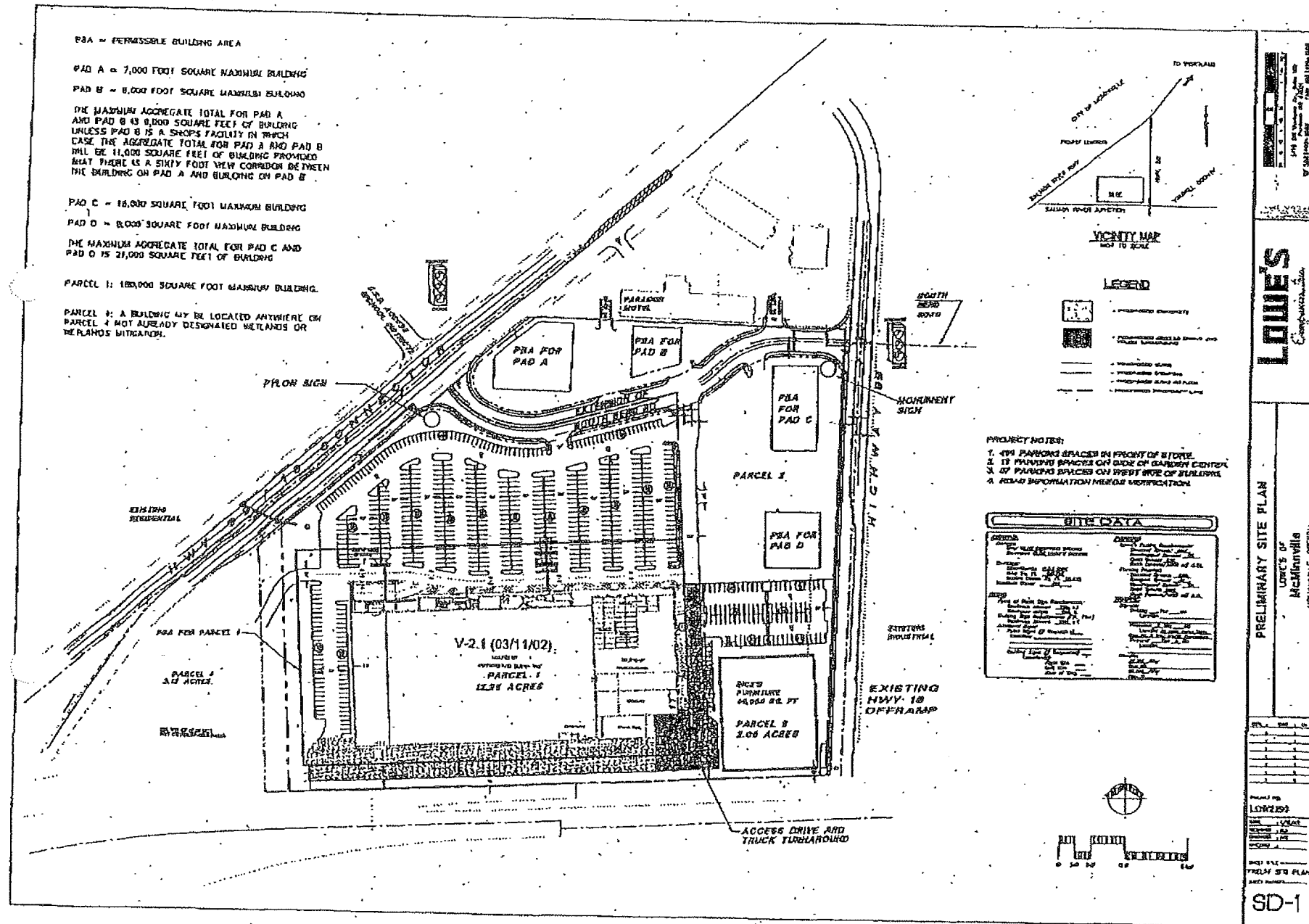
PAD C = 16,000 SQUARE FOOT MAXIMUM BUILDING

PAD D = 8,000 SQUARE FOOT MAXIMUM BUILDING

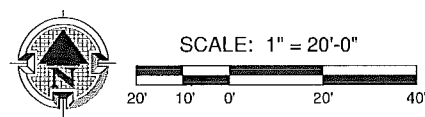
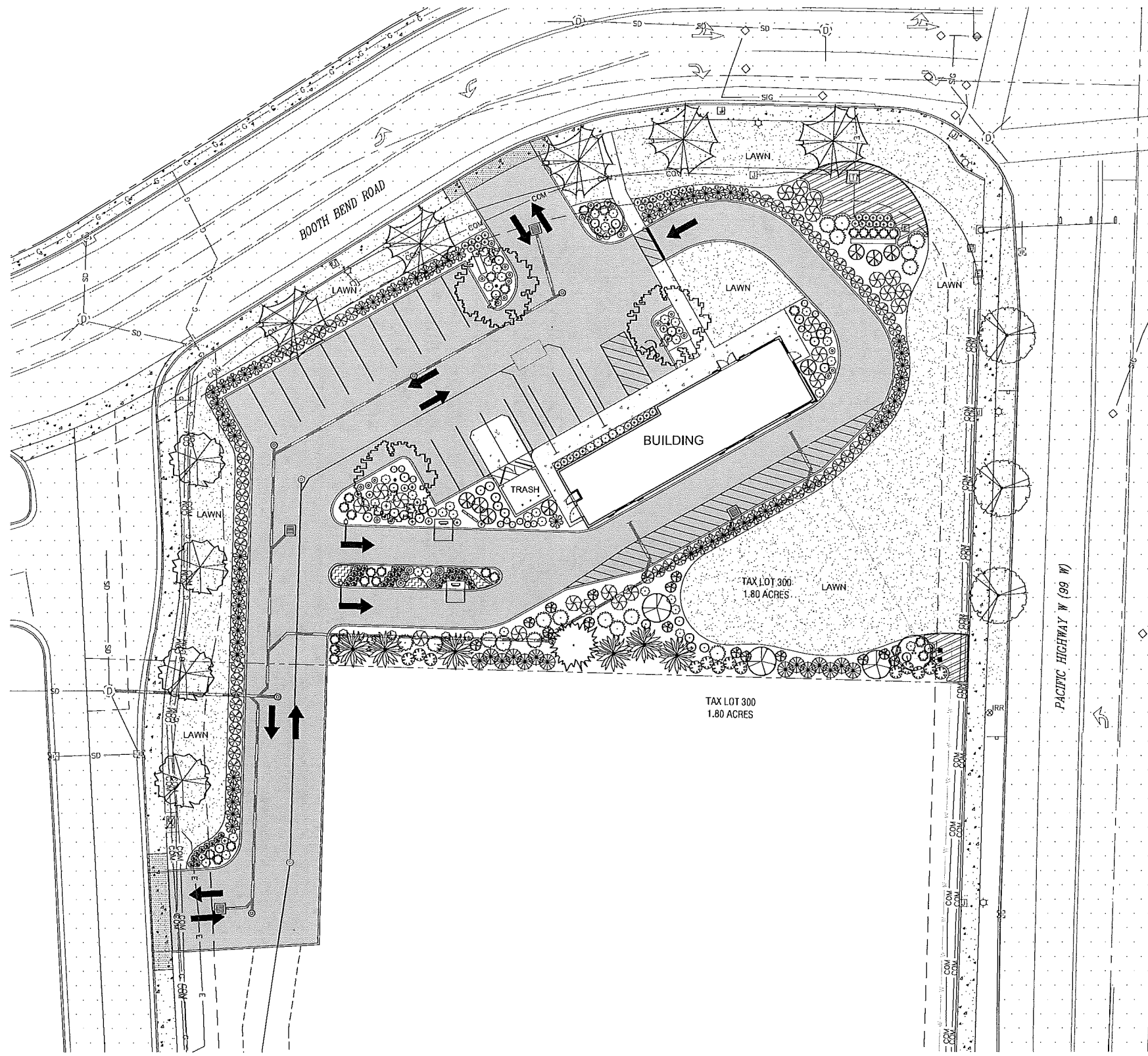
THE MAXIMUM AGGREGATE TOTAL FOR PAD C AND PAD D IS 24,000 SQUARE FEET OF BUILDING










PARCEL 1: 180,000 SQUARE FOOT MAXIMUM BUILDING

PARCEL 2: A BUILDING MAY BE LOCATED ANYWHERE ON PARCEL 2 NOT ALREADY DESIGNATED WETLANDS OR RELANDS MITIGATION.







| PLANT MATERIAL LISTING:   |  | Quality | Planted Size | Condition | Mature size                |
|---|--|---------|--------------|-----------|----------------------------|
| TREES   |  |         |              |           |                            |
| SYMBOL  | Botanical name<br>Common Name                                      |         |              |           |                            |
|  | Acer palmatum 'Sango Kaku'<br>Coral Bark Japanese Maple            | 2       | 1.5" Cal.    | B&B       | 15-25' tall<br>15-20' wide |
|  | Calocedrus decurrens<br>Incense Cedar                              | 1       | 6-7"         | B&B       | 50' tall<br>15-20' wide    |
|  | Cupressocyparis leylandii 'Moncal'<br>Emerald Isle Leyland Cypress | 6       | 1.5" Cal.    | B&B       | 25' tall<br>8' wide        |
|  | Cupressus sempervirens 'Monshel'<br>Tiny Tower Italian Cypress     | 8       | 6-7"         | B&B       | 25-30' tall<br>3' wide     |
|  | Fagus sylvatica 'Roseomarginata'<br>Tricolor European Beech        | 4       | 2" Cal.      | B&B       | 30' tall<br>30' wide       |
|  | Ginkgo biloba 'Autumn Gold'<br>Autumn Gold Ginkgo<br>(male only)   | 5       | 2" Cal.      | B&B       | 40' tall<br>40' wide       |
|  | Pinus flexilis 'Vanderwolf's Pyramid'<br>Vanderwolf's Limber Pine  | 3       | 6-7"         | B&B       | 20-25' tall<br>10-15' wide |
|  | Styrax japonica<br>Japanese Snowbell                               | 3       | 1.5" Cal.    | B&B       | 25' tall<br>25' wide       |
|  | Zelkova serrata 'Village Green'<br>Village Green Zelkova           | 3       | 2" Cal.      | B&B       | 50' tall<br>40' wide       |
| Total Trees   |  | 35      |              |           |                            |

| SYM          | SHRUBS/ANNUALS  | QTY. | SIZE  | CONDITION | REMARKS |
|--------------|---|------|-------|-----------|---------|
|              | Azalea x 'Hino-Crimson'<br>Hino-Crimson Azalea                | 28   | 1 Gal | Can       |         |
|              | Berberis thunbergii 'Crimson Pygmy'<br>Crimson Pygmy Barberry | 6    | 1 Gal | Can       |         |
|              | Cholsya ternata 'Sundance'<br>Sundance Mexican Orange         | 14   | 5 Gal | Can       |         |
|              | Ilex glabra 'Shamrock'<br>Shamrock Inkberry                   | 61   | 2 Gal | Can       |         |
|              | Euonymus fortunei 'Gold Splash'<br>Gold Splash Euonymus       | 58   | 1 Gal | Can       |         |
|              | Euonymus japonicus Aureovariegatus'<br>Gold Spot Euonymus     | 57   | 2 Gal | Can       |         |
|              | Imperata cylindrica 'Rubra'<br>Japanese Blood Grass           | 26   | 1 Gal | Can       |         |
|              | Hydrangea paniculata 'Littletime'<br>Littletime Hydrangea     | 15   | 3-4'  | B&B       |         |
|              | Euonymus alata 'Compactus'<br>Compact Winged Euonymus         | 17   | 5 Gal | Can       |         |
|              | Rhododendron 'Anah Kruschke'<br>Anah Kruschke Rhododendron    | 23   | 5 Gal | Can       |         |
|              | Rosa 'Pink Supreme Carpet'<br>Pink Supreme Carpet Rose        | 30   | 1 Gal | Can       |         |
|              | Rudbeckia fulgida 'Goldsturm'<br>Goldsturm Black-Eyed Susan   | 14   | 1 gal | Can       |         |
|              | Weigela florida 'Bohrasphii'<br>Spilled Wine Weigela          | 50   | 2 Gal | Can       |         |
|              | Viburnum tinus 'Spring Bouquet'<br>Spring Bouquet Viburnum    | 13   | 5 Gal | Can       |         |
| Total Shrubs |   | 412  |       |           |         |

| SYM | GROUND COVER/GRASSES   | QTY.      | SIZE  | CONDITION | SPACING  |
|-----|--|-----------|-------|-----------|----------|
|     | Fragaria x 'Lipstick'<br>Lipstick Strawberry                   | 175       | 4"    | Pots      | 24" O.C. |
|     | Hakonechloa macro 'All Gold'<br>All Gold Japanese Forest Grass | 36        | 1 Gal | Can       |          |
|     | Lawn (hydro-seed)  | 14,870 SF |       |           |          |

- Notes:
- Street trees shall be a minimum of two inches in caliper measured at six inches above ground level. All trees shall be healthy grown nursery stock with single straight trunk, a well developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
  - Due to limited availability of desirable tree species in acceptable caliper, the final species of trees shown on this plan will be determined in collaboration between the landscaper and the City nearer to the time of actual installation. The purpose of this is to facilitate installation of more desirable tree species as they become available over time. The city will retain authority over the final species selection.

REFER TO SHEETS L102 FOR PLANTING DETAILS AND NOTES.

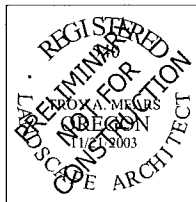
MEARS

DESIGN+GROUP

LANDSCAPE ARCHITECTURE & PLANNING

PO Box 23338 | Portland, Oregon | 97281

PHONE: 503.601.4516 | FAX: 503.924.4688



McMINNVILLE BURGER KING  
InSite Real Estate  
SWC BOOTH BEND ROAD  
McMINNVILLE, OREGON

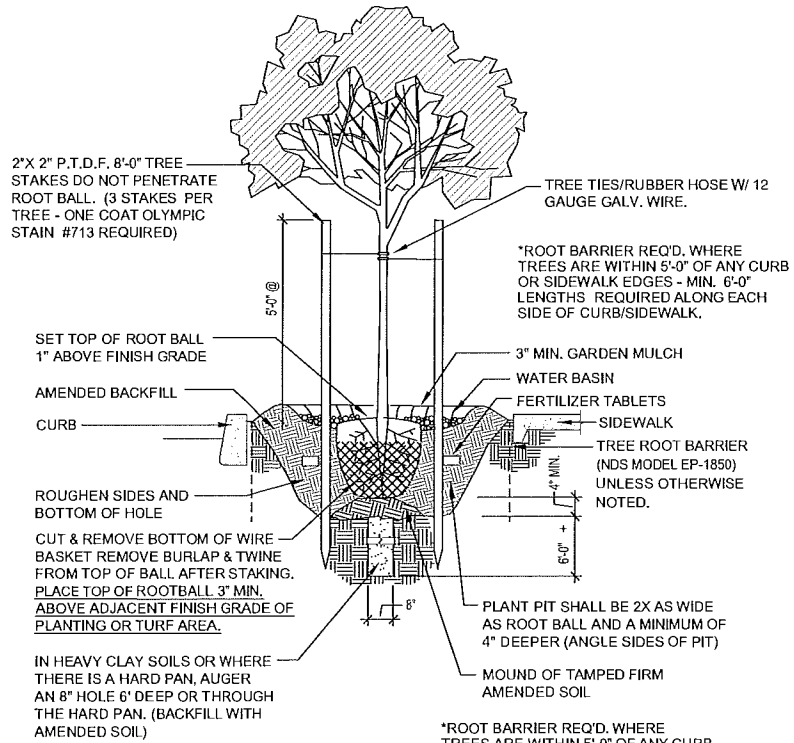
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SHEET NAME:  
PLANTING PLAN

DRAWN BY: TM  
CHECKED BY: TM  
ISSUE DATE: 3/2/2022  
JOB NO.: 2206

SHEET:  
L101  
OF 2



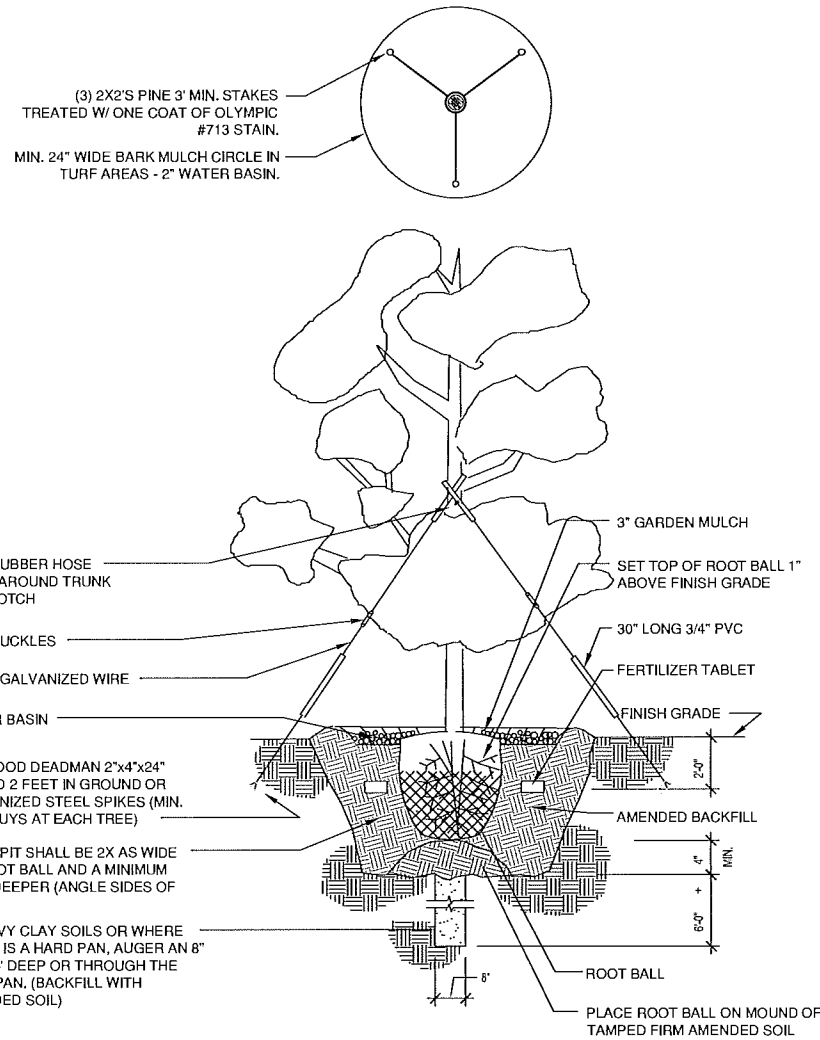


## STREET TREE PLANTING DETAIL

N.T.S.

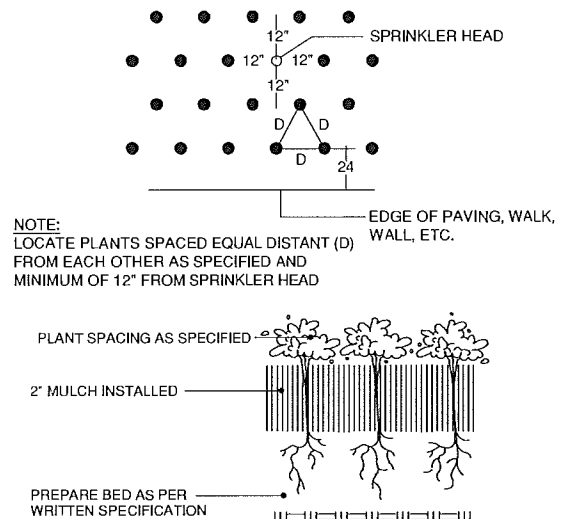
### TYPICAL PLANTING NOTES:

1. B&B STOCK MAY BE SUBSTITUTED WITH CONTAINER STOCK OF EQUAL GRADE.
2. CONTAINER STOCK MAY BE SUBSTITUTED WITH B&B STOCK OF EQUAL GRADE.
3. PLANT MATERIAL SHALL CONFORM WITH AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1, 2004 EDITION.
4. ALL TREES SHALL BE BRANCHED.
5. GARDEN MULCH ALL PLANTING BEDS WITH 3" MIN. LAYER OF SPECIFIED GARDEN MULCH.
6. IN THE EVENT OF A DISCREPANCY BETWEEN THIS MATERIAL LISTING AND THE DRAWINGS, THE DRAWINGS SHALL GOVERN THE PLANT SPECIES AND QUANTITIES REQ.
7. IN THE EVENT OF QUESTION OR LACK OF CLARITY ON DRAWINGS, LANDSCAPE CONTRACTOR IS TO CALL LANDSCAPE ARCHITECT BEFORE PROCEEDING.
8. LANDSCAPE CONTRACTOR IS TO NOTIFY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF PLANT MATERIAL TO APPROVE FINAL PLACEMENT.
9. LANDSCAPE CONTRACTOR TO VERIFY PLANT MATERIAL QUANTITIES QUANTITIES.
10. CONTRACTOR WILL PROVIDE A ONE YEAR WARRANTY ON ALL PROVIDED & INSTALLED PLANT MATERIAL FROM DATE OF FINAL APPROVAL BY OWNER'S REPRESENTATIVE.



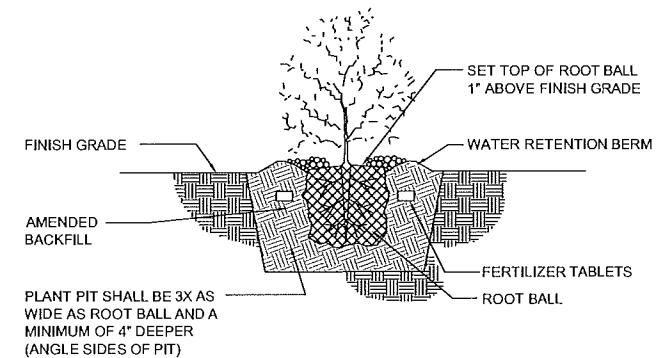
## EVERGREEN TREE PLANTING DETAIL

N.T.S.



## GROUNDCOVER PLANTING DETAIL

N.T.S.



## SHRUB PLANTING DETAIL

N.T.S.

**MEARS**  
DESIGN+GROUP  
LANDSCAPE ARCHITECTURE & PLANNING  
PO Box 23338 | PORTLAND, OREGON | 97251  
PHONE: 503.601.4515 | FAX: 503.924.4588

REGISTERED  
ARCHITECT  
FOR  
OREGON  
NO. 1003

**McMINNVILLE BURGER KING**  
InSite Real Estate

SWC BOOTH BEND ROAD  
McMINNVILLE, OREGON

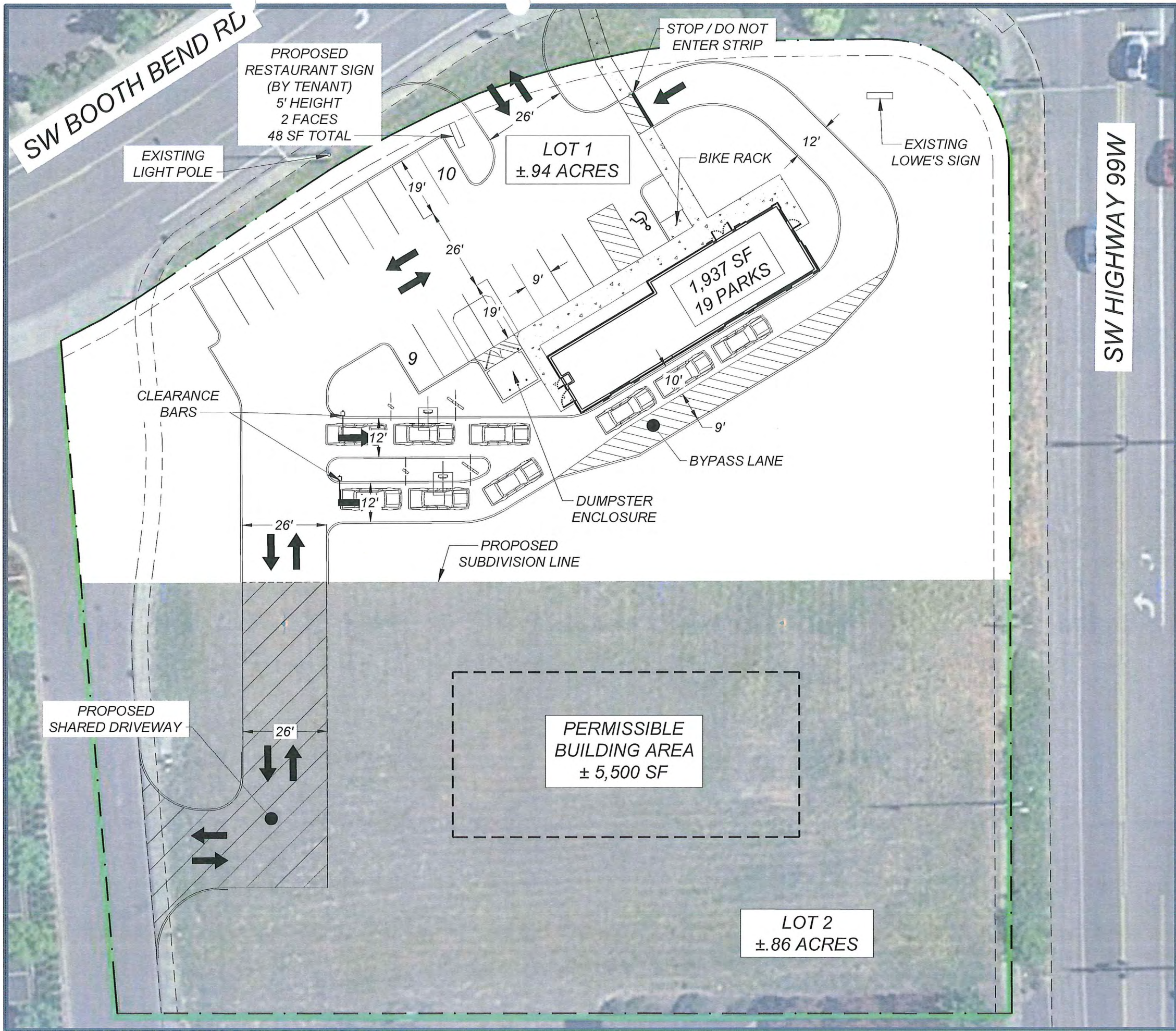
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SHEET NAME:  
**PLANTING  
DETAILS & NOTES**

DRAWN BY: TM  
CHECKED BY: TM  
ISSUE DATE: 3/2/2022  
JOB NO.: 2206

SHEET:  
**L102**  
OF 2





**PREMISES PLAN**  
**LOCATION: (SWC) SW BOOTH BEND RD**  
**AND SW HIGHWAY 99W**  
**MCMINNVILLE, OR**  
**CONCEPT PLAN (v15c)**  
**3/10/2021**

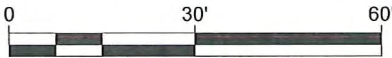
|                  |   |
|------------------|---|
| <b>SITE DATA</b> |   |
| JURISDICTION     | CITY OF MCMINNVILLE   |
| ZONING DISTRICT  | C3 GENERAL COMMERCIAL   |
| PERMITTED USE(S) | RESTAURANT  |
| LOT AREA         | LOT 1: ± 41,033 SF (± .94 ACRES)<br>LOT 2: ± 37,375 SF (± .86 ACRES)<br>TOTAL: ± 78,408 SF (± 1.80 ACRES) |
| BUILDING AREA    | 1,937 SF  |
| F.A.R.           | CODE TBD   PLAN .05   |

|                          |             |             |
|--------------------------|-------------|-------------|
| <b>SETBACKS</b>          |             |             |
| <b>BUILDING SETBACKS</b> | <b>CODE</b> | <b>PLAN</b> |
| - FRONT YARD             | NONE        | 58' (E)     |
| - CORNER SIDE YARD       | NONE        | 50' (N)     |
| - INTERIOR SIDE YARD     | 0'          | 51' (S)     |
| - REAR YARD              | 0'          | 149' (W)    |

|                         |     |         |
|-------------------------|-----|---------|
| <b>PARKING SETBACKS</b> |     |         |
| - FRONT YARD            | 5'  | 24' (E) |
| - CORNER YARD           | 5'  | 5' (N)  |
| - INTERIOR SIDE YARD    | XX' | 18' (S) |
| - REAR YARD             | XX' | 44' (W) |
| <b>SIGNAGE SETBACK</b>  | TBD | 5'      |

|  |                     |                    |
|--|---------------------|--------------------|
| <b>OFF STREET PARKING REQUIREMENTS</b> |                     |                    |
| PARKING STALL COUNT                    | 19 (NOTE 2)         | 19 (9.8 / 1000 SF) |
| ADA STALL COUNT                        | 1                   | 1                  |
| PARKING STALL SIZE                     | 9' X 19'            | 9' X 19'           |
| DRIVE AISLE WIDTH                      | 26'                 | 26'                |
| DRIVE-THRU STACKING                    | TBD                 | 9                  |
| BUILDING HEIGHT                        | 22' (PER LOWES CCR) | TBD                |

|                         |  |
|-------------------------|--|
| <b>PROTOTYPE:</b>       | TBD  |
| <b>ADDITIONAL NOTES</b> | 1. BICYCLE SPACES SHALL BE 10% OF THE AUTOMOBILE PARKING SPACES REQUIRED<br>2. LOWE'S RESTAURANT OR FAST FOOD PARKING REQUIREMENT: 10 / 1,000 SF |
| <b>DRAWN BY:</b>        | BS   |



**InSite**

1400 16th Street, Suite 300  
Oak Brook, IL 60523-8854  
Office: 630.617.9100  
www.insiterealestate.com

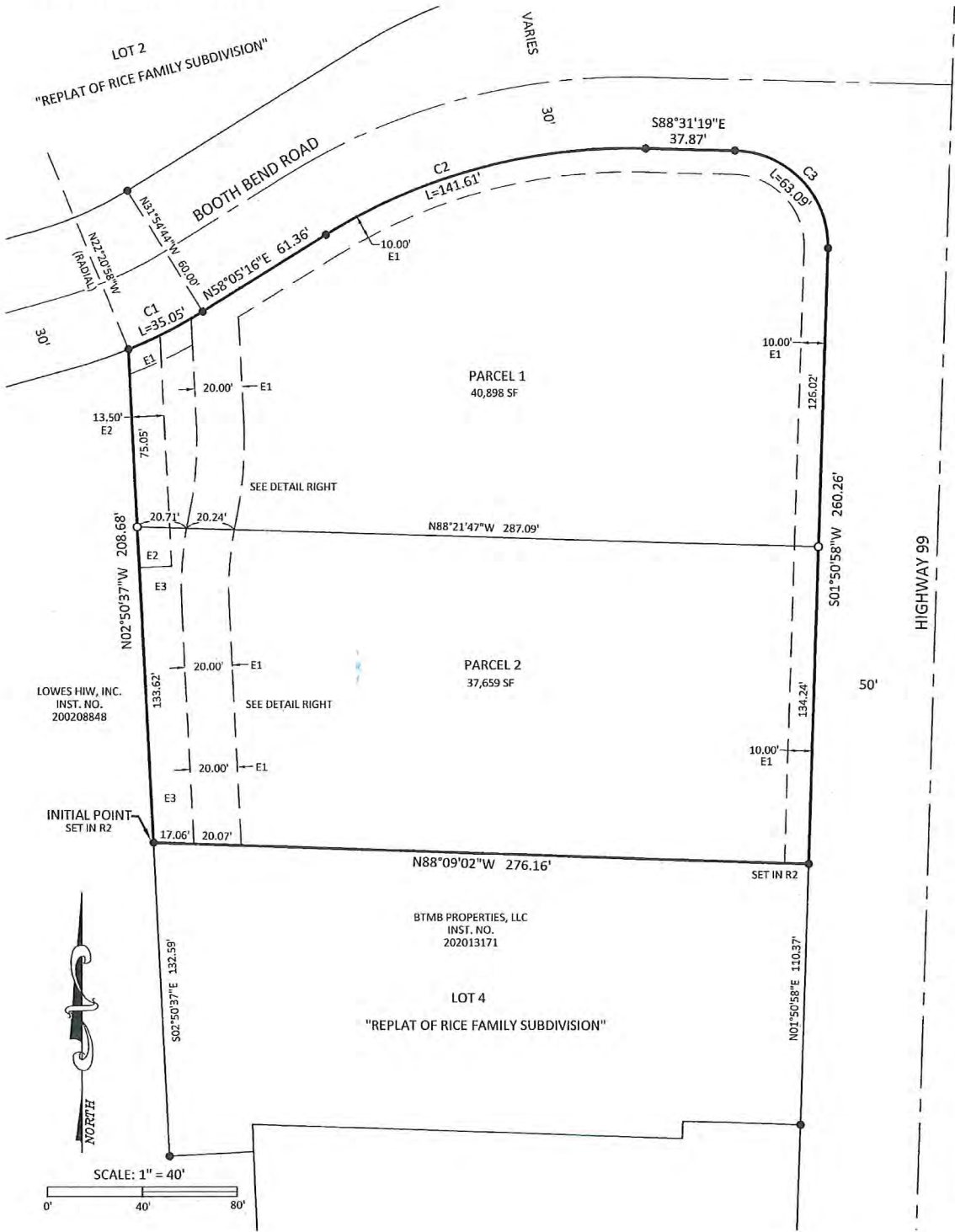


PARTITION PLAT

FOR: RICHARD D. RICE

LOCATION: S.W. 1/4 OF SECTION 29, T.4S., R.4W., W.M.  
IN LOT 3, "REPLAT OF THE RICE FAMILY SUBDIVISION"  
CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON

CITY OF MCMINNVILLE DOCKET NO.  
TAX LOT 4429CA -00300  
DATE: FEBRUARY 24, 2022



NARRATIVE

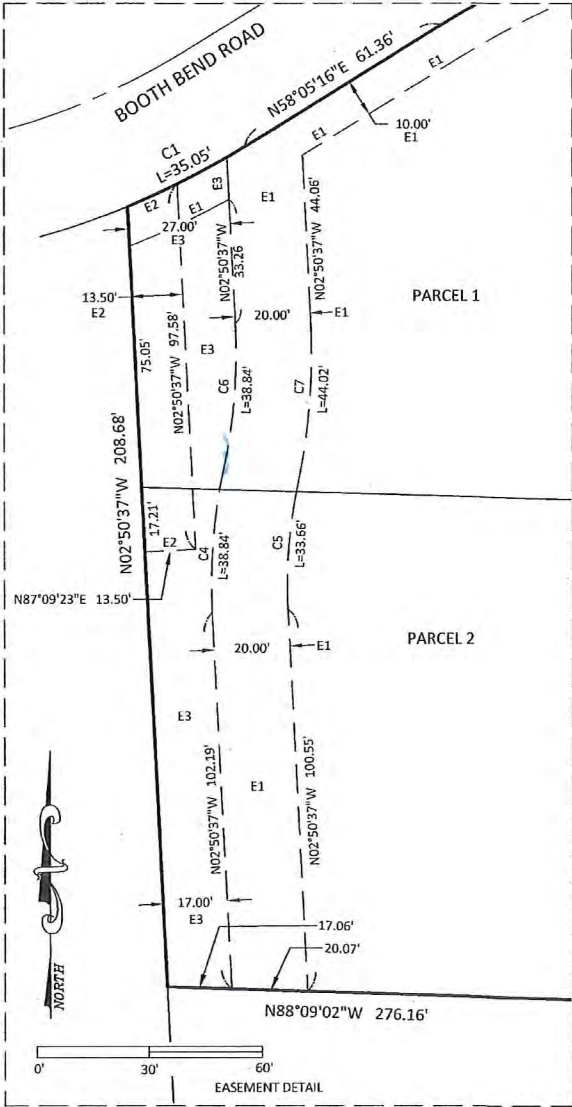
THE PURPOSE OF THIS SURVEY IS TO PARTITION LOT 3, "REPLAT OF THE RICE FAMILY SUBDIVISION" AS APPROVED BY THE CITY OF MCMINNVILLE IN PLANNING DOCKET NO. \_\_\_\_\_

AS THE BASIS OF BEARINGS IS NORTH 02°50'37" WEST ON THE WEST BOUNDARY LINE PER R2. THE BOUNDARY LINES WERE DETERMINED BY HOLDING THE MONUMENTS SET IN R1 AND R2.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jon T. Feigon* 2/28/22

OREGON  
JANUARY 15, 1987  
JON T. FEIGON  
2252  
EXPIRES 12-31-23



LEGEND

- SET 5/8" X 30" LONG IR WITH YPC MARKED "EMERIO DESIGN" SET ON \_\_\_\_\_
- FOUND 5/8" IR WITH YPC MARKED "WRG DESIGN, INC." SET IN R1 UNLESS NOTED SET IN R2. HELD
- R1 SURVEY OR PLAT REFERENCE NUMBER
- E1 EASEMENT REFERENCE NUMBER
- IR IRON ROD
- YPC YELLOW PLASTIC CAP
- SF SQUARE FEET
- CS SURVEY NUMBER, YAMHILL COUNTY SURVEY RECORDS

REFERENCES

- R1 CS 11838
- R2 "REPLAT OF THE RICE FAMILY SUBDIVISION"
- E1 PUBLIC WATER AND POWER EASEMENT TO BENEFIT THE CITY OF MCMINNVILLE PER INST. NO. 200324655
- E2 PUBLIC STORM DRAINAGE EASEMENT TO BENEFIT THE CITY OF MCMINNVILLE PER INST. NO. 200315989
- E3 CONDITIONS COVENANTS AND RESTRICTIONS RECORDED IN INSTRUMENT NO. 200208853 INCLUDES SHARED ACCESS OVER NON DEDICATED STREETS.

| CURVE TABLE |         |         |           |             |         |
|-------------|---------|---------|-----------|-------------|---------|
| CURVE       | LENGTH  | RADIUS  | DELTA     | CHORD BNG   | CHORD   |
| C1          | 35.05'  | 210.00' | 9°33'46"  | N06°52'09"E | 35.01'  |
| C2          | 141.61' | 243.00' | 33°23'25" | N74°46'59"E | 139.62' |
| C3          | 63.09'  | 40.00'  | 90°22'17" | S43°20'10"E | 56.75'  |
| C4          | 38.84'  | 150.00' | 14°50'06" | N04°34'26"E | 38.73'  |
| C5          | 33.66'  | 130.00' | 14°50'06" | N04°34'26"E | 33.57'  |
| C6          | 38.84'  | 150.00' | 14°50'06" | N04°34'26"E | 38.73'  |
| C7          | 44.02'  | 170.00' | 14°50'06" | N04°34'26"E | 43.89'  |

**EMERIO**  
ENGINEERING • SURVEYING • DESIGN

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BEAVERTON, OREGON 97008  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com  
EMERIO JOB: 0990-002

PARTITION PLAT

FOR: RICHARD D. RICE

LOCATION: S.W. 1/4 OF SECTION 29, T.4S., R.4W., W.M.  
IN LOT 3, "REPLAT OF THE RICE FAMILY SUBDIVISION"  
CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON

CITY OF MCMINNVILLE DOCKET NO.

CITY OF TAX LOT 4429CA -00300

DATE: FEBRUARY 24, 2022

SURVEYOR'S CERTIFICATE

I, JON T. FEIGION, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ANNEXED PARTITION PLAT, SAID LAND BEING DESCRIBED AS FOLLOWS:

THAT TRACT OF LAND CONVEYED TO RICHARD D. RICE, TRUSTEE OF THE RICHARD D. RICE REVOCABLE LIVING TRUST BY DEED RECORDED AS DOCUMENT NO. 2018/-120714, MULTNOMAH COUNTY DEED RECORDS, BEING LOT 3, "REPLAT OF THE RICE FAMILY SUBDIVISION" LOCATED IN THE S.W. 1/4 OF SECTION 29 T.4S., R.4W., WILLAMETTE MERIDIAN, CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT WHERE I FOUND A 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN, INC." AT THE SOUTHWEST CORNER OF LOT 3, OF THE PLAT OF "REPLAT OF THE RICE FAMILY SUBDIVISION", RECORDED IN VOLUME 12, PAGE 103, YAMHILL COUNTY PLAT RECORDS; THENCE ALONG THE WEST LINE OF SAID LOT 3, NORTH 02°50'37" WEST, 208.68 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF BOOTH BEND ROAD (30.00 FEET FROM CENTERLINE);

THENCE ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES:

35.05 FEET ON THE ARC OF A NONTANGENT 210.00-FOOT RADIUS CURVE (THE RADIUS POINT BEARS NORTH 22°20'58" WEST) THROUGH A CENTRAL ANGLE OF 9°33'46" (THE CHORD BEARS NORTH 06°52'09" EAST, 35.01 FEET) TO A POINT OF TANGENCY;

NORTH 58°05'16" EAST, 61.36 FEET TO A POINT OF CURVATURE;

141.61 FEET ON THE ARC OF A 243.00-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 33°23'25" (THE CHORD BEARS NORTH 74°46'59" EAST, 139.62 FEET) TO A POINT OF TANGENCY;

SOUTH 88°31'19" EAST, 37.87 FEET TO A POINT OF CURVATURE;

63.09 FEET ON THE ARC OF A 40.00-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 90°22'17" (THE CHORD BEARS SOUTH 43°20'10" EAST, 56.75 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHWAY 99 (50.00 FEET FROM CENTERLINE);

THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, SOUTH 01°50'58" WEST, 260.26 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE ALONG THE SOUTH LINE OF SAID LOT 3, NORTH 88°09'02" WEST, 276.16 FEET TO THE INITIAL POINT.

CONTAINING 78,557 SQUARE FEET, MORE OR LESS.



DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE RICHARD D. RICE REVOCABLE LIVING TRUST, THE MAXINE MARIE RICE REVOCABLE LIVING TRUST, AND THE BARBARA GRONER TRUST ARE THE OWNERS OF THE LAND DESCRIBED IN THE ATTACHED SURVEYOR'S CERTIFICATE AND AS SHOWN ON THE ANNEXED MAP, AND HAVE CAUSED THE PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED IN ACCORDANCE WITH THE PROVISIONS OF O.R.S. CHAPTER 92.

THE RICHARD D. RICE REVOCABLE LIVING TRUST

RICHARD D. RICE, TRUSTEE

THE MAXINE MARIE RICE REVOCABLE LIVING TRUST

WILBUR EUGENE RICE, CO-TRUSTEE

STEVEN E. RICE, CO-TRUSTEE

THE BARBARA GRONER TRUST

BARBARA GRONER, TRUSTEE

ACKNOWLEDGEMENT

STATE OF OREGON )

COUNTY OF MULTNOMAH )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON  
BY RICHARD D. RICE AS TRUSTEE OF THE RICHARD D. RICE REVOCABLE LIVING TRUST.

NOTARY SIGNATURE

NOTARY PUBLIC - OREGON

COMMISSION NO.

MY COMMISSION EXPIRES:

ACKNOWLEDGEMENT

STATE OF OREGON )

COUNTY OF MULTNOMAH )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON  
BY WILBUR EUGENE RICE AS CO-TRUSTEE OF THE MAXINE MARIE REVOCABLE LIVING TRUST.

NOTARY SIGNATURE

NOTARY PUBLIC - OREGON

COMMISSION NO.

MY COMMISSION EXPIRES:

ACKNOWLEDGEMENT

STATE OF OREGON )

COUNTY OF MULTNOMAH )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON  
BY STEVEN E. RICE AS CO-TRUSTEE OF THE MAXINE MARIE REVOCABLE LIVING TRUST.

NOTARY SIGNATURE

NOTARY PUBLIC - OREGON

COMMISSION NO.

MY COMMISSION EXPIRES:

ACKNOWLEDGEMENT

STATE OF OREGON )

COUNTY OF MULTNOMAH )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON  
BY BARBARA GRONER AS TRUSTEE OF THE BARBARA GRONER TRUST.

NOTARY SIGNATURE

NOTARY PUBLIC - OREGON

COMMISSION NO.

MY COMMISSION EXPIRES:

PLAT NOTES

1) THIS PARTITION PLAT IS SUBJECT TO THE CONDITIONS OF THE CITY OF MCMINNVILLE PLANNING DOCKET NO. \_\_\_\_\_.

APPROVALS:

CITY OF MCMINNVILLE  
COMMUNITY DEVELOPMENT DIRECTOR

DATE

CITY OF MCMINNVILLE  
PLANNING DIRECTOR

DATE

CITY OF MCMINNVILLE  
WATER AND LIGHT COMMISSION

DATE

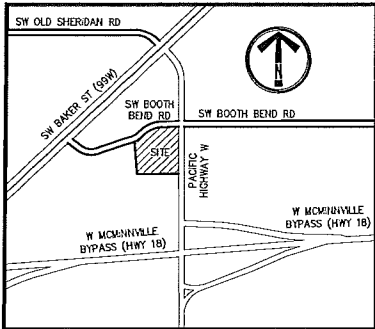
YAMHILL COUNTY SURVEYOR

DATE

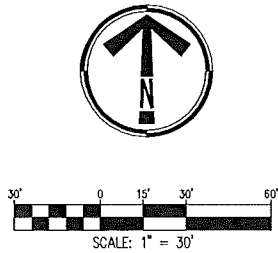


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JOB NO. 0990-002



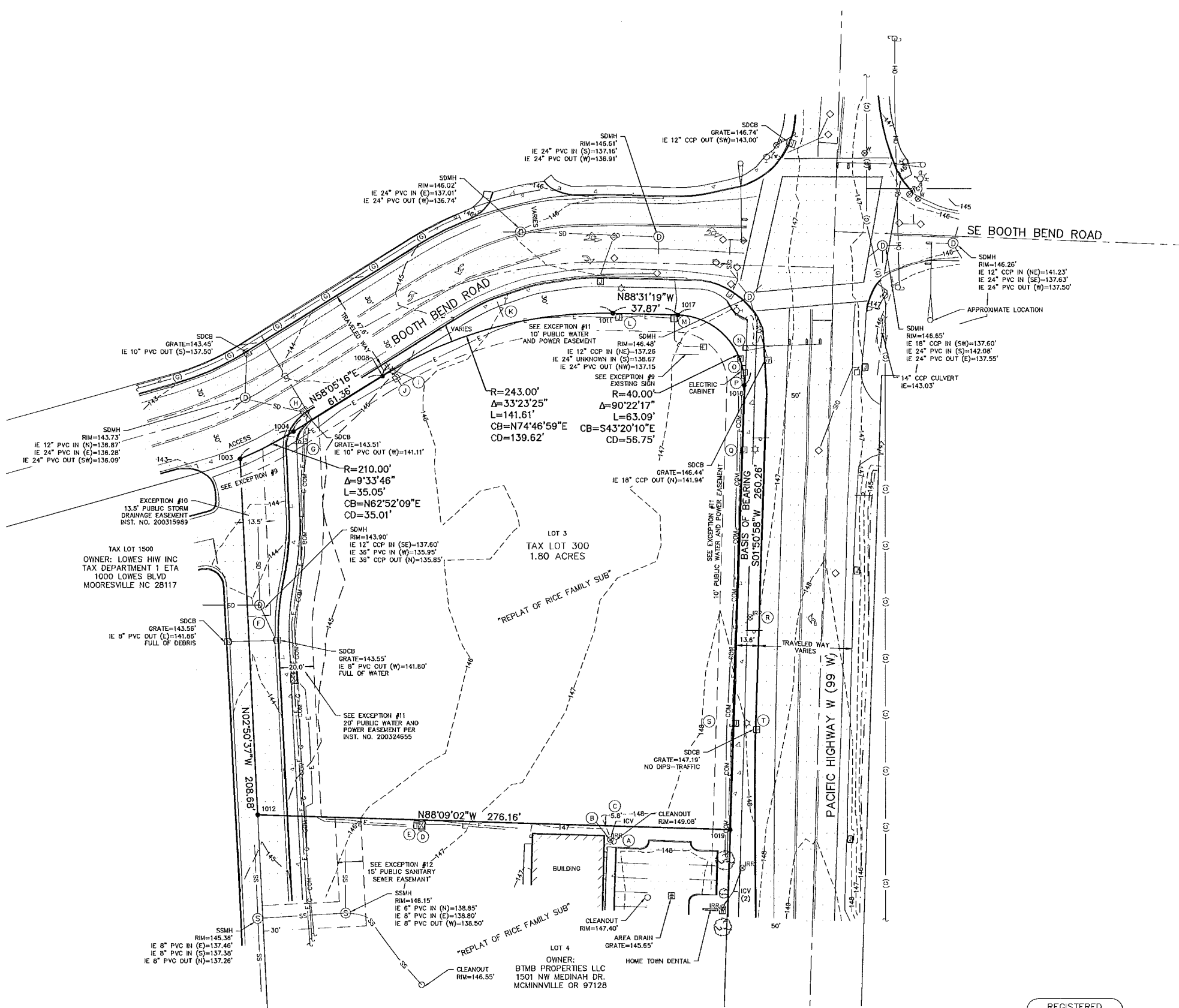


VICINITY MAP  
NOT TO SCALE



LEGEND

|  |   |
|--|---|
|  | INDICATES FOUND MONUMENT (PROTECT AT ALL TIMES)   |
|  | INDICATES SIGN                                    |
|  | INDICATES DECIDUOUS TREE                          |
|  | INDICATES CATCH BASIN (SDCB)                      |
|  | INDICATES STORM DRAIN MANHOLE (SDMH)              |
|  | INDICATES CLEANOUT                                |
|  | INDICATES SANITARY SEWER MANHOLE (SSMH)           |
|  | INDICATES UTILITY POLE                            |
|  | INDICATES STREET LIGHT                            |
|  | INDICATES JUNCTION BOX                            |
|  | INDICATES ELECTRICAL METER                        |
|  | INDICATES TRANSFORMER                             |
|  | INDICATES ELECTRICAL VAULT                        |
|  | INDICATES TRAFFIC SIGNAL POLE                     |
|  | INDICATES TRAFFIC SIGNAL                          |
|  | INDICATES PEDESTRIAN SIGNAL POLE                  |
|  | INDICATES FIRE HYDRANT                            |
|  | INDICATES WATER METER                             |
|  | INDICATES WATER VALVE                             |
|  | INDICATES SIGNAL LOOP                             |
|  | INDICATES IRRIGATION CONTROL VALVE                |
|  | INDICATES CONCRETE PIPE                           |
|  | INDICATES INVERT ELEVATION                        |
|  | INDICATES PVC PIPE                                |
|  | INDICATES SQUARE FEET                             |
|  | INDICATES SANITARY SEWER MANHOLE                  |
|  | INDICATES STORM DRAIN CATCH BASIN                 |
|  | INDICATES STORM DRAIN MANHOLE                     |
|  | INDICATES UNDERGROUND LINE PER RECORD INFORMATION |
|  | INDICATES DITCH                                   |
|  | INDICATES SIGNAL SPAN LINE                        |
|  | INDICATES ROADWAY CENTERLINE                      |
|  | INDICATES EASEMENT LINE                           |
|  | INDICATES 5 FOOT INTERVAL CONTOUR                 |
|  | INDICATES 1 FOOT INTERVAL CONTOUR                 |
|  | INDICATES EXISTING GAS                            |
|  | INDICATES EXISTING COMMUNICATIONS                 |
|  | INDICATES EXISTING POWER                          |
|  | INDICATES OVERHEAD POWER                          |
|  | INDICATES EXISTING SANITARY SEWER                 |
|  | INDICATES EXISTING STORM DRAIN                    |
|  | INDICATES EXISTING CONCRETE                       |
|  | INDICATES EXISTING ASPHALT                        |



SHEET INDEX

SHEET 1 - ALTA SURVEY, LEGEND AND VICINITY MAP  
SHEET 2 - TOPOGRAPHIC NOTES, MONUMENT TABLE, LEGAL DESCRIPTION, EXCEPTIONS,  
SURVEYOR'S CERTIFICATE, TABLE "A" NOTES

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 12, 2005  
ERIC D. LYNCH  
36544  
EXPIRES 12-31-22

ALTA/NSPS LAND TITLE SURVEY  
LOT 3  
OF THE REPLAT OF THE RICE FAMILY SUBDIVISION  
LOCATED IN THE NE 1/4 OF SW 1/4 SECTION 29, T.4S., R.4W., W.M.  
MCMINNIVILLE, YAMHILL COUNTY, OREGON



SURVEYED FOR:  
INSITE REAL ESTATE LLC  
1400 16TH ST #300  
OAK BROOK, IL 60523

DATE: 09-09-2022  
EMAIL: INFO@EMERIODSIGN.COM

6445 SW VALLEY BROOK PLACE, SUITE 100  
SEASIDE, OREGON 97138  
TEL: (503) 746-4812  
FAX: (503) 635-5502  
www.emeriodesign.com

SHEET 1 OF 2

|              |            |
|--------------|------------|
| PREPARED BY: | AT         |
| DATE         |            |
| REVISIONS    |            |
| NO.          |            |
| DRAWN:       | AT         |
| CHECKED:     | ASJ        |
| DATE         | 01-27-2022 |

TOPOGRAPHIC NOTES:

ITEMS LISTED BELOW ARE POSSIBLE AREAS OF CONCERN.

- A CLEANOUT IS 9' SOUTH OF SOUTH PROPERTY LINE
- B IRRIGATION CONTROL VALVE IS 8' SOUTH OF SOUTH PROPERTY LINE
- C BUILDING IS 5.6' SOUTH OF SOUTH PROPERTY LINE
- D POWER VAULT IS 3' SOUTH OF SOUTH PROPERTY LINE
- E COMMUNICATION BOX IS 3.4' SOUTH OF SOUTH PROPERTY LINE
- F STORM MANHOLE IS 7' EAST OF WEST PROPERTY LINE
- G SIGN IS 4' SOUTHEAST OF NORTH PROPERTY LINE
- H STORM DRAIN CATCH BASIN IS 2' SOUTHEAST OF NORTH PROPERTY LINE
- I LIGHT POLE IS ON NORTH PROPERTY LINE
- J POWER JUNCTION BOX IS 2.5' SOUTHEAST OF NORTH PROPERTY LINE
- K SIGN IS 9' NORTHWEST OF NORTHERN PROPERTY LINE
- L POWER JUNCTION BOX IS 2.3' SOUTH OF NORTH PROPERTY LINE
- M COMMUNICATION BOX IS 2.2' SOUTH OF NORTH PROPERTY LINE
- N SIGNAL POLE 5' NORTHWEST OF NORTH PROPERTY LINE
- O ELECTRIC METER IS ON NORTH PROPERTY LINE
- P ELECTRIC METER IS .5' WEST OF WEST PROPERTY LINE
- Q ELECTRIC JUNCTION BOX IS 1' WEST OF WEST PROPERTY LINE
- R IRRIGATION CONTROL VALVE IS 7' WEST OF WEST PROPERTY LINE
- S POWER JUNCTION BOX IS 1.2' WEST OF WEST PROPERTY LINE
- T LIGHT POLE IS 7.8' WEST OF WEST PROPERTY LINE

MONUMENT TABLE:

- 1003 FOUND SCREW WITH WASHER MARKED "WRG DESIGN INC"
- 1004 FOUND SCREW WITH WASHER MARKED "WRG DESIGN INC"
- 1008 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
- 1011 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
- 1012 FOUND 5/8" IRON ROD
- 1017 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
- 1018 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
- 1019 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"

SURVEY NOTES:

- 1. EXCEPTIONS AND LEGAL DESCRIPTIONS ARE PER ALTA COMMITMENT FOR TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1062446-MAD, COMMITMENT DATE JULY 14, 2021.
- 2. NO BUILDINGS OBSERVED.
- 3. THE BASIS OF BEARINGS IS BASED ON FOUND MONUMENT #1018 AND #1019 ALONG THE WEST RIGHT OF WAY LINE OF HWY 99, BEING SOUTH 01°50'58" EAST, PER THE REPLAT OF THE "RICE FAMILY SUBDIVISION", YAMHILL COUNTY SURVEY RECORDS.

LEGAL DESCRIPTION: PER NOTED TITLE REPORT.

LOT 3, "REPLAT OF RICE FAMILY SUBDIVISION, IN THE CITY OF MCMINNVILLE, COUNTY OF YAMHILL, STATE OF OREGON

TITLE REPORT EXCEPTIONS: PER NOTED TITLE REPORT.

- 1. TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; PROCEEDINGS BY A PUBLIC AGENCY WHICH MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS. (NOT A SURVEY LOCATION ITEM)
- 2. FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF. (NOT A SURVEY LOCATION ITEM)
- 3. EASEMENTS, OR CLAIMS OF EASEMENT, NOT SHOWN BY THE PUBLIC RECORDS; RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; WATER RIGHTS, CLAIMS OR TITLE TO WATER. (NOT A SURVEY LOCATION ITEM)
- 4. ANY ENCROACHMENT (OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO ADJOINING LAND OR OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND ONTO THE LAND), ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND. (NONE FOUND)
- 5. ANY LIEN OR RIGHT TO A LIEN FOR SERVICES, LABOR, MATERIAL OR EQUIPMENT, UNLESS SUCH LIEN IS SHOWN BY THE PUBLIC RECORDS AT DATE OF POLICY AND NOT OTHERWISE EXCEPTED FROM COVERAGE HEREIN. (NOT A SURVEY LOCATION ITEM)
- 6. WATER RIGHTS, CLAIMS TO WATER OR TITLE TO WATER, WHETHER OR NOT SUCH RIGHTS ARE A MATTER OF PUBLIC RECORD. (NOT A SURVEY LOCATION ITEM)
- 7. CITY LIENS, IF ANY, OF THE CITY OF MCMINNVILLE. NOTE: THERE ARE NO LIENS AS OF APRIL 16, 2021. ALL OUTSTANDING UTILITY AND USER FEES ARE NOT LIENS AND THEREFORE ARE EXCLUDED FROM COVERAGE. (NOT A SURVEY LOCATION ITEM)
- 8. THE RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING WITHIN THE LIMITS OF STREETS, ROADS AND HIGHWAYS. (NOT A SURVEY LOCATION ITEM)
- 9. COVENANTS, CONDITIONS, RESTRICTIONS AND/OR EASEMENTS; BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILY STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES. RECORDING INFORMATION: MAY 01, 2002 AS INSTRUMENT NO. 200208853, DEED AND MORTGAGE RECORDS (PROVIDES FOR INGRESS/EGRESS, VEHICULAR, AND OTHER EASEMENTS ACROSS THE COMMON AREAS AS DEFINED THEREIN) (PROVIDES FOR OTHER RECIPROCAL UTILITY EASEMENTS, AND PYLON AND SIGN EASEMENT, AS SHOWN HEREON) (REFER TO DOCUMENT FOR PARTICULARS)
- 10. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: JULY 03, 2003 AS INSTRUMENT NO. 200315989, DEED AND MORTGAGE RECORDS IN FAVOR OF: CITY OF MCMINNVILLE, A MUNICIPAL CORPORATION OF THE STATE OF OREGON FOR: STORM DRAINAGE SEWER (AS SHOWN HEREON)
- 11. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: SEPTEMBER 26, 2003 AS INSTRUMENT NO. 200324655, DEED AND MORTGAGE RECORDS IN FAVOR OF: CITY OF MCMINNVILLE, A MUNICIPAL CORPORATION OF THE STATE OF OREGON, ACTING BY AND THROUGH ITS WATER & LIGHT COMMISSION FOR: RIGHT OF WAY
- 12. NOTES, EASEMENTS, COVENANTS AND RESTRICTIONS AS DEPICTED ON THE FACE OF THE REPLAT OF THE "RICE FAMILY SUBDIVISION" PLAT. (AS SHOWN HEREON)
- 13. UNRECORDED LEASES OR PERIODIC TENANCIES, IF ANY. (NOT A SURVEY LOCATION ITEM)
- 14. IN ORDER TO INSURE A TRANSACTION INVOLVING THE HEREIN NAMED TRUST(S), WE WILL NEED TO BE PROVIDED A CERTIFICATION OF TRUST PURSUANT TO ORS 130.800 THROUGH ORS 130.910. (NOT A SURVEY LOCATION ITEM)
- 15. TAXES FOR THE FISCAL YEAR 2021-2022 A LIEN DUE, BUT NOT YET PAYABLE. (NOT A SURVEY LOCATION ITEM)

SURVEYOR'S CERTIFICATE:

TO: FIRST AMERICAN TITLE INSURANCE COMPANY  
INSITE REAL ESTATE LLC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6A, 8, 11A, 11B, 13, 14, 16, 17, 18, 19, AND 20 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JANUARY 17, 2022.

ERIC D. LYNCH  
LICENSE NO. 56544  
DATE OF MAP: JANUARY 26, 2022

TABLE A ITEMS

- 1. MONUMENTS WERE PLACED (OR A REFERENCE MONUMENT OR WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER, AS SHOWN HEREON.
- 2. ADDRESS(ES) OF THE SURVEYED PROPERTY IF DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR, OR OBSERVED WHILE CONDUCTING THE FIELDWORK, NONE DISCLOSED.
- 3. THIS SITE APPEARS TO LIE IN ZONE "UNSHADED X", "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN" PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER(S): 41071C0404D, DATED 03/02/2010.
- 4. GROSS LAND AREA 78,557 SQ. FT. OR 1.803 ACRES.
- 5. CONTOURS WERE DERIVED FROM ON THE GROUND SURVEY EFFORTS WITH A CONTOUR INTERVAL OF 1 FOOT AND 5 FEET BASED ON YAMHILL COUNTY SURVEY OFFICE BENCHMARK NO. 32, BEING A BRASS DISK IN 1" I.P., SET IN MONUMENT CASE AT THE SOUTHWEST CORNER OF THE SAMUEL COZINE DONATION LAND CLAIM #58 WITH AN ELEVATION OF 147.50'.
- 6. NO ZONING REPORT WAS PROVIDED TO THE SURVEYOR.
- 8. SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK ARE AS SHOWN HEREON.
- 11. EVIDENCE OF UNDERGROUND UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY (IN ADDITION TO THE OBSERVED EVIDENCE OF UTILITIES REQUIRED PURSUANT TO SECTION 5.E.IV.) AS DETERMINED BY:  
(A) NO PLANS AND/OR REPORTS WERE PROVIDED BY CLIENT.  
(B) MARKINGS COORDINATED BY THE SURVEYOR PURSUANT TO A PRIVATE UTILITY LOCATE REQUEST, AS SHOWN HEREON. UTILITY LOCATE MARKS DO NOT APPEAR TO BE COMPLETE, DUE TO WEATHER CONDITIONS.
- NOTE TO THE CLIENT, INSURER, AND LENDER - WITH REGARD TO TABLE A, ITEM 11, INFORMATION FROM THE SOURCES CHECKED ABOVE WERE BE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES PURSUANT TO SECTION 5.E.IV. TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES; HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE, IN WHICH CASE THE SURVEYOR SHALL NOTE ON THE PLAT OR MAP HOW THIS AFFECTED THE SURVEYOR'S ASSESSMENT OF THE LOCATION OF THE UTILITIES. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.
- 13. THE NAMES OF ADJOINING OWNERS ACCORDING TO CURRENT TAX RECORDS ARE AS SHOWN HEREON.
- 14. THE DISTANCE TO THE NEAREST INTERSECTING STREET IS AS SHOWN HEREON. SUBJECT PROPERTY ABUTS INTERSECTION.
- 16. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- 17. PROPOSED CHANGES IN STREET RIGHT OF WAY LINES, IF SUCH INFORMATION WAS MADE AVAILABLE TO THE SURVEYOR BY THE CONTROLLING JURISDICTION.  
NO PROPOSED CHANGES IN RIGHTS OF WAY WERE DISCLOSED.
- NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- 18. PLOTTABLE OFFSITE EASEMENTS AND / OR SERVITUDES DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR ARE AS SHOWN HEREON.
- 19. PROFESSIONAL LIABILITY INSURANCE POLICY OBTAINED BY THE SURVEYOR SHALL BE IN EFFECT THROUGHOUT THE CONTRACT TERM. CERTIFICATE OF INSURANCE TO BE FURNISHED UPON REQUEST.
- 20. \_\_\_\_\_



SURVEYED FOR:  
INSITE REAL ESTATE LLC  
1400 16TH ST #300  
OAK BROOK, IL 60523  
JOB#: 0990-002  
EMAIL: INFO@EMERIODSIGN.COM

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
OREGON  
JULY 12, 2005  
ERIC D. LYNCH  
56544  
EXPIRES 12-31-22

ALTA/NSPS LAND TITLE SURVEY  
LOT 3  
OF THE REPLAT OF THE RICE FAMILY SUBDIVISION  
LOCATED IN THE NE 1/4 OF SW 1/4 SECTION 29, T.4S., R.4W., W.M.  
MCMINNVILLE, YAMHILL COUNTY, OREGON

PREPARED BY: AT  
DATE: AT  
CHECKED: ASJ  
DATE: 01-27-2022



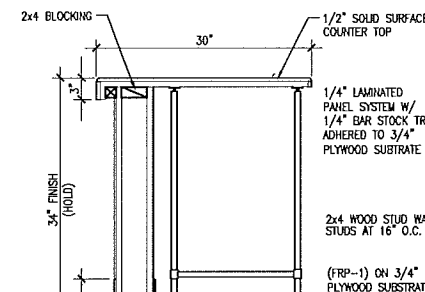




ARMÉT DAVIS NEWLOVE &  
ASSOCIATES, AIA ARCHITECTS

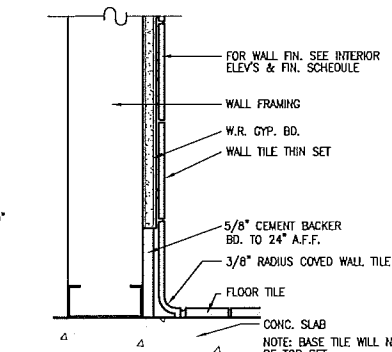
1330 OLYMPIC BLVD.  
SANTA MONICA, CALIFORNIA 90404  
PH 310 452-5533 FAX 310 450-4742

REV. DATE DESCRIPTION



### FRONT COUNTER

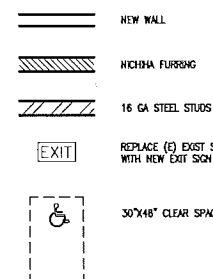
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### TILE BASE @ INTERIOR WALL

SCALE: N.T.S.

### LEGEND



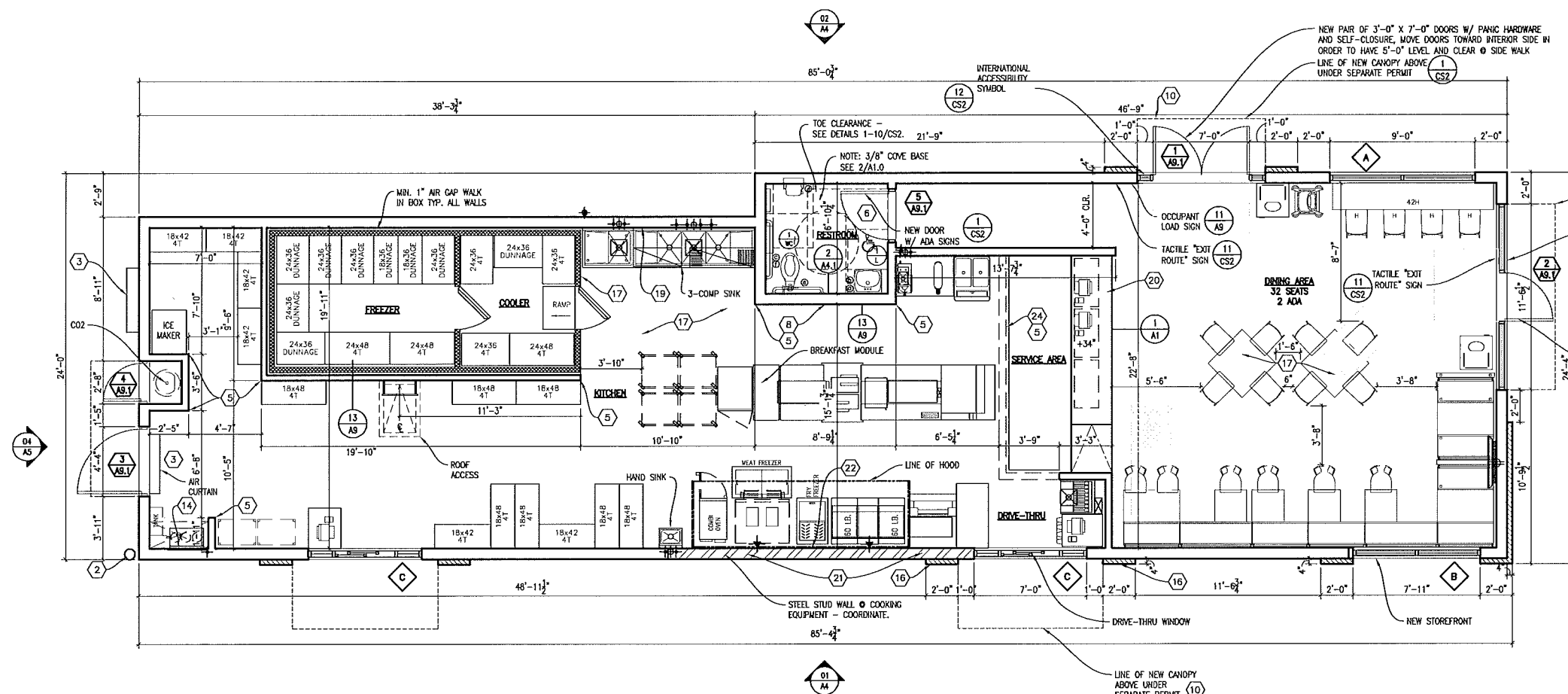
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WHETHER PRELIMINARY, VISUAL, OR FINAL. THESE PLANS AND  
SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE  
ACCEPTANCE OF THE RESTRICTIONS.



LOCATION  
SW 6000 BEND ROAD  
& SW HIGHWAY 99 W  
MCMINNVILLE, OR

DATE  
01/20/22  
JOB NO.  
DRAWN BY  
CHECKED BY  
FILE NAME  
A1 Floor Plan.dwg  
FLOOR PLAN  
& DOOR SCHEDULE

A1



DOORS TO DISABLED ACCESSIBLE  
SANITARY FACILITIES SHALL BE  
IDENTIFIED BY 1/4" GEOMETRIC  
SYMBOLS OF CONTRASTING  
COLOR CENTERED ON THE DOOR  
AT A HEIGHT OF 58" TO 60".

### PLUMBING FIXTURE SCHEDULE

| ITEM | FIXTURE           | CONNECTION SIZES (INCHES) |        |      |      |     | DESCRIPTION  |
|------|-------------------|---------------------------|--------|------|------|-----|--|
|      |                   | W                         | V      | CM   | HW   | GAS |  |
| 1 WC | WATER CLOSET, ADA | 4"                        | 2"     | 3/4" | ---  | --- | AMERICAN STANDARD MADERA FLOWISE 17" HEIGHT ELONGATED FLUSHMETER TOILET ADA W/ SLOAN VALVE "ROYAL" MODEL 111-1.28 MANUALLY OPERATED, W/ OPEN FRONT SEATS         |
| 1 L  | LAVATORY, ADA     | 2"                        | 1-1/2" | 1/2" | 1/2" | --- | AMERICAN STANDARD LUCERNE WALL HUNG #0355.012 W/GRID DRAIN, ADA KOHLER 15199 FACKET, CONTROLS SHALL BE SELF-CLOSING AND LIMIT THE FLOW RATE TO 0.25 GPM AND 110F |

### TOILET ACCESSORY SCHEDULE

- ① - MIRROR W/ STEEL FRAME - BOBROCK B-290-1836
- ② - SOAP DISPENSER - BOBROCK B-2111
- ③ - TOILET TISSUE DISPENSER - BOBROCK B-2890
- ④ - SEMI-RECESSED PAPER TOWEL DISPENSER / WASTE RECEPTACLE - BOBROCK B-3944
- ⑤ - TOILET SEAT COVER DISPENSER - BOBROCK-221
- ⑥ - GRAB BARS - BOBROCK B-5106 SERIES
- ⑦ - SANITARY NAPKIN DISPOSAL - BOBROCK B-35745
- ⑧ - HAND DRYER - EXCEL DRYER, XLERATOR<sup>®</sup> HAND DRYER XL-SB W/ ADA COMPLIANT RECESS KIT
- ⑨ - BABY CHANGING STATION (PER 2016 CBC) - T.B.O.

\* SUBMIT CUT SHEETS TO FOR OWNER'S CONFIRMATION

### GENERAL NOTES

- EXTERIOR DIMENSIONS ARE TO FACE OF MASONRY. INTERIOR DIMENSIONS ARE TO FINISH.
- OVERALL DIMENSIONS TO EXTERIOR WALLS ARE THE SAME AS TO THE OUTSIDE FACE OF FOUNDATION WALL BELOW.
- ALL ANGLED WALLS ARE AT 90° UNLESS NOTED OTHERWISE.
- IS PREFERRED. REFERENCE DETAIL #5, SHEET A-1.1 AND LOCAL RESTRICTIONS.
- ELEVATION OF DRIVE-THROUGH LANE 2" (MAXIMUM) BELOW FINISH FLOOR ELEVATION. DRIVE-THROUGH LANE AT SAME ELEVATION AS FINISH FLOOR IS PREFERRED. REFERENCE DETAIL #5, SHEET A-1.1.
- DESIGNER NOTE: WHEN UTILIZING A DIFFERENT EXTERIOR WALL CONSTRUCTION, HOLD INTERIOR DIMENSIONS.
- FOR DOOR AND WINDOW TYPES, REFER TO SHEET A-10.

### BUILDING NOTES

- RESTROOM WALLS, CEILINGS AND FLOORS ARE SMOOTH, DURABLE AND NON-ABSORBANT. COVE BASE AT FLOOR/WALL JUNCTION TO HAVE 3/8" RADIUS & MIN 4" HEIGHT. SEE DRAWING 10 ON SHEET A9.
- THE MEANS OF EGRESS, INCLUDING THE EXIT DISCHARGE, SHALL BE ILLUMINATED AT ALL TIMES THE BUILDING SPACE SERVED BY THE MEANS OF EGRESS IS OCCUPIED. THE MEANS OF EGRESS ILLUMINATION LEVEL SHALL NOT BE LESS THAN 1 FOOT-CANDLE AT THE WALKING SURFACE LEVEL.
- SEE DETAILS 1 THRU 6 ON SHEET CS2 FOR BATHROOM ACCESSIBILITY REQUIREMENTS. DETAILS ARE LISTED FOR CODE COMPLIANCE PURPOSES.
- SEE DETAILS 7 THRU 10 ON SHEET CS2 FOR OTHER ACCESSIBILITY REQUIREMENTS. DETAILS ARE LISTED FOR CODE COMPLIANCE PURPOSES.
- SEE ELEVATIONS FOR EXTERIOR FINISH.
- SEE SHEET A10 FOR WINDOW SCHEDULE.
- PROVIDE BACKING FOR TV, VERIFY LOCATION WITH FINISH PLANS.

#### RESTROOM

- BOTH RESTROOMS TO HAVE COVED TILE BASE.
- BOTH GRAB RAILS TO BE MOUNTED AT SAME HEIGHT 33" MIN.-36" MAX. W/ 1 1/2" CLEAR BETWEEN BOTTOM OF BARS AND TOP OF ANY ACCESSORIES/TOILET TANKS/FLUSH VALVES PER CBC 11B-609.4

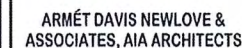
#### HEALTH DEPARTMENT NOTES:

- ALL EXTERIOR DOORS AND RESTROOM DOORS SHALL BE SELF-CLOSING.
- SEE SHEET A7.2 FOR KITCHEN AND RESTROOM FINISH SCHEDULE.

### KEYED NOTES

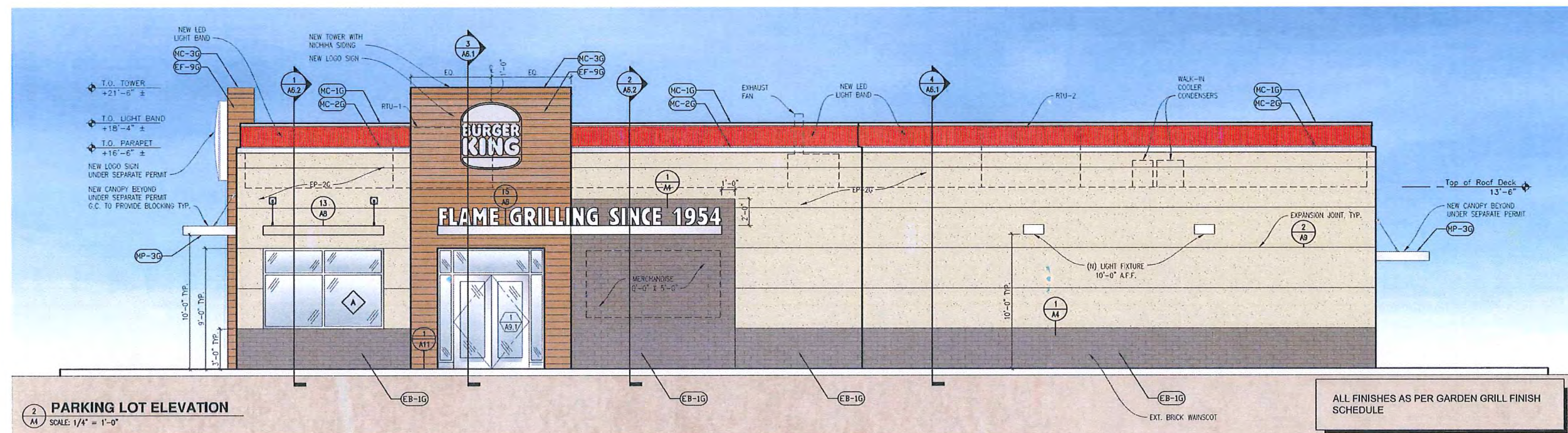
- SELF-SERVE DRINKS AND CONDIMENT STAND. REFER TO SHEET K1.0.
- STEEL BOLLARD - REFER TO SHEET 9/C4.
- ELECTRIC SERVICE - REFER TO ELECTRICAL DRAWINGS.
- SERVICE COUNTER PARTITION BY G.C. COORDINATE COUNTER TOP/FINISHES INSTALLATION RESPONSIBILITIES WITH THE DECOR SUPPLIER. MAXIMUM COUNTER HEIGHT = 34" A.F.F.
- CORNER GUARDS - REFER TO DETAIL #4, SHEET A-1.1.
- MENU BOARD BULKHEAD ABOVE. REFER TO DETAIL #13, SHEET A-10.1.
- INTERIOR WALK-IN BOX WITH FLOOR ON CONCRETE SLAB. VERIFY SIZE WITH MANUFACTURER.
- PROVIDE ADDITIONAL BLOCKING IN WALLS BEHIND URINAL SCREEN AND BEHIND PLUMBING FIXTURES FOR SUPPORT OF WATER LINES (TYPICAL).
- ALL WALLS AT EXPOSED TRUSSES TO BE FRAMED AND FINISHED TO THE ROOF DECK.
- LINE OF AWNING/CANOPY ABOVE.
- SUBSTRATE PANELS:
  - KITCHEN - CREW - RESTROOMS
  - 5/8" USG "DUROCK" PANELS AT FINISH FLOOR TO 24" A.F.F.
  - 5/8" WATER RESISTANT GYPSUM BOARD FROM 24" A.F.F. TO 6" ABOVE FINISHED CEILING.
  - PROVIDE ALTERNATE BID OF 5/8" USG "FIBEROCK" PANELS IN LIEU OF DUROCK.
  - DINING ROOM - CORRIDOR
  - 5/8" TYPE USG "SHEETROCK" TYPE "X" GYPSUM WALL BOARD.
  - FINISH: CORONADO PAINT - LIGHT ORANGE PEEL APPLIED WITH CORONADO AIR ASSIST IIP (Z-122K0) OR EQUAL
- ELECTRICAL PANELS: RECESS ELECTRICAL CONTACTOR PANEL AND PANELS "A", "B" AND "D" IN FURRED OUT WALL ADJACENT TO EXTERIOR FRAMING. G.C. TO VERIFY. PANEL SIZES PRIOR TO FURR-OUT TO INSURE ADEQUATE SPACE.
- PROVIDE 10"x10" FINISHED OPENINGS THROUGH WALL CENTERED AT 13" A.F.F. FOR ROUTING OF UTILITIES.
- CAN WASH - DUROCK SUBSTRATE ON ALL THREE SIDES. FLOOR TO CEILING.
- NOT USED.
- 4" DEEP FURR-OUT ELEMENT, 18" FINISH WIDTH MINIMUM (U.N.O.). REFER TO WALL SECTIONS. PROVIDE 12" DEEP CONCRETE CURB (REF. FOUNDATION PLAN) AND FRAMING AS REQUIRED FOR FINISH DIMENSION REQUIREMENTS.
- TILE FLOOR (REFERENCE SPECIFICATIONS ON 10 SHEETS).
- 5/8" TYPE USG "SHEETROCK" TYPE "X" GYPSUM WALL BOARD.
- BEHIND 3-COMPARTMENT SINK AND PREP SINK AND ON BULKHEAD AT MENU BOARD WALL FROM 6'-8" A.F.F. TO BOTTOM OF ROOF TRUSSES.
- COUNTER TOP - REFERENCE DETAIL #5, A-1.1.
- USG 5/8" DUROCK (BOTH SIDES) ON 3-5/8", 1B GAUGE CEE STUD FRAMING AT 16" O.C. BEHIND HOOD. WALL TO EXTEND 18" BEYOND EACH END OF HOOD.
- STAINLESS STEEL PANELS BELOW AND 18" WIDE AT EACH SIDE OF HOOD SUPPLIED BY HOOD MANUFACTURER AND INSTALLED BY G.C.
- NOTE USED.
- INDICATES 3"x12" SUBWAY TILE. REMAINING BACK OF HOUSE WALLS TO BE FINISHED IN FIBERGLASS REINFORCED PANELS, FRP-1(REFER TO APPLICABLE INTERIOR FINISH SCHEDULE)





1330 OLYMPIC BLVD.  
SANTA MONICA, CALIFORNIA 90404  
PH 310 452-5533 FAX 310 450-4742

| REV. | DATE | DESCRIPTION |
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REGISTERED ARCHITECT  
JOHN S. DOOSON  
6523  
SANTA MONICA, CA  
STATE OF CALIFORNIA



LOCATION  
SWC SW BOOTH BEND ROAD  
& SW HIGHWAY 99 W  
MCMINNVILLE, OR

DATE  
11/19/21  
JOB NO.

DRAWN BY \_\_\_\_\_ CHECKED BY \_\_\_\_\_

FILE NAME  
A4&5 Elevations.dwg

### ELEVATIONS

A4

## DOOR NOTES

1. THE MINIMUM DOOR WIDTH OF EACH DOOR OR SWING SHALL BE SUFFICIENT FOR THE OCCUPANT LOAD THERE OF AND SHALL PROVIDE A CLEAR WIDTH OF NOT LESS THAN 32 INCHES. THE HEIGHT OF DOORS SHALL NOT BE LESS THAN 80 INCHES.
2. EXIT DOORS SHALL SWING IN THE DIRECTION OF EXIT TRAVEL WHEN SERVING AN OCCUPANT LOAD OF 50 OR MORE PERSONS OR A GROUP H OCCUPANCY.
3. EVERY EXIT DOOR SHALL BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY, TOOL, OR SPECIAL KNOWLEDGE OR EFFORT. SPECIAL LOCKING DEVICES SHALL BE AN APPROVED TYPE.
4. PROVIDE APPROVED PANIC HARDWARE ON REQUIRED EXIT DOORS. PANIC HARDWARE SHALL BE PROVIDED ON EXIT DOORS SERVING ROOMS, CORRIDORS, OR STAIRWAYS HAVING AN OCCUPANT LOAD OF 50 OR MORE PERSONS, FROM ANY GROUP A, E, OR I-2 OR I-2.1 OCCUPANCY. ONLY PANIC HARDWARE APPROVED AND LISTED BY THE STATE FIRE MARSHAL SHALL BE INSTALLED.
5. EXIT DOORS FROM GROUP A SHALL NOT BE PROVIDED WITH LATCH OR LOCK UNLESS IT IS PANIC HARDWARE OF FIRE EXIT HARDWARE.
6. OPERABLE PARTS OF HANDLES, PULLS, LATCHES, LOCKS, AND OTHER OPERABLE PARTS SHALL BE 34 INCHES MINIMUM AND 44 INCHES MAXIMUM ABOVE THE FINISH FLOOR OR GROUND WHEN SLIDING DOORS ARE IN THE FULLY OPEN POSITION. OPERATING HARDWARE SHALL BE EXPOSED AND USABLE FROM BOTH SIDES. LATCHING AND LOCKING DOORS THAT ARE HAND-ACTIVATED AND AN ACCESSIBLE ROUTE SHALL BE ACTIVATED WITH A SINGLE EFFECT LEVER-TYPE HARDWARE. PANIC BARS, PUSH-PULL OPERATING BARS OR OTHER HARDWARE DESIGNED TO PROVIDE PASSAGE WITHOUT REQUIRING THE ABILITY TO GRASP THE OPERING HARDWARE.
7. DOORS CLOSERS AND GATE CLOSERS SHALL BE ADJUSTED SO THAT FROM AN OPEN POSITION OF 90 DEGREES, THE TIME REQUIRED TO MOVE THE DOOR TO A POSITION OF 12 DEGREES FROM THE LATCH IS 5 SECONDS MINIMUM. DOOR AND GATE SPRING HINGES SHALL BE ADJUSTED SO THAT THE OPEN POSITION OF 70 DEGREES, THE DOOR OR GATE SHALL MOVE TO THE CLOSED POSITION IN 1.5 SECONDS MINIMUM.
8. REQUIRED FIRE DOORS SHALL HAVE THE MINIMUM OPENING FORCE ALLOWABLE BY THE APPROPRIATE ADMINISTRATIVE AUTHORITY, NOT TO EXCEED 15 POUNDS, OTHER EXTERIOR AND INTERIOR DOORS SHALL HAVE A MAXIMUM OPENING FORCE OF 5 POUNDS.
9. PUSH OR PULL FORCE FOR A HINGED DOOR SHALL BE MEASURED PERPENDICULAR TO THE DOOR FORCE AT THE DOOR OPENING HARDWARE OR 30 INCHES FROM THE HINGED SIDE, WHICHEVER IS FURTHER FROM THE HINGE. PUSH OR PULL FORCE FOR A SLIDING OR FOLDING DOOR SHALL BE MEASURED PARALLEL TO THE DOOR AT THE DOOR PULL OR LATCH.
10. SWINGING DOOR AND GATE SURFACE WITHIN 10 INCHES OF THE FINISH FLOOR OR GROUND MEASURED VERTICALLY SHALL HAVE A SMOOTH SURFACE ON THE PUSH SIDE EXTENDING THE FULL WIDTH OF THE DOOR OR GATE. PARTS CREATING HORIZONTAL OR VERTICAL JOINTS IN THESE SURFACES SHALL BE WITHIN 1/16 INCH OF THE SAME PLANE AS THE OTHER AND BE FREE OF SHARP OR ABRASIVE EDGES. CAVITIES CREATED BY ADDED KICK PLATES SHALL BE CAFFED. EXCEPTION: AUTOMATIC AND SLIDING DOORS OR GATES.
11. THE LEVER OR LEVER OF ACTUATED LATCHES OR LOCKS SHALL BE CURVED WITH A RETURN TO WITHIN 1/2" OF THE DOOR TO PREVENT CATCHING ON THE CLOTHING OF PERSONS DURING EGRESS.
12. ILLUMINATED EXIT SIGNS ARE REQUIRED AT EACH EXIT AND ARE REQUIRED TO HAVE MINIMUM 6" HIGH BY 3/4" STROKE BLOCK LETTERS ON A CONTRASTING BACKGROUND. SEE FLOOR PLANS AND ELECTRICAL DRAWINGS FOR EXIT LIGHT LOCATIONS.
13. PROVIDE TACTILE EXIT SIGN AT REQUIRED LOCATIONS. SEE FLOOR PLAN FOR LOCATIONS AND 11/CSD FOR DETAIL.
14. GLAZING WITHIN 24" OF EITHER SIDE OF ANY DOORWAY AND LESS THAN 60" ABOVE A WALKWAY SHALL BE SAFETY GLAZING.
15. GLAZING IN EXCESS OF 9 SQ. FT. WITHIN 18" OF A WALKING SURFACE SHALL BE SAFETY GLAZING.
16. VERIFY DOOR AND ROUGH OPENING DIMENSIONS WITH DOOR SUPPLIER.

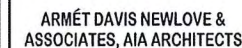
### LEGEND

|        |                                     |   |
|--------|-------------------------------------|---|
| ECT-10 | EXTERIOR CERAMIC TILE:              | GRANITE FANDRE, SENSIBLE STONE ED0502, RED NATURAL    |
| EF-9G  | EXTERIOR FINISH FIBER CEMENT:       | NICHHA, VINTAGE WOOD CEDAR                            |
| TR-10  | ALUMINUM TRIMS, ARCHON:             | NICHHA, VINTAGE WOOD CEDAR                            |
| EP-2G  | EXTERIOR PAINT:                     | PPG, COLOR "TANNER'S TAUFET",                         |
| EP-4G  | EXTERIOR PAINT:                     | PPG, COLOR "MONTEREY CLIFFS", #101Y 14/080            |
| MC-10  | METAL COPING:                       | W.P. HCKMAN SYSTEMS, INC., COLOR "SILVERSMITH", A-30  |
| MC-2G  | METAL COPING                        | W.P. HCKMAN SYSTEMS, INC., COLOR PAINT TO MATCH EP-2G |
| MC-3G  | METAL COPING                        | W.P. HCKMAN SYSTEMS, INC., COLOR PAINT TO MATCH EP-8G |
| MP-3G  | METAL CANOPY:                       | CLEAR ANODIZED  |
| MP-4G  | METAL AWNINGS / STANDING SEAM ROOF: | BERTRIDGE ROOFING, COLOR PREMIUM METALLIC "ZINC COTE" |
| EB-10  | EXTERIOR BRICK:                     | PINE HALL BRICK, FACE BRICK, OLD IRVING O/S           |

## GENERAL NOTES

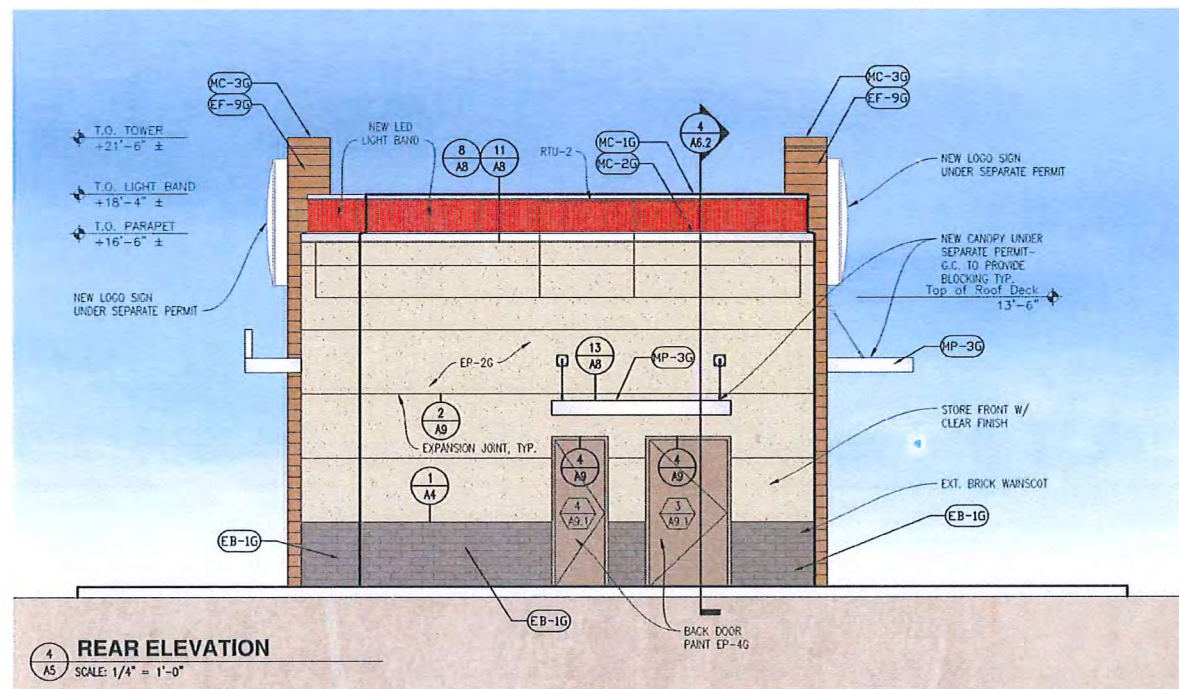
1. ALL SLAGGE UNDER SEPARATE PERMIT.
2. ALL EXISTING LIGHT BAND TO BE REMOVED AND INSTALL NEW, SEE DETAIL 8 ON SHEET A8.
3. PATCH, REPAIR AND PAINT ALL EXISTING EXTERIOR PLASTER TO REMAIN. REFER TO DRAWINGS.
4. 6" x 6" ON SCHEDULE 40 STEEL CORNERS TO MATCH EXISTING CLASTER DETAILS.
5. EXISTING STOREROFF FRAME AND GLASS SHALL BE CLEANED AND REPAIRED AS REQUIRED.
6. NEW STOREROFF FRAME FINISH SHALL BE BRONZE FINISH. EXISTING FRAMES TO BE PAINTED TO MATCH NEW STORIE FRAME.
7. SEE SHEET A7.1 FOR FRESH SCHEDULE.
8. SEE SHEET A11 FOR NICHIA SIDING DETAILS.
9. BRUSHED METAL FINISH TO MATCH EXISTING FINISH BY SCULPTURE SYSTEMS W/ BRUSHED ANVONIZED ALUMINUM FINISH. 8" ALL OUTSIDE CORNER OF THE FINISH.





1330 OLYMPIC BLVD.  
SANTA MONICA, CALIFORNIA 90404  
PH 310 452-5533 FAX 310 450-4742

| REV. | DATE | DESCRIPTION |
|------|------|-------------|
|------|------|-------------|



ALL FINISHES AS PER GARDEN GRILL FINISH  
SCHEDULE

| NO. | TYPE | SIZE (W x HT.)     | THICK. | CORE         | FACES      | FRAME | GLASS                 | HARDWARE       | NOTES   |
|-----|------|--------------------|--------|--------------|------------|-------|-----------------------|----------------|---------|
| 1   | 1    | PAIR 3'-0" x 7'-0" | 1 3/4" |              | AL         | AL    | 1/4" TEMP. DUEL GLASS | PANIC HARDWARE |         |
| 2   | 2    | 3'-0" x 7'-0"      | 1 3/4" |              | AL         | AL    | 1/4" TEMP. DUEL GLASS | PANIC HARDWARE |         |
| 3   | 3    | 4'-0" x 7'-0"      | 1 3/4" | HOLLOW METAL | METAL      | METAL | 1/4" TEMP. DUEL GLASS | PANIC HARDWARE |         |
| 4   | 4    | 2'-4" x 7'-0"      | 1 3/4" | HOLLOW METAL | METAL      | METAL | 1/4" TEMP. DUEL GLASS | LOCKING        |         |
| 5   | 5    | 48" x 7'-0"        | 1 3/4" | SOLID        | PLAST. LAM | AL    | 1/4" TEMP. DUEL GLASS | LOCKING        | 2,3,10  |
| 6   | 6    | 3'-0" x 7'-0"      | 1 3/4" | SOLID        | PLAST. LAM | AL    | 1/4" TEMP. DUEL GLASS | PISTON         | 2,4,5,6 |

|        |                                     |   |
|--------|-------------------------------------|---|
| ECT-19 | EXTERIOR CERAMIC TILE:              | GRANITE FIAIDRE, SENSIBLE STONE ED5052, FED NATURAL   |
| EF-9G  | EXTERIOR FINISH FIBER CEMENT:       | NICHHA, VINTAGE WOOD CEDAR                            |
| TR-19  | ALUMINUM TRIMS, ARCHON:             | NICHHA, VINTAGE WOOD CEDAR                            |
| EP-2G  | EXTERIOR PAINT:                     | PPG, COLOR "TANNER'S TAUPÉ,"                          |
| EP-4G  | EXTERIOR PAINT:                     | PPG, COLOR "MONTEREY CLIFFS," #101Y 14/080            |
| MC-1G  | METAL COPING:                       | W.P. HICKMAN SYSTEMS, INC., COLOR "SILVERSMITH," A-30 |
| MC-2G  | METAL COPING                        | W.P. HICKMAN SYSTEMS, INC., COLOR PAINT TO MATCH EP-  |
| MC-3G  | METAL COPING                        | W.P. HICKMAN SYSTEMS, INC., COLOR PAINT TO MATCH EP-  |
| MC-3G  | METAL CANOPY:                       | CLEAR ANODIZED  |
| MP-4G  | METAL AWNINGS / STANDING SEAM ROOF: | BERRIDGE ROOFING, COLOR PREMIUM METALLIC "ZINC COFE"  |
| EB-1D  | EXTERIOR BRICK:                     | PINE HALL BRICK, FACE BRICK, OLD IRVING G/S           |

1. ALL SURFACE UNDOER SEPARATE PERMIT.
2. ALL EXISTING JOINT BANDS TO BE REMOVED AND INSTALL NEW. SEE DETAIL 8 ON SHEET A8.
3. PATCH, REPAIR AND PAINT ALL EXISTING EXTERIOR PLASTER TO REMAIN. REFER TO DRAWINGS 1, 2 AND 6 ON SHEET A9 FOR STANDARD PLASTER DETAILS.
4. EXISTING STOREFRONT FRAME AND GLASS SHALL BE CLEANED AND REPAIRED AS REQUIRED.
5. NEW STOREFRONT FRAME FINISH SHALL BE BRONZE FINISH. EXISTING FRAMES TO BE PAINTED TO MATCH NEW STORE FRONT.
6. SEE SHEET A7.1 FOR STORE SCHEDULE.
7. SEE SHEET A11 FOR WINDOW SCHEDULING DETAILS.
8. PROVIDE METAL TRIM "SCHLUTER JOLLY" BY SCHLUTER SYSTEMS W/ BRUSHED ANODIZED ALUMINUM FINISH @ ALL OUTSIDE CORNER OF TILE FINISH.



a copy of Immediate and Long-Term Economic Advantages of Specifying Solarban® 70XL Solar Control Low E-Glass. Call 1-888-9-PF-GUARD (774-4332), or visit our local PFG Architectural Glass representative or visit [www.ppgglasscapes.com](http://www.ppgglasscapes.com).

**Additional Resources:**  
Solarban 70XL glass is just one of the Ecological Building Solutions™ from PFG. For more information, or to obtain samples of this product, call 1-888-9-PF-GUARD, or visit [www.ppgglasscapes.com](http://www.ppgglasscapes.com). All PFG Architectural glass is made in Canada to Canadian Standards.

PFG Architectural® Integrated products, people and services to invent, create, design and build solutions.

[illegible]

\*Validation F2016: To maximize applications it is applied to all stable plans, but limited applications will result as either the user's available glass depending on manufacturer process.



DOI: 10.1002/for

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REGISTERED ARCHITECT  
JOHN S. DODSON  
6623  
SANTA MONICA, CA



LOCATION  
SWC SW BOOTH BEND ROAD  
& SW HIGHWAY 99 W  
MCMINNVILLE, OR

DATE  
11/19/21

DRAWN BY \_\_\_\_\_ CHECKED BY \_\_\_\_\_

**ELEVATIONS**

A5





**PLANNED DEVELOPMENT AMENDMENT**  
**PROPOSED CONDITIONS**  
MCMINNVILLE, OR  
3/21/2022

Proposed Amendments to PUD Ordinance No. 4688:

1. Subdivide Parcel at SW corner of SW Booth Bend Rd. and SW Highway 99W into two (2) separate lots with two (2) separate Permissible Building Areas (PBA's).
2. Divide previously approved PBA for subject property (16,000 SF) into two separate PBA's: 1,937 SF on Lot 1, and 5,000 SF on Lot 2.





InSite Real Estate, LLC  
1400 16th Street, Suite 300 | Oak Brook, IL 60523-8854  
Phone: 630-617-9100 | Fax: 630-617-9120 | [www.insiterealestate.com](http://www.insiterealestate.com)

June 6, 2022

Tom Schauer, AICP  
Senior Planner, City of McMinnville  
231 NE 5<sup>th</sup> Street  
McMinnville, Oregon 97128  
(503) 474-5108  
Via Email: [tom.schauer@mcminnvilleoregon.gov](mailto:tom.schauer@mcminnvilleoregon.gov)

**RE: Completeness Review for Applications PDA 3-22, LFW 1-22, MP 1-22, and L 6-22 SW Corner of Booth Bend Rd and Hwy 99., Map & Tax Lot R4429CA 00300**

Dear Mr. Schauer:

InSite Real Estate has received the two (2) review letters from the City of McMinnville dated April 25, 2022. In response to those letters, we are providing the following re-submittal documents and responses below:

The following documents are being submitted for review, and are intended to replace any previously submitted plans with the same title:

- Revised Preliminary Civil Engineering Drawings (Site, Grading, Utility and Tentative Plans) prepared by Emerio Design and dated 5/31/2022
- ALTA Survey dated 6/2/2022
- Revised Landscape Plans prepared by Mears Design Group and dated 6/3/22
- Neighborhood Meeting Requirements
  - A copy of the meeting notice mailed to surrounding property owners;
  - A copy of the mailing list used to send the meeting notices;
  - One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;
  - One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and
  - Notes of the meeting, which shall include:
    - Meeting date;
    - Meeting time and location;
    - The names and addresses of those attending;
    - A summary of comments received
- Trip Generation Memo prepared by DKS Associated and dated December 27, 2021

The comments provided in the two (2) letters received from the City have been copied into this single response letter and numbered in the order in which they were received. Associated responses from InSite are provided in below bold font with the same number corresponding to the applicable comment:

**COMMENT 1:** Section 17.72.095 of the Zoning Ordinance requires that a neighborhood meeting shall be held prior to submitting an application that requires a public hearing as described in Section 17.72.120. At the time of application submittal, the application is to be accompanied by evidence of compliance with the neighborhood meeting requirements specified in 17.72.095(G). That information was not submitted with the application.

**RESPONSE 1:** A neighborhood meeting was held on April 18, 2022 at 6 PM at Alt Coworking, located 609 NE 3<sup>rd</sup> Street in McMinnville. Three (3) people, other than the applicants, attended the neighborhood



**meeting. The minutes from the Neighborhood Meeting are included with this submittal package, in addition to the other items required as proof that the Neighborhood Meeting Occurred in compliance with the City's standards.**

**COMMENT 2:** Your application references a letter from DKS regarding transportation issues. The burden of proof is on the applicant to address the applicable criteria and Comprehensive Plan policies. With the traffic volumes associated with a drive-through restaurant, the location of the proposed access points, and the relative location to other private access points and a signalized intersection on a state highway, I would encourage you to address transportation issues in more detail than has been provided in the application, including at a minimum, submittal of the letter prepared by DKS with your application materials.

**RESPONSE 2:** The Trip Generation Memo prepared by DKS is included with this resubmittal package. The driveway access location has been the subject of conversation between InSite and the City since project conception. The original access location was revised to its current location per the City's advice, and the current proposed location matches the previously approved driveway location shown on the PD Site Plan. Furthermore, the DKS Trip Generation Memo confirms that no off-site improvements will be required based on the estimated levels of post-construction traffic.

#### **PDA 3-22.**

**COMMENT 3: Please verify summary of proposed amendment:** The original plan showed two pads C and D on a parcel that included the subject property. Part of that parcel indicated on the attached site plan was previously partitioned off with a building pad - Pad D (Hometown Dental). This proposal would partition the balance of the remaining parcel into two additional parcels and amend the site plan to allocate the previously identified Pad C into two new pads allocated between the two new parcels. Parcel 1 would have a 1,937 sf fast food restaurant with drive-through configured as shown on the site plan, and Parcel 2 would have a ~5,500 sf building pad. This is shown generically, and is proposed to include an additional shared access.

**RESPONSE 3:** The above summary of the proposed amendment is accurate.

**COMMENT 4:** Please submit the traffic analysis letter from DKS which was referenced in the application narrative.

**RESPONSE 4:** Per Response 2 above, the Trip Generation Memo prepared by DKS is included with this resubmittal package.

**COMMENT 5:** Please address any of the following Planned Development Amendment criteria which are not already addressed in your application. (Excerpted from 17.74.070 of the Zoning Ordinance)

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

**RESPONSE 5:** Below is an explanation for how all mentioned criteria have been addressed:

- A. The physical building layout and architectural design are in conformance with the conditions and objectives described in the approved PD Ordinance. The proposed Permissible Building Area (PBA) as shown on the PD Site Plan, is proposed to be divided into two (2) separate PBA's (1,937 SF and 5,500 SF), the combination of which (7,437 SF) will still be less than the previously approved PBA for a single building (16,000 SF). In addition, the existing lot (+/- 1.80 acres) is proposed to be subdivided into two (2) lots (Parcel 1 = 40,898 SF (0.94 acres); Parcel 2 = 37,659 SF (0.86 acres)), one for each PBA. The northern of the two subdivided lots will be the subject property for development of the 1,937 SF fast-food restaurant.
- B. The proposed development is consistent with the Comprehensive Plan in that the area is contemplated to be developed as commercial property.
- C. The proposed driveway access shown on the Site Plan is matching the previously approved PD Site Plan.
- D. The intent is to start construction as soon as possible with an estimated 6-month construction schedule, not including weather delays.
- E. Please refer to the Trip Generation Memo prepared by DKS Associates.
- F. Per conversations with the City during the Pre-Application Meeting, and then further verified by a licensed land surveyor, there are adequate utilities available at or near the property boundary.
- G. The noise, air, and water pollutants are partially governed by local standard which the proposed development will comply with. Any pollutants will be minimized to the fullest extent practicable. Any potential impact will be consistent with other typical commercial development, which will not result in any adverse impacts to surrounding areas or the larger community.

## LFW 1-22.

**COMMENT 6:** The criteria for a waiver are provided in Section 17.56.040(D) of the Zoning Ordinance. The application doesn't address the applicable criteria. Please address these criteria.

**RESPONSE 6:** To recap this history of this application, InSite originally opted to submit for a Large Format Commercial Design Standards Waiver (LFW). After receiving the Letter of Incompleteness from the City of Molalla, and a subsequent phone conversation with City of McMinnville Senior Planner, Tom Schauer, the idea of amending the originally submitted application to be a Large Format Commercial Design Standards Review, in lieu of a waiver, was contemplated, however, due to some remaining discrepancies as described below, InSite has chosen to proceed with the Waiver Application. That said, revisions have been made to the previously submitted development plans, so that those plans are now more in conformance with the Large Format Commercial Design Standards (LFCDS). Please see the narrative below, which provides a response to each of the LFCDS.

### A. Building Facades

#### 1. Architectural Projections or Recesses

**RESPONSE:** The proposed building elevations incorporate projections and recesses into the exterior wall design.

#### 2. Design Features

**RESPONSE:** The proposed building elevations include multiple of the standard design features listed, including canopies, covered walkways, and transparent display windows.

#### 3. Loading Facilities

**RESPONSE:** There are no proposed designated loading facilities, so this standard is not applicable.

#### 4. Entrances

**RESPONSE:** The proposed entrance to the building is a meaningful focal point, highlighted by Vintage Wood Cedar Nichiha as well as a clearly visible, architecturally prominent, canopy-mounted signage.

#### 5. Repeating Elements

**RESPONSE:** There are multiple examples of repeating elements shown on the proposed building elevations, including color changes, texture changes, material changes, and expansion joints.

#### 6. Exterior Building Materials

**RESPONSE:** While the proposed exterior building materials shown on the building elevations submitted are not explicitly compliant with the City's LFCDS, the exterior building materials for the proposed building include brick wainscoting, since brick is one of the desired exterior building materials identified in the LFCDS. In addition to the brick wainscoting, there is Nichiha (vintage wood cedar style) parapets, while the remainder of the building is mostly comprised of stucco. The proposed building materials sufficiently accomplish the intent and objectives of this section of the LFCDS.

### B. Roof Features

**RESPONSE:** The proposed building elevation includes roof features consistent with the City's standards including parapets as described previously in this letter. In addition to the architecturally significant parapets, the proposed building includes a significant architectural feature in the form of metal coping and an LED Light Band around the full perimeter of the building. These specialty roof features sufficiently accomplish the intent and objectives of this section of the LFCDS and furthermore are considered essential to the proposed Tenant's branding.

## C. Site Design

### 1. Buffering

**RESPONSE:** Buffering is required when a Large Format Commercial Building is proposed adjacent to a residential use, however, that is not the case for the subject development, and as such, no vegetative screening or fencing is required.

### 2. Pedestrian Walkways

**RESPONSE:** The previously submitted Civil Engineering Plans have been revised to include an additional 3' of sidewalk width to comply with the Pedestrian Walkway Requirements of this chapter.

### 3. Parking

**RESPONSE:** The proposed development complies with the Parking Requirements of the LFCDS regarding parking count (no more than 120% minimum requirement). In addition parking lot and perimeter landscaping is provided in an attractive manner

### 4. Parking Lot Landscaping

**RESPONSE:** The previously submitted Civil Engineering Plans have been revised to include landscaped peninsulas as required within the LFCDS. The off-street parking now complies with the LFCDS.

### 5. Dark Sies Lighting

**RESPONSE:** A final photometrics plan will be submitted as part of final design for the City's review and approval and all parking lot lighting will be direct toward the site interior and away from property lines, to comply with the City's LFCDS.

## D. Energy Efficiency

**RESPONSE:** To comply with the suggested energy efficiency measures listed in the LFCDS, the roof is proposed to be painted white, and the windows will be Low-E, so they are energy efficient.

## MP 1-22.

**COMMENT 7:** There should be one sheet labeled as the "Tentative Plan" that consistently shows existing physical features, as well as existing and proposed property lines, easements, and utilities - typically on a sheet without the proposed site plan elements – except as may be needed to indicate proposed easements. The "partition plat" which was submitted would typically be submitted after approval of the tentative plan, incorporating any required revisions. As submitted, the "partition plat" omits items that are shown on the "Proposed Site Plan" which is the closest sheet to a "Tentative Plan."

**RESPONSE 7A:** A Tentative Plan prepared by Emerio Design is included with this submittal, per the requirements described in this letter.

- Easements need to be clearly labeled as existing or proposed, and as public or private.

**RESPONSE 7B:** Existing and Proposed Easements are shown on the Tentative Plan.

- There is a discrepancy between "Proposed Site Plan" Sheet 1 of 3 and "Partition Plat" Sheet 1 of 2. The "Proposed Site Plan" shows a 27' wide access and utility easement not shown on the "partition plat" and shows a 15' private sewer easement not shown on the "partition plat."

**RESPONSE 7C:** The discrepancies have been resolved and the proposed easements are shown on the Tentative Plan.

- Will the proposed access and private utility easement only be located on Parcel 2, or will this be a mutual easement that also crosses Parcel 1 to benefit Parcel 2? Please clearly show the extent of this easement on the Tentative Plan.

**RESPONSE 7D:** The Tentative Plan and ALTA Survey have been updated to extend the access easement across Parcel 1, so that it is a mutual easement.



- Please clarify proposed stormwater drainage for Parcels 1 and 2 and whether any private storm drainage easements will be necessary/proposed. Not shown on the tentative plan/Proposed Site Plan, but shown on the landscape plan, is the stormwater drainage. It appears the subsurface drainage system will include drainage from Parcel 1 through Parcel 2 outside of the easement shown on the Proposed Site Plan/Tentative Plan, and may require an additional easement area on Parcel 2 to be provided for stormwater drainage.

**RESPONSE 7E: A combination of a 27' Private Utility Easement and a 15' Private Sewer Easement are provided and shown on the Tentative Plan for the storm sewer across Parcel 2.**

**L 6-22.**

**COMMENT 8:** Please note the street tree detail shown in Sheet L102 differs somewhat from the City of McMinnville specification, and may need to be updated accordingly, primarily related to requirements for deep watering tubes and the City's root barrier specification.

Please be sure the following information is provided per 17.57.060(F):

- F. The location of watering facilities or irrigation systems, or construction notes on the landscape plan detailing the type of watering facilities or irrigation systems that will be installed;

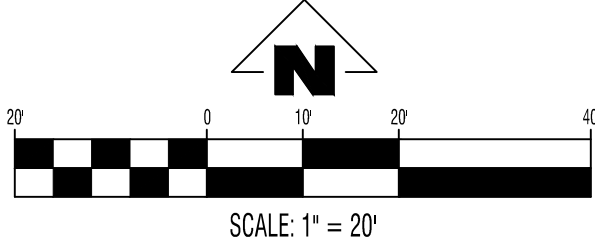
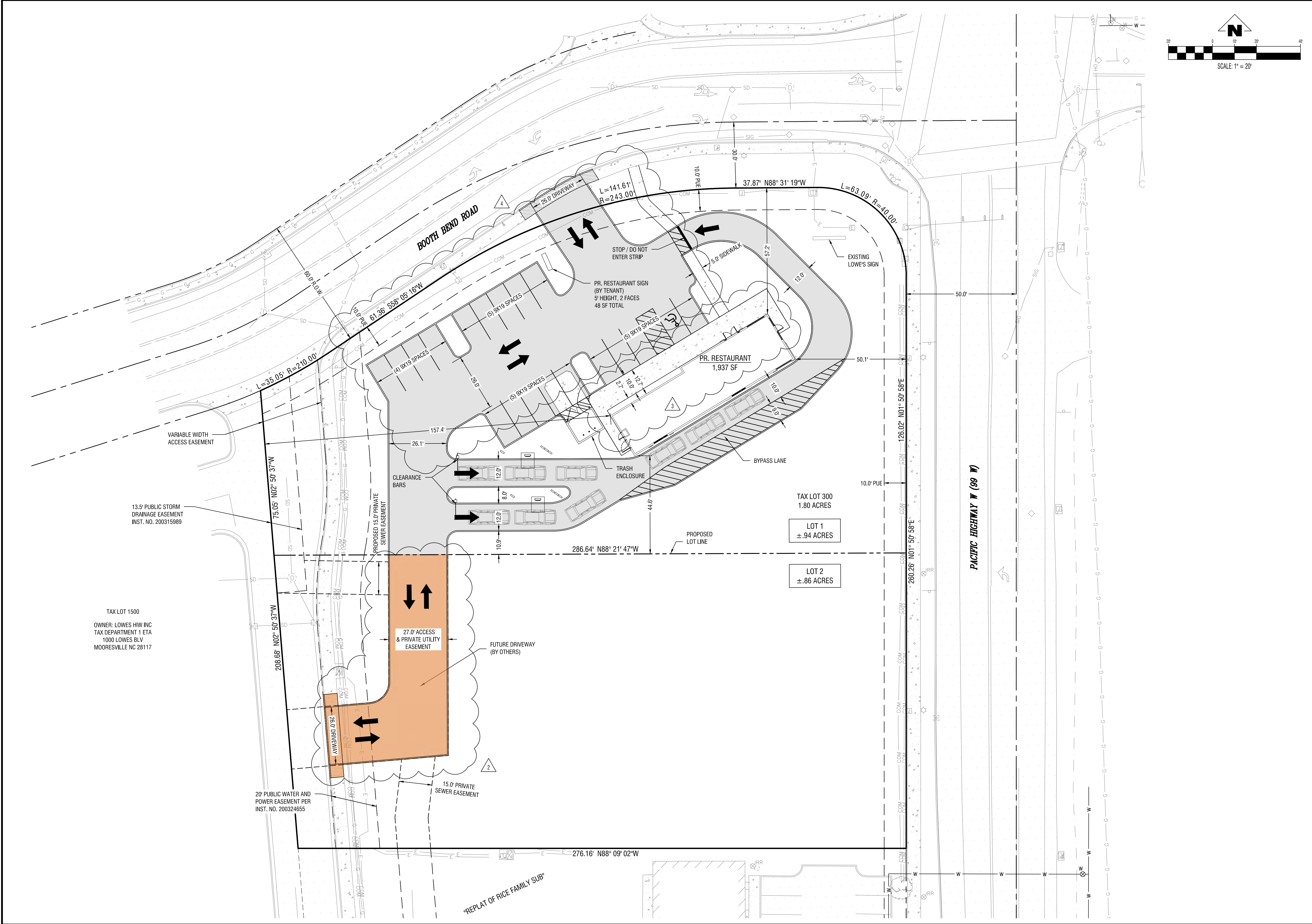
**RESPONSE 8: The Landscape Plan has been revised to include irrigation scope, specifically to include the City's Standard Street Tree Detail.**

Please don't hesitate to contact me if you have any questions or comments. My email address and phone number are provided with my signature below.

Sincerely,



Andrew D. Johnson, P.E.  
Project Manager  
InSite Real Estate, LLC.  
Phone: (847) 287-9292  
Email: [ajohnson@insiterealestate.com](mailto:ajohnson@insiterealestate.com)



PROPOSED SITE PLAN

REVISIONS

| NO. | DATE      | DESCRIPTION                        |
|-----|-----------|------------------------------------|
| 1   | 2/22/2022 | INITIAL SUBMITTAL (LAND USE)       |
| 2   | 3/21/2022 | REVISED ACCESS LOCATIONS           |
| 3   | 5/5/2022  | REVISED BUILDING FRONTAGE SIDEWALK |
| 4   | 5/31/2022 | REVISED PARKING AND CROSSING       |

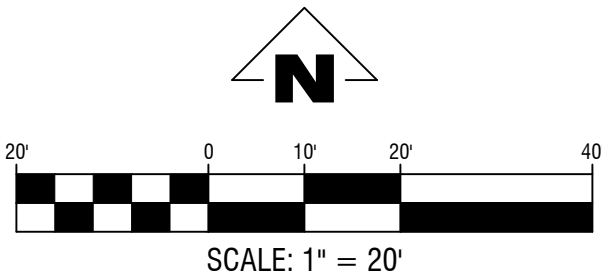
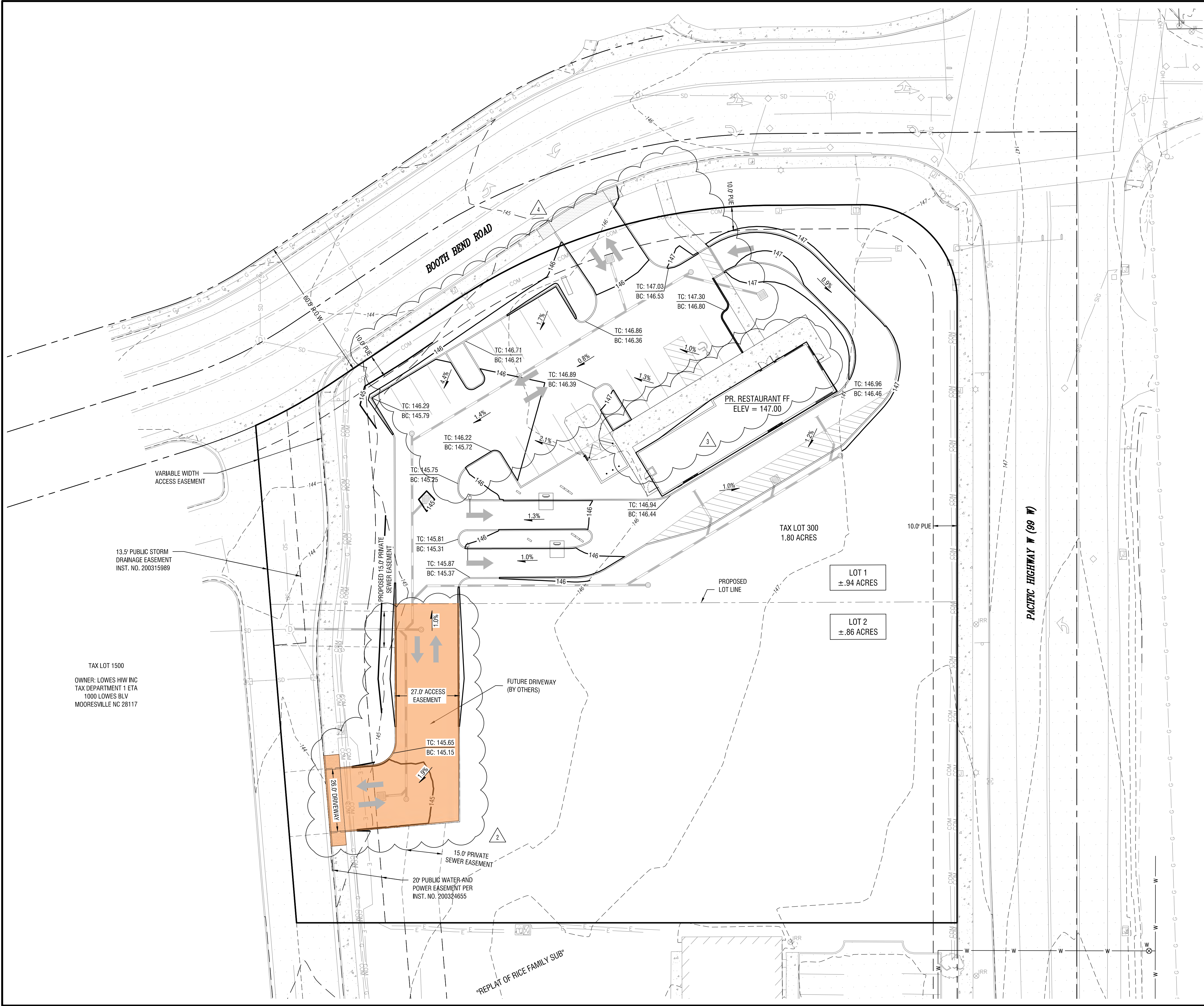


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McMINNVILLE BURGER KING  
SWC BOOTH BEND ROAD  
TAX LOT 300  
NE 1/4 SW 1/4 SEC. 29 T4S R4W W.M.  
CITY OF McMINNVILLE, OREGON





LEGEND

- RIGHT-OF-WAY
- SITE BOUNDARY
- PROPERTY LINE
- ADJACENT/ADJOINING LOT LINE
- ROADWAY CENTERLINE
- EASEMENT LINE
- PR. BUILDING SETBACK
- EX. STORM SEWER & MANHOLE
- EX. STORM SEWER & INLET
- EX. SANITARY SEWER & MANHOLE
- EX. WATERLINE & SERVICE
- EX. WATER VALVE & BOX
- EX. GAS LINE
- EX. FIRE HYDRANT
- EX. OVERHEAD UTILITY LINE
- EX. UTILITY POLE
- EX. FENCE
- EX. FENCE
- EX. SIGN
- EX. TREE TO REMAIN
- PR. STORM DRAIN MANHOLE
- PR. STORM DRAIN CATCH BASIN
- EX. 1' CONTOUR LINE
- EX. 5' CONTOUR LINE
- PR. 1' CONTOUR LINE
- PR. 5' CONTOUR LINE

McMINNVILLE BURGER KING  
SWC BOOTH BEND ROAD  
TAX LOT 300  
NE 1/4 SW 1/4 SEC. 29 T4S R4W W.M.  
CITY OF McMINNVILLE, OREGON

PROPOSED GRADING PLAN

| REVISIONS |                                    |
|-----------|------------------------------------|
| NO.       | DESCRIPTION                        |
| 1         | INITIAL SUBMITTAL (LAND USE)       |
| 2         | REVISED ACCESS LOCATIONS           |
| 3         | REVISED BUILDING FRONTAGE SIDEWALK |
| 4         | REVISED PARKING AND CROSSING       |

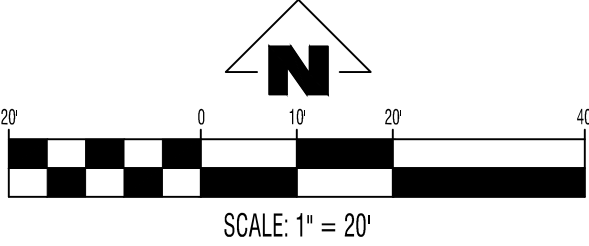
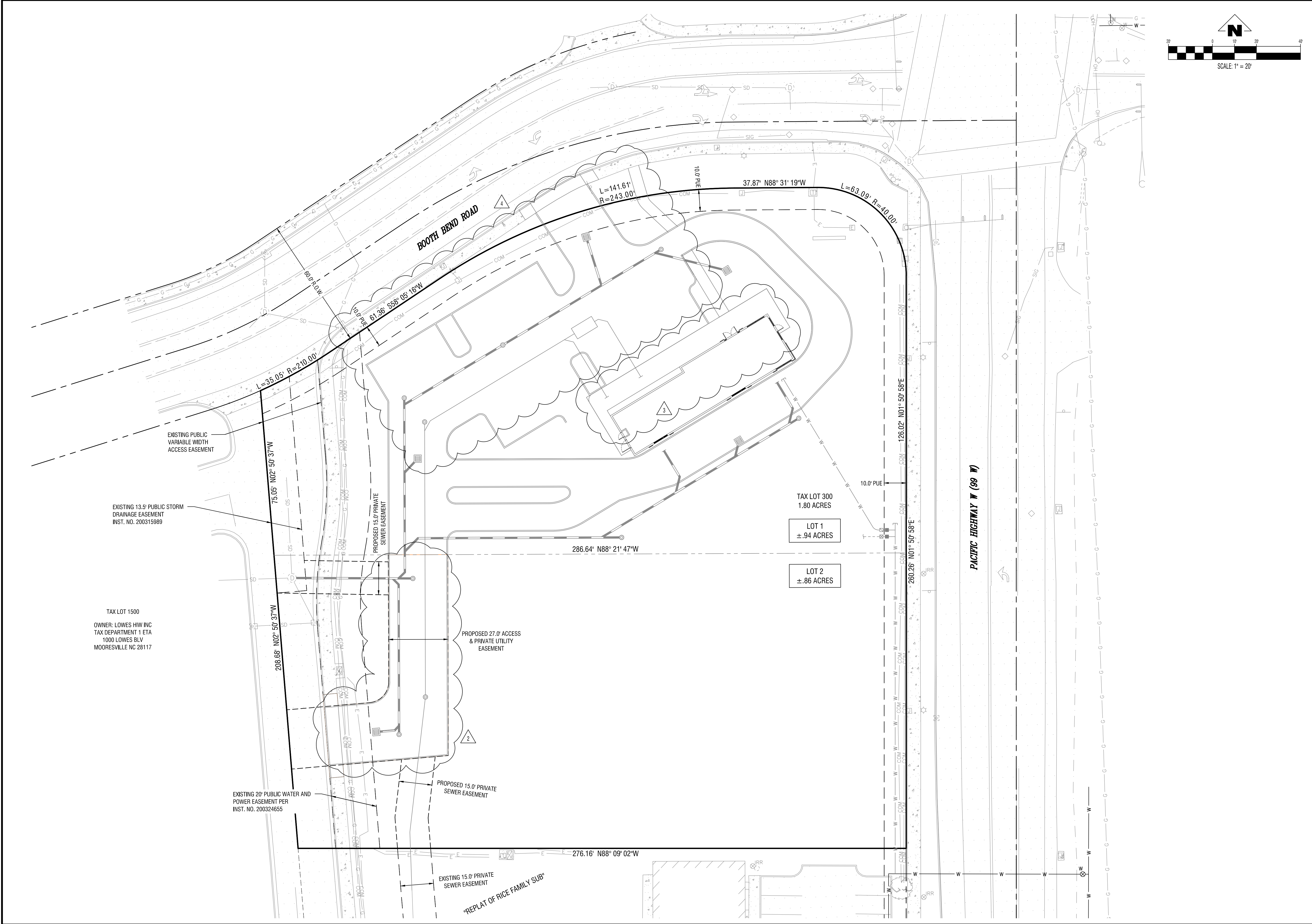
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FILE: P:\0800-002 Booth Bend Road and SWC\Working\plan\0800-002\_02grad.dwg Date: 5/31/2022 2:06 PM, by: Kellan Smith









TENTATIVE PLAN

REVISIONS

| NO. | DATE      | DESCRIPTION                        |
|-----|-----------|------------------------------------|
| 1   | 2/22/2022 | INITIAL SUBMITTAL (LAND USE)       |
| 2   | 3/21/2022 | REVISED ACCESS LOCATIONS           |
| 3   | 5/5/2022  | REVISED BUILDING FRONTAGE SIDEWALK |
| 4   | 5/31/2022 | REVISED PARKING AND CROSSING       |

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McMINNVILLE BURGER KING  
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CITY OF McMINNVILLE, OREGON

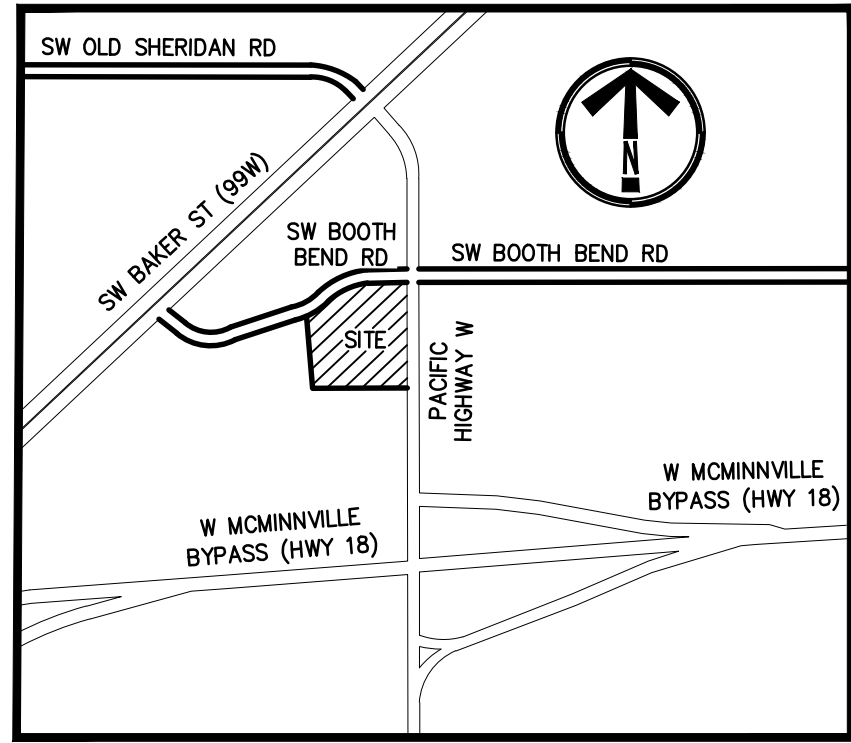
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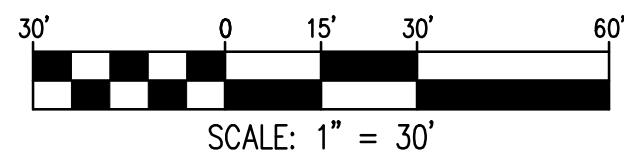
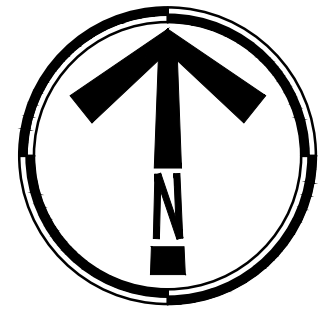
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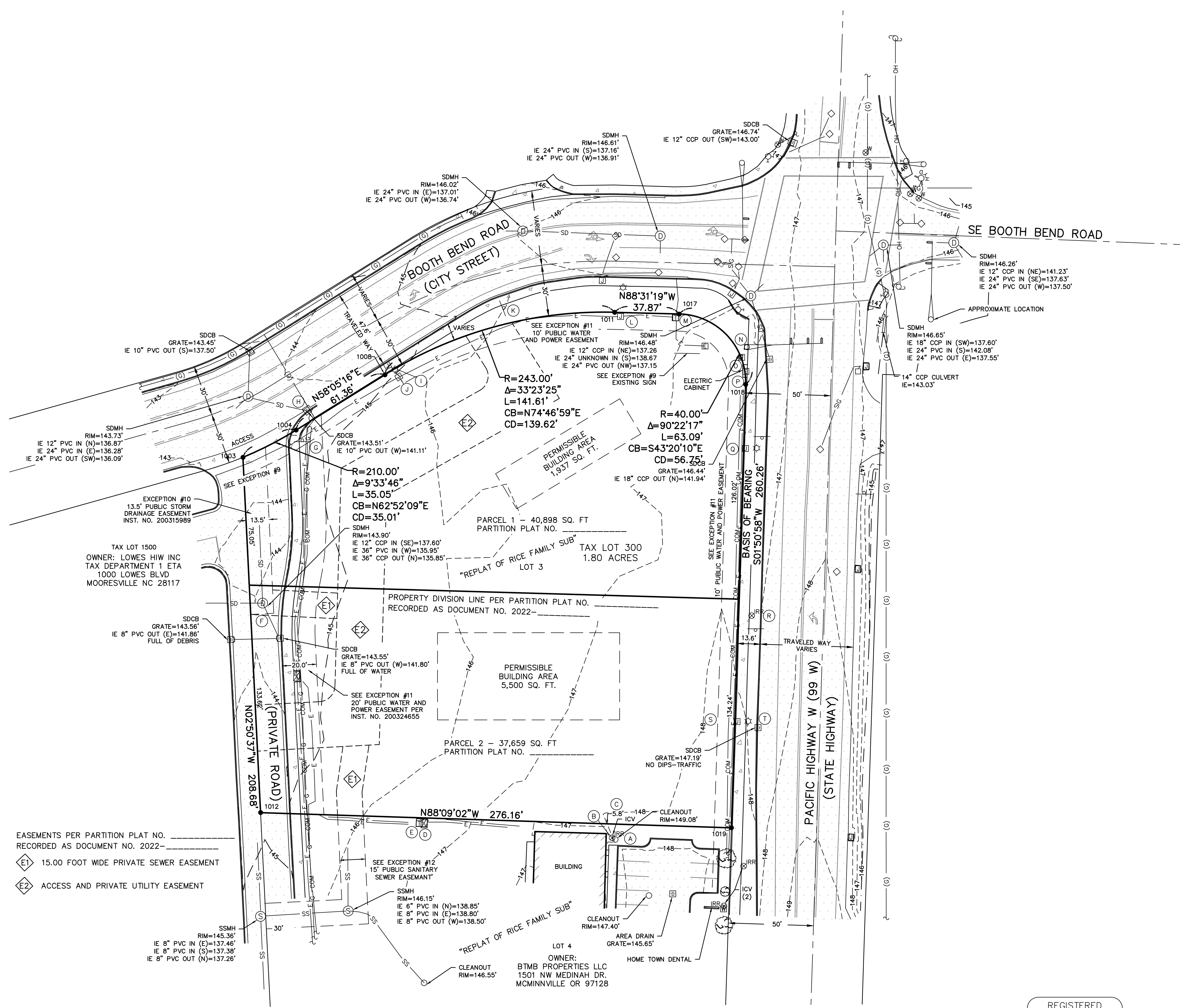


VICINITY MAP  
NOT TO SCALE



#### LEGEND

- INDICATES FOUND MONUMENT (PROTECT AT ALL TIMES)
- INDICATES SIGN
- INDICATES DECIDUOUS TREE
- INDICATES CATCH BASIN (SDCB)
- INDICATES STORM DRAIN MANHOLE (SDMH)
- INDICATES CLEANOUT
- INDICATES SANITARY SEWER MANHOLE (SSMH)
- INDICATES UTILITY POLE
- INDICATES STREET LIGHT
- INDICATES JUNCTION BOX
- INDICATES ELECTRICAL METER
- INDICATES TRANSFORMER
- INDICATES ELECTRICAL VAULT
- INDICATES TRAFFIC SIGNAL POLE
- INDICATES TRAFFIC SIGNAL
- INDICATES PEDESTRIAN SIGNAL POLE
- INDICATES FIRE HYDRANT
- INDICATES WATER METER
- INDICATES WATER VALVE
- INDICATES SIGNAL LOOP
- INDICATES IRRIGATION CONTROL VALVE
- INDICATES CONCRETE PIPE
- IE INDICATES INVERT ELEVATION
- PVC INDICATES PVC PIPE
- SF INDICATES SQUARE FEET
- SSMH INDICATES SANITARY SEWER MANHOLE
- SDCB INDICATES STORM DRAIN CATCH BASIN
- SDMH INDICATES STORM DRAIN MANHOLE
- ( ) INDICATES UNDERGROUND LINE PER RECORD INFORMATION
- INDICATES DITCH
- SIG — INDICATES SIGNAL SPAN LINE
- INDICATES ROADWAY CENTERLINE
- INDICATES EASEMENT LINE
- INDICATES 5 FOOT INTERVAL CONTOUR
- INDICATES 1 FOOT INTERVAL CONTOUR
- G — INDICATES EXISTING GAS
- COM — INDICATES EXISTING COMMUNICATIONS
- E — INDICATES EXISTING POWER
- OH — INDICATES OVERHEAD POWER
- SS — INDICATES EXISTING SANITARY SEWER
- SD — INDICATES EXISTING STORM DRAIN
- INDICATES EXISTING CONCRETE
- INDICATES EXISTING ASPHALT



- EASEMENTS PER PARTITION PLAT NO. RECORDED AS DOCUMENT NO. 2022—
- E1 15.00 FOOT WIDE PRIVATE SEWER EASEMENT
  - E2 ACCESS AND PRIVATE UTILITY EASEMENT

#### SHEET INDEX

SHEET 1 — ALTA SURVEY, LEGEND AND VICINITY MAP  
SHEET 2 — TOPOGRAPHIC NOTES, MONUMENT TABLE, LEGAL DESCRIPTION, EXCEPTIONS, SURVEYOR'S CERTIFICATE, TABLE "A" NOTES

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 12, 2005  
ERIC D. LYNCH  
56544  
EXPIRES 12-31-22

ALTA/NSPS LAND TITLE SURVEY  
LOT 3  
OF THE REPLAT OF THE RICE FAMILY SUBDIVISION  
LOCATED IN THE NE 1/4 OF SW 1/4 SECTION 29, T.4S., R.4W., W.M.  
MCMINNVILLE, YAMHILL COUNTY, OREGON

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SURVEYED FOR:  
INSITE REAL ESTATE LLC  
1400 16TH ST #300  
OAK BROOK, IL 60523  
JOB: 0990-002  
EMAIL: INFO@EMERIODSIGN.COM  
SHEET 1 OF 2

|              |          |
|--------------|----------|
| PREPARED BY: | AT       |
| DATE         |          |
| REVISIONS    |          |
| NO.          |          |
| DRAWN:       | AT       |
| CHECKED:     | ASJ      |
| DATE         | 6-2-2022 |



TOPOGRAPHIC NOTES:

ITEMS LISTED BELOW ARE POSSIBLE AREAS OF CONCERN.

- A
- CLEANOUT IS 9' SOUTH OF SOUTH PROPERTY LINE
- B
- IRRIGATION CONTROL VALVE IS 8' SOUTH OF SOUTH PROPERTY LINE
- C
- BUILDING IS 5.6' SOUTH OF SOUTH PROPERTY LINE
- D
- POWER VAULT IS 3' SOUTH OF SOUTH PROPERTY LINE
- E
- COMMUNICATION BOX IS 3.4' SOUTH OF SOUTH PROPERTY LINE
- F
- STORM MANHOLE IS 7' EAST OF WEST PROPERTY LINE
- G
- SIGN IS 4' SOUTHEAST OF NORTH PROPERTY LINE
- H
- STORM DRAIN CATCH BASIN IS 2' SOUTHEAST OF NORTH PROPERTY LINE
- I
- LIGHT POLE IS ON NORTH PROPERTY LINE
- J
- POWER JUNCTION BOX IS 2.5' SOUTHEAST OF NORTH PROPERTY LINE
- K
- SIGN IS 9' NORTHWEST OF NORTHERN PROPERTY LINE
- L
- POWER JUNCTION BOX IS 2.3' SOUTH OF NORTH PROPERTY LINE
- M
- COMMUNICATION BOX IS 2.2' SOUTH OF NORTH PROPERTY LINE
- N
- SIGNAL POLE 5' NORTHWEST OF NORTH PROPERTY LINE
- O
- ELECTRIC METER IS ON NORTH PROPERTY LINE
- P
- ELECTRIC METER IS ON EAST PROPERTY LINE
- Q
- ELECTRIC JUNCTION BOX IS 1' EAST OF EAST PROPERTY LINE
- R
- IRRIGATION CONTROL VALVE IS 7.9' EAST OF EAST PROPERTY LINE
- S
- POWER JUNCTION BOX IS 1.2' EAST OF EAST PROPERTY LINE
- T
- LIGHT POLE IS 7.8' EAST OF EAST PROPERTY LINE

MONUMENT TABLE:

- 1003 FOUND SCREW WITH WASHER MARKED "WRG DESIGN INC"
- 1004 FOUND SCREW WITH WASHER MARKED "WRG DESIGN INC"
- 1008 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
- 1011 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
- 1012 FOUND 5/8" IRON ROD
- 1017 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
- 1018 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"
- 1019 FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WRG DESIGN INC"

SURVEY NOTES:

1. EXCEPTIONS AND LEGAL DESCRIPTIONS ARE PER ALTA COMMITMENT FOR TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1062446-MAD, COMMITMENT DATE JULY 14, 2021.
2. NO BUILDINGS OBSERVED.
3. THE BASIS OF BEARINGS IS BASED ON FOUND MONUMENT #1018 AND #1019 ALONG THE WEST RIGHT OF WAY LINE OF HWY 99, BEING SOUTH 01°50'58" EAST. PER THE REPLAT OF THE "RICE FAMILY SUBDIVISION", YAMHILL COUNTY SURVEY RECORDS.

LEGAL DESCRIPTION: PER NOTED TITLE REPORT.

LOT 3, "REPLAT OF RICE FAMILY SUBDIVISION, IN THE CITY OF MCMINNVILLE, COUNTY OF YAMHILL, STATE OF OREGON.

NOTE: ALL RECORD BEARINGS AND DISTANCES WERE HELD PER SAID PLAT.

LEGAL DESCRIPTION: METES AND BOUNDS

LOT 3, "REPLAT OF RICE FAMILY SUBDIVISION" RECORDED IN VOLUME 12, PAGE 103, YAMHILL COUNTY SURVEY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 4 OF SAID REPLAT, AND LYING ON THE WESTERLY RIGHT OF WAY LINE OF OREGON HIGHWAY 99 WEST (50.00 FEET FROM THE CENTER LINE THEREOF); THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, NORTH 88°09'02" WEST, 276.16 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE ALONG THE WESTERLY LINE OF SAID LOT 3, NORTH 02°50'37" WEST, 208.69 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SW BOOTH BEND ROAD (30.00 FEET FROM THE CENTER LINE THEREOF) AND A POINT OF NON-TANGENT CURVATURE; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND THE ARC OF A 210.00 FOOT RADIUS CURVE LEFT THROUGH A CENTRAL ANGLE OF 09°33'39" (THE CHORD BEARS NORTH 62°52'06" EAST, 35.00 FEET) AN ARC DISTANCE OF 35.04 FEET; THENCE NORTH 58°05'16" EAST, 61.36 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 243.00 FOOT RADIUS CURVE RIGHT (THE CHORD BEARS NORTH 74°46'59" EAST, 139.62 FEET) AN ARC DISTANCE OF 141.61 FEET; THENCE SOUTH 88°31'19" EAST, 37.87 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 40.00 FOOT RADIUS CURVE RIGHT THROUGH A CENTRAL ANGLE OF 90°22'17" (THE CHORD BEARS SOUTH 43°20'11" EAST, 56.75 FEET) AN ARC DISTANCE OF 63.09 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 01°50'58" WEST, 260.26 FEET TO THE POINT OF BEGINNING.

CONTAINS 78,558 SQ. FT. OR 1.803 ACRES, MORE OR LESS.

NOTE: ALL RECORD BEARINGS AND DISTANCES WERE HELD PER SAID PLAT.

TITLE REPORT EXCEPTIONS: PER NOTED TITLE REPORT.

1. TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; PROCEEDINGS BY A PUBLIC AGENCY WHICH MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS.  
(NOT A SURVEY LOCATION ITEM)

2. FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR BY MAKING INQUIRY OF PERSONS IN POSSESSION THEREOF.  
(NOT A SURVEY LOCATION ITEM)

3. EASEMENTS, OR CLAIMS OF EASEMENT, NOT SHOWN BY THE PUBLIC RECORDS; RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; WATER RIGHTS, CLAIMS OR TITLE TO WATER.  
(NOT A SURVEY LOCATION ITEM)

4. ANY ENCGROACHMENT (OF EXISTING IMPROVEMENTS LOCATED ON THE LAND ONTO ADJOINING LAND OR OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND ONTO THE LAND), ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.  
(NONE FOUND)

5. ANY LIEN OR RIGHT TO A LIEN FOR SERVICES, LABOR, MATERIAL OR EQUIPMENT, UNLESS SUCH LIEN IS SHOWN BY THE PUBLIC RECORDS AT DATE OF POLICY AND NOT OTHERWISE EXCEPTED FROM COVERAGE HEREIN.  
(NOT A SURVEY LOCATION ITEM)

6. WATER RIGHTS, CLAIMS TO WATER OR TITLE TO WATER, WHETHER OR NOT SUCH RIGHTS ARE A MATTER OF PUBLIC RECORD.  
(NOT A SURVEY LOCATION ITEM)

7. CITY LIENS, IF ANY, OF THE CITY OF MCMINNVILLE.  
NOTE: THERE ARE NO LIENS AS OF APRIL 16, 2021. ALL OUTSTANDING UTILITY AND USER FEES ARE NOT LIENS AND THEREFORE ARE EXCLUDED FROM COVERAGE.  
(NOT A SURVEY LOCATION ITEM)

8. THE RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING WITHIN THE LIMITS OF STREETS, ROADS AND HIGHWAYS.  
(NOT A SURVEY LOCATION ITEM)

9. COVENANTS, CONDITIONS, RESTRICTIONS AND/OR EASEMENTS, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILY STATUS, OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE TITLE 42, SECTION 3604(C), OF THE UNITED STATES CODES: RECORDING INFORMATION: MAY 01, 2002 AS INSTRUMENT NO. 200208853, DEED AND MORTGAGE RECORDS (PROVIDES FOR INGRESS, EGRESS, VEHICULAR, AND OTHER EASEMENTS ACROSS THE COMMON AREAS AS DEFINED THEREIN) (PROVIDES FOR OTHER RECIPROCAL UTILITY EASEMENTS, AND Pylon AND SIGN EASEMENT, AS SHOWN HEREON) (REFER TO DOCUMENT FOR PARTICULARS)

10. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: JULY 03, 2003 AS INSTRUMENT NO. 200315989, DEED AND MORTGAGE RECORDS IN FAVOR OF: CITY OF MCMINNVILLE, A MUNICIPAL CORPORATION OF THE STATE OF OREGON FOR: STORM DRAINAGE SEWER (AS SHOWN HEREON)

11. EASEMENT, INCLUDING TERMS AND PROVISIONS CONTAINED THEREIN: RECORDING INFORMATION: SEPTEMBER 26, 2003 AS INSTRUMENT NO. 200324655, DEED AND MORTGAGE RECORDS IN FAVOR OF: CITY OF MCMINNVILLE, A MUNICIPAL CORPORATION OF THE STATE OF OREGON, ACTING BY AND THROUGH ITS WATER & LIGHT COMMISSION FOR: (AS SHOWN HEREON)

12. NOTES, EASEMENTS, COVENANTS AND RESTRICTIONS AS DEPICTED ON THE FACE OF THE REPLAT OF THE "RICE FAMILY SUBDIVISION" PLAT.  
(AS SHOWN HEREON, INCLUDES EXCEPTIONS #9, 10, 11, AND THE 15' WIDE PUBLIC SANITARY SEWER EASEMENT BENEFITING THE SUBJECT PROPERTY ALONG THE SOUTH LINE)

13. UNRECORDED LEASES OR PERIODIC TENANCIES, IF ANY.  
(NOT A SURVEY LOCATION ITEM)

14. IN ORDER TO INSURE A TRANSACTION INVOLVING THE HEREIN NAMED TRUST(S), WE WILL NEED TO BE PROVIDED A CERTIFICATION OF TRUST PURSUANT TO ORS 130.800 THROUGH ORS 130.910.  
(NOT A SURVEY LOCATION ITEM)

15. TAXES FOR THE FISCAL YEAR 2021-2022 A LIEN DUE, BUT NOT YET PAYABLE.  
(NOT A SURVEY LOCATION ITEM)

SURVEYOR'S CERTIFICATE:

TO: INSITE REAL ESTATE INVESTMENT PROPERTIES, L.L.C., AN ILLINOIS LIMITED LIABILITY COMPANY

MCMINNVILLE, OR (PARCEL 1) LLC, AN ILLINOIS LIMITED LIABILITY COMPANY

FIRST AMERICAN TITLE INSURANCE COMPANY

....

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6A, 8, 11A, 11B, 13, 14, 16, 17, 18, 19, AND 20 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JANUARY 17, 2022.

ERIC D. LYNCH  
LICENSE NO. 56544  
DATE OF MAP: JUNE 2, 2022

TABLE A ITEMS

1. MONUMENTS WERE PLACED (OR A REFERENCE MONUMENT OR WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE SURVEYED PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER, AS SHOWN HEREON.

2. ADDRESS(ES) OF THE SURVEYED PROPERTY IF DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR, OR OBSERVED WHILE CONDUCTING THE FIELDWORK, NONE DISCLOSED.

3. THIS SITE APPEARS TO LIE IN ZONE "UNSHADED X", "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN" PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER(S): 41071C0404D, DATED 03/02/2010.

4. GROSS LAND AREA 78,557 SQ. FT. OR 1.803 ACRES.

5. CONTOURS WERE DERIVED FROM ON THE GROUND SURVEY EFFORTS WITH A CONTOUR INTERVAL OF 1 FOOT AND 5 FEET BASED ON YAMHILL COUNTY SURVEY OFFICE BENCHMARK NO. 32, BEING A BRASS DISK IN 1" I.P., SET IN MONUMENT CASE AT THE SOUTHWEST CORNER OF THE SAMUEL COZINE DONATION LAND CLAIM #56 WITH AN ELEVATION OF 147.50'.

6. NO ZONING REPORT WAS PROVIDED TO THE SURVEYOR.

8. SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK ARE AS SHOWN HEREON.

11. EVIDENCE OF UNDERGROUND UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY (IN ADDITION TO THE OBSERVED EVIDENCE OF UTILITIES REQUIRED PURSUANT TO SECTION 5.E.IV.) AS DETERMINED BY:  
(A) NO PLANS AND/OR REPORTS WERE PROVIDED BY CLIENT.  
(B) MARKINGS COORDINATED BY THE SURVEYOR PURSUANT TO A PRIVATE UTILITY LOCATE REQUEST, AS SHOWN HEREON. UTILITY LOCATE MARKS DO NOT APPEAR TO BE COMPLETE, DUE TO WEATHER CONDITIONS.

NOTE TO THE CLIENT, INSURER, AND LENDER -- WITH REGARD TO TABLE A, ITEM 11, INFORMATION FROM THE SOURCES CHECKED ABOVE WERE BE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES PURSUANT TO SECTION 5.E.IV. TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE, IN WHICH CASE THE SURVEYOR SHALL NOTE ON THE PLAT OR MAP HOW THIS AFFECTED THE SURVEYOR'S ASSESSMENT OF THE LOCATION OF THE UTILITIES. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.

13. THE NAMES OF ADJOINING OWNERS ACCORDING TO CURRENT TAX RECORDS ARE AS SHOWN HEREON.

14. THE DISTANCE TO THE NEAREST INTERSECTING STREET IS AS SHOWN HEREON. SUBJECT PROPERTY ABUTS INTERSECTION.

16. NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

17. PROPOSED CHANGES IN STREET RIGHT OF WAY LINES, IF SUCH INFORMATION WAS MADE AVAILABLE TO THE SURVEYOR BY THE CONTROLLING JURISDICTION.  
NO PROPOSED CHANGES IN RIGHTS OF WAY WERE DISCLOSED.

NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

18. PLOTTABLE OFFSITE EASEMENTS AND / OR SERVIDUTES DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR ARE AS SHOWN HEREON.

19. PROFESSIONAL LIABILITY INSURANCE POLICY OBTAINED BY THE SURVEYOR SHALL BE IN EFFECT THROUGHOUT THE CONTRACT TERM. CERTIFICATE OF INSURANCE TO BE FURNISHED UPON REQUEST.

20. \_\_\_\_\_

LEGAL DESCRIPTION: METES AND BOUNDS

PARCEL 1 OF PARTITION PLAT NO. \_\_\_\_\_, RECORDED AS DOCUMENT NO. \_\_\_\_\_, YAMHILL COUNTY SURVEY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 3 OF THE "REPLAT OF THE RICE FAMILY SUBDIVISION" RECORDED IN VOLUME 12, PAGE 103, YAMHILL COUNTY SURVEY RECORDS, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 4 OF SAID REPLAT, AND LYING ON THE WESTERLY RIGHT OF WAY LINE OF OREGON HIGHWAY 99 WEST (50.00 FEET FROM THE CENTER LINE THEREOF); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, NORTH 01°50'58" EAST, 134.24 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL 1 AND THE POINT OF BEGINNING;

THENCE LEAVING SAID WESTERLY RIGHT OF WAY WAY LINE, NORTH 88°21'47" WEST, 287.09 FEET TO THE WESTERLY LINE OF SAID LOT 3; THENCE ALONG SAID WESTERLY LINE, NORTH 02°50'37" WEST, 75.05 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SW BOOTH BEND ROAD (30.00 FEET FROM THE CENTER LINE THEREOF) AND A POINT OF NON-TANGENT CURVATURE; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE, ALONG THE ARC OF A 210.00 FOOT RADIUS CURVE LEFT THROUGH A CENTRAL ANGLE OF 09°33'39" (THE CHORD BEARS NORTH 62°52'06" EAST, 35.00 FEET) AN ARC DISTANCE OF 35.04 FEET; THENCE NORTH 58°05'16" EAST, 61.36 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 243.00 FOOT RADIUS CURVE RIGHT (THE CHORD BEARS NORTH 74°46'59" EAST, 139.62 FEET) AN ARC DISTANCE OF 141.61 FEET; THENCE SOUTH 88°31'19" EAST, 37.87 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 40.00 FOOT RADIUS CURVE, RIGHT THROUGH A CENTRAL ANGLE OF 90°22'17" (THE CHORD BEARS SOUTH 43°20'11" EAST, 56.75 FEET) AN ARC DISTANCE OF 63.09 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 01°50'58" WEST, 126.02 FEET TO THE POINT OF BEGINNING.

CONTAINS 40,898 SQ. FT. OR 0.939 ACRES, MORE OR LESS.

PARCEL 2 OF PARTITION PLAT NO. \_\_\_\_\_, RECORDED AS DOCUMENT NO. \_\_\_\_\_, YAMHILL COUNTY SURVEY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 3 OF THE "REPLAT OF THE RICE FAMILY SUBDIVISION" RECORDED IN VOLUME 12, PAGE 103, YAMHILL COUNTY SURVEY RECORDS, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 4 OF SAID REPLAT, AND LYING ON THE WESTERLY RIGHT OF WAY LINE OF OREGON HIGHWAY 99 WEST (50.00 FEET FROM THE CENTER LINE THEREOF); THENCE LEAVING SAID WESTERLY RIGHT OF WAY LINE, NORTH 88°09'02" WEST, 276.16 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE ALONG THE WESTERLY LINE OF SAID LOT 3, NORTH 02°50'37" WEST, 133.62 FEET; THENCE SOUTH 88°21'47" EAST, 287.09 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE; THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 01°50'58" WEST, 134.24 FEET TO THE POINT OF BEGINNING.

CONTAINS 37,659 SQ. FT. OR 0.864 ACRES, MORE OR LESS.

ALTA/NSPS LAND TITLE SURVEY  
OF THE REPLAT OF THE RICE FAMILY SUBDIVISION  
LOCATED IN THE NE 1/4 OF SW 1/4 SECTION 29, T.4S., R.4W., W.M.  
MCMINNVILLE, YAMHILL COUNTY, OREGON

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 12, 2005  
ERIC D. LYNCH  
56544  
EXPIRES 12-31-22

6445 SW FALLBROOK PLACE, SUITE 100  
BEAVER CREEK, OREGON 97008  
TEL: (503) 746-9492  
FAX: (503) 659-9592  
www.emeriodesign.com

EMERIO  
ENGINEERING • SURVEYING • DESIGN

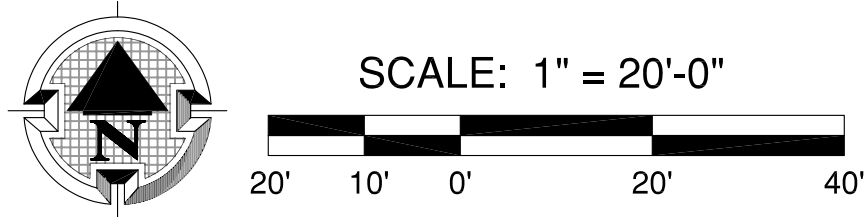
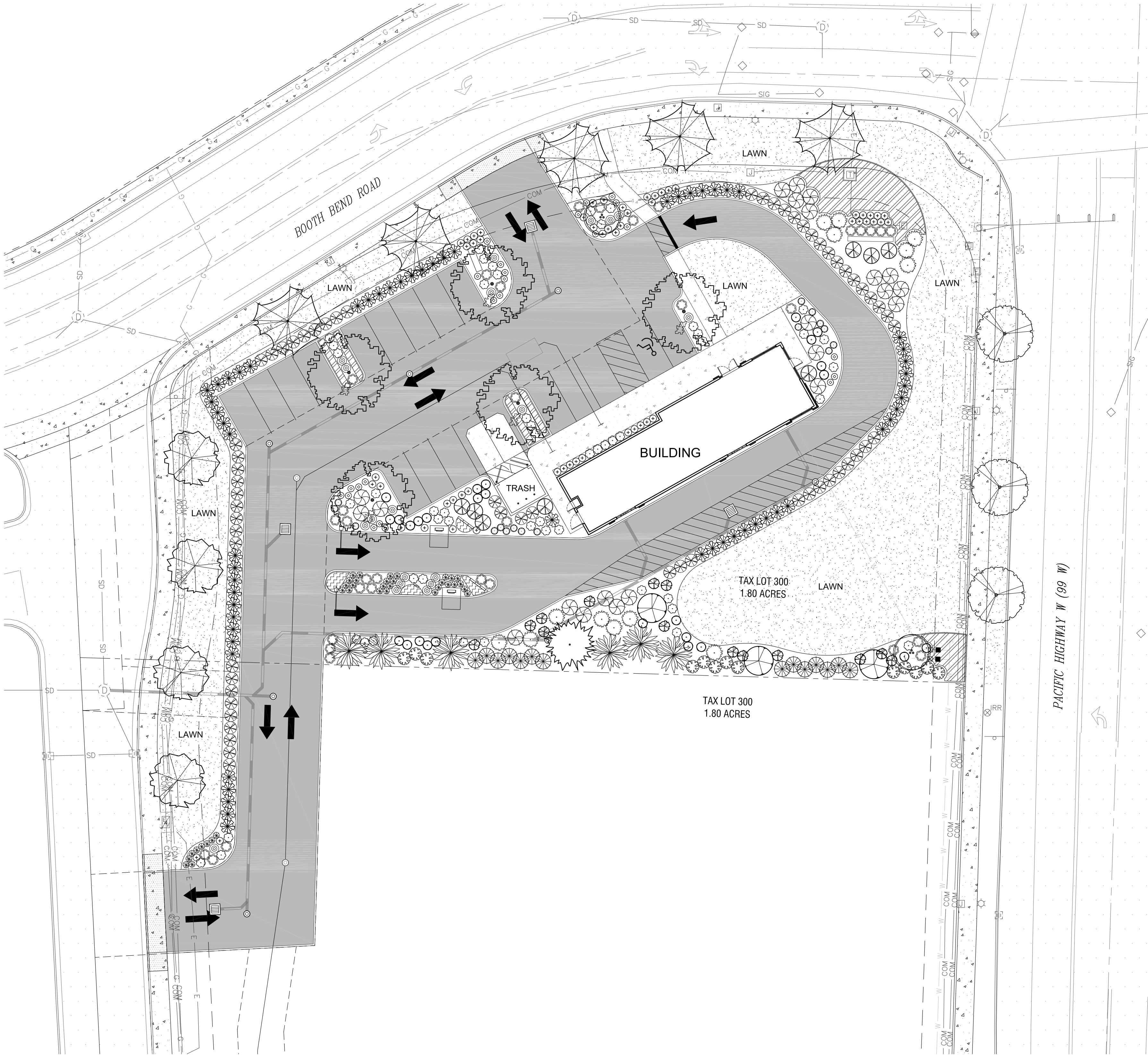
6445 SW FALLBROOK PLACE, SUITE 100  
BEAVER CREEK, OREGON 97008  
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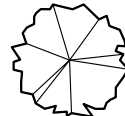
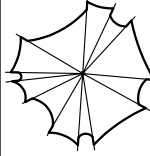



INSITE REAL ESTATE LLC  
1400 16TH ST #300  
OAK BROOK, IL 60523

0990-002  
JOB: INFO@EMERIODESIGN.COM  
EMAIL:

SHEET 2 OF 2





| PLANT MATERIAL LISTING:   |  | Quality | Planted Size | Condition | Mature size                |
|---|--|---------|--------------|-----------|----------------------------|
| TREES   |  |         |              |           |                            |
| SYMBOL  | Botanical name<br>Common Name  |         |              |           |                            |
|  | Acer palmatum 'Sango Kaku'<br>Coral Bark Japanese Maple              | 2       | 1.5" Cal.    | B&B       | 15-25' tall<br>15-20' wide |
|  | Calocedrus decurrens<br>Incense Cedar                                | 1       | 6-7'         | B&B       | 50' tall<br>15-20' wide    |
|  | Cupressocyparis leylandii 'Monical'<br>Emerald Isle Leyland Cypress  | 6       | 1.5" Cal.    | B&B       | 25' tall<br>8' wide        |
|  | Cupressus sempervirens 'Monshel'<br>Tiny Tower Italian Cypress       | 8       | 6-7'         | B&B       | 25-30' tall<br>3' wide     |
|  | Fagus sylvatica 'Roseomarginata'<br>Tricolor European Beech          | 4       | 2" Cal.      | B&B       | 30' tall<br>30' wide       |
|  | Ginkgo biloba 'Autumn Gold'<br>Autumn Gold Ginkgo<br><br>(male only) | 5       | 2" Cal.      | B&B       | 40' tall<br>40' wide       |
|  | Pinus flexilis 'Vanderwolf's Pyramid'<br>Vanderwolf's Limber Pine    | 3       | 6-7'         | B&B       | 20-25' tall<br>10-15' wide |
|  | Styrax japonica<br>Japanese Snowbell                                 | 5       | 1.5" Cal.    | B&B       | 25' tall<br>25' wide       |
|  | Zelkova serrata 'Village Green'<br>Village Green Zelkova             | 3       | 2" Cal.      | B&B       | 50' tall<br>40' wide       |
|   |  | 37      |              |           |                            |

| SYM          | SHRUBS/ANNUALS  | QTY. | SIZE  | CONDITION | REMARKS |
|--------------|---|------|-------|-----------|---------|
|              | Azalea x 'Hino-Crimson'<br>Hino-Crimson Azalea                | 34   | 1 Gal | Can       |         |
|              | Berberis thunbergii 'Crimson Pygmy'<br>Crimson Pygmy Barberry | 19   | 1 Gal | Can       |         |
|              | Choisya ternata 'Sundance'<br>Sundance Mexican Orange         | 14   | 5 Gal | Can       |         |
|              | Ilex glabra 'Shamrock'<br>Shamrock Inkberry                   | 59   | 2 Gal | Can       |         |
|              | Euonymus fortunei 'Gold Splash'<br>Gold Splash Euonymus       | 57   | 1 Gal | Can       |         |
|              | Euonymus japonicus 'Aureovariegatus'<br>Gold Spot Euonymus    | 60   | 2 Gal | Can       |         |
|              | Imperata cylindrica 'Rubra'<br>Japanese Blood Grass           | 24   | 1 Gal | Can       |         |
|              | Hydrangea paniculata 'Littlelime'<br>Littlelime Hydrangea     | 14   | 3-4'  | B&B       |         |
|              | Euonymus alata 'Compactus'<br>Compact Winged Euonymus         | 13   | 5 Gal | Can       |         |
|              | Rhododendron 'Anah Kruschke'<br>Anah Kruschke Rhododendron    | 22   | 5 Gal | Can       |         |
|              | Rosa 'Pink Supreme Carpet'<br>Pink Supreme Carpet Rose        | 27   | 1 Gal | Can       |         |
|              | Rudbeckia fulgida 'Goldsturm'<br>Goldsturm Black-Eyed Susan   | 16   | 1 gal | Can       |         |
|              | Weigela florida 'Bokraspiwi'<br>Spilled Wine Weigela          | 53   | 2 Gal | Can       |         |
|              | Viburnum tinus 'Spring Bouquet'<br>Spring Bouquet Viburnum    | 13   | 5 Gal | Can       |         |
| Total Shrubs |   | 425  |       |           |         |

| SYM | GROUND COVER/GRASSES   | QTY.      | SIZE  | CONDITION | SPACING  |
|-----|--|-----------|-------|-----------|----------|
|     | Fragaria x 'Lipstick'<br>Lipstick Strawberry                   | 210       | 4"    | Pots      | 24" O.C. |
|     | Hakonechloa macro 'All Gold'<br>All Gold Japanese Forest Grass | 36        | 1 Gal | Can       |          |
|     | Lawn (hydro-seed)  | 14,355 SF |       |           |          |
|     | Seasonal color (annuals)                                       | 90 SF     |       |           |          |

- Notes:
- Street trees shall be a minimum of two inches in caliper measured at six inches above ground level. All trees shall be healthy grown nursery stock with single straight trunk, a well developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.
  - Due to limited availability of desirable tree species in acceptable caliper, the final species of trees shown on this plan will be determined in collaboration between the landscaper and the City nearer to the time of actual installation. The purpose of this is to facilitate installation of more desirable tree species as they become available over time. The city will retain authority over the final species selection.

REFER TO SHEETS L102 FOR PLANTING DETAILS AND NOTES.



**McMINNVILLE BURGER KING**

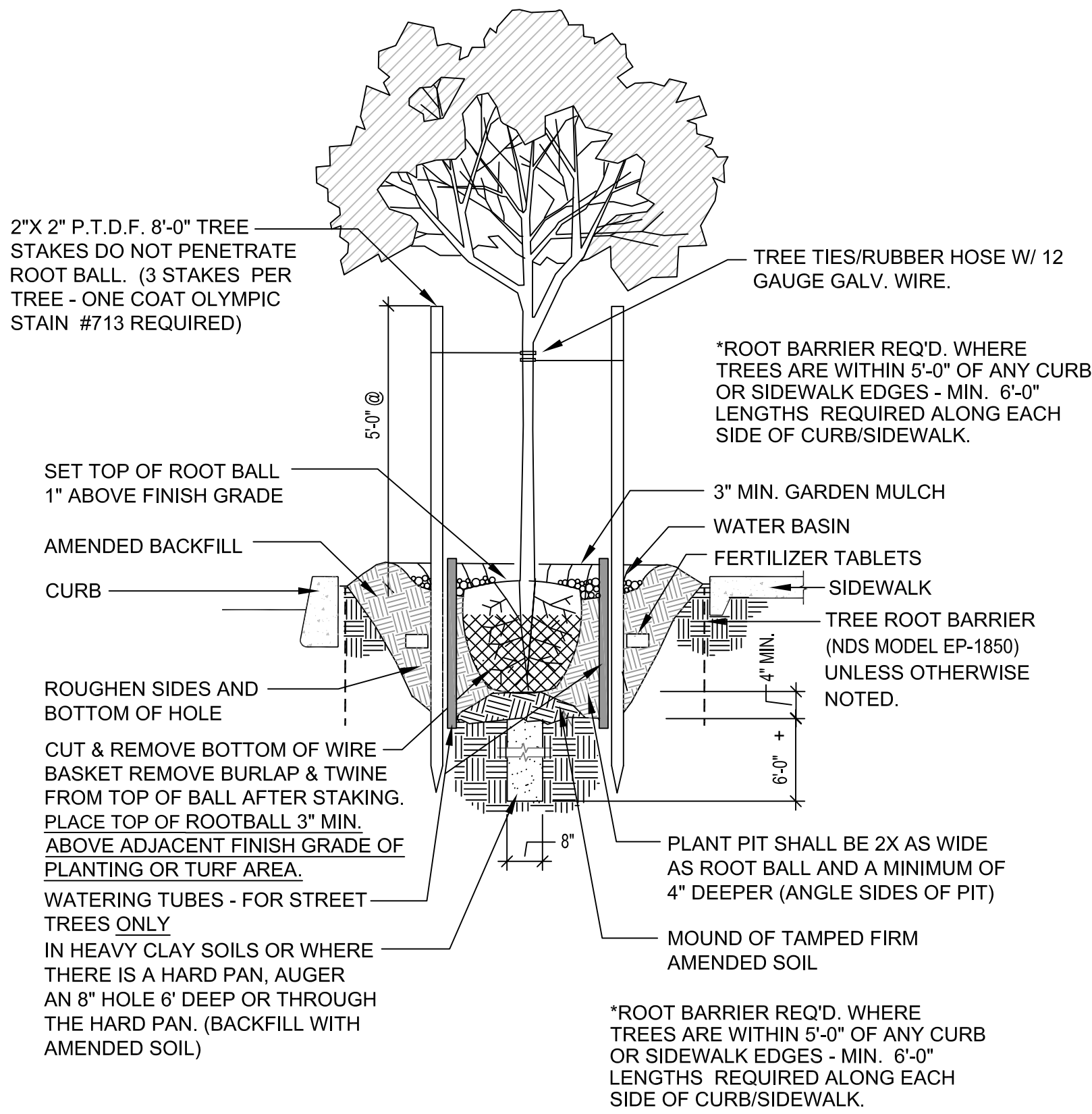
InSite Real Estate  
SWC BOOTH BEND ROAD  
McMINNVILLE, OREGON

| REVISIONS |      |               |
|-----------|------|---------------|
| REV.      | DATE | DESCRIPTION   |
| 5/6/2022  |      | CITY COMMENTS |
| 6/3/2022  |      | DESIGN CHANGE |
|           |      |               |
|           |      |               |
|           |      |               |
|           |      |               |
|           |      |               |

SHEET NAME:  
**PLANTING PLAN**

DRAWN BY: \_\_\_\_\_ TM  
CHECKED BY: \_\_\_\_\_ TM  
ISSUE DATE: 3/2/2022  
JOB NO.: 2206



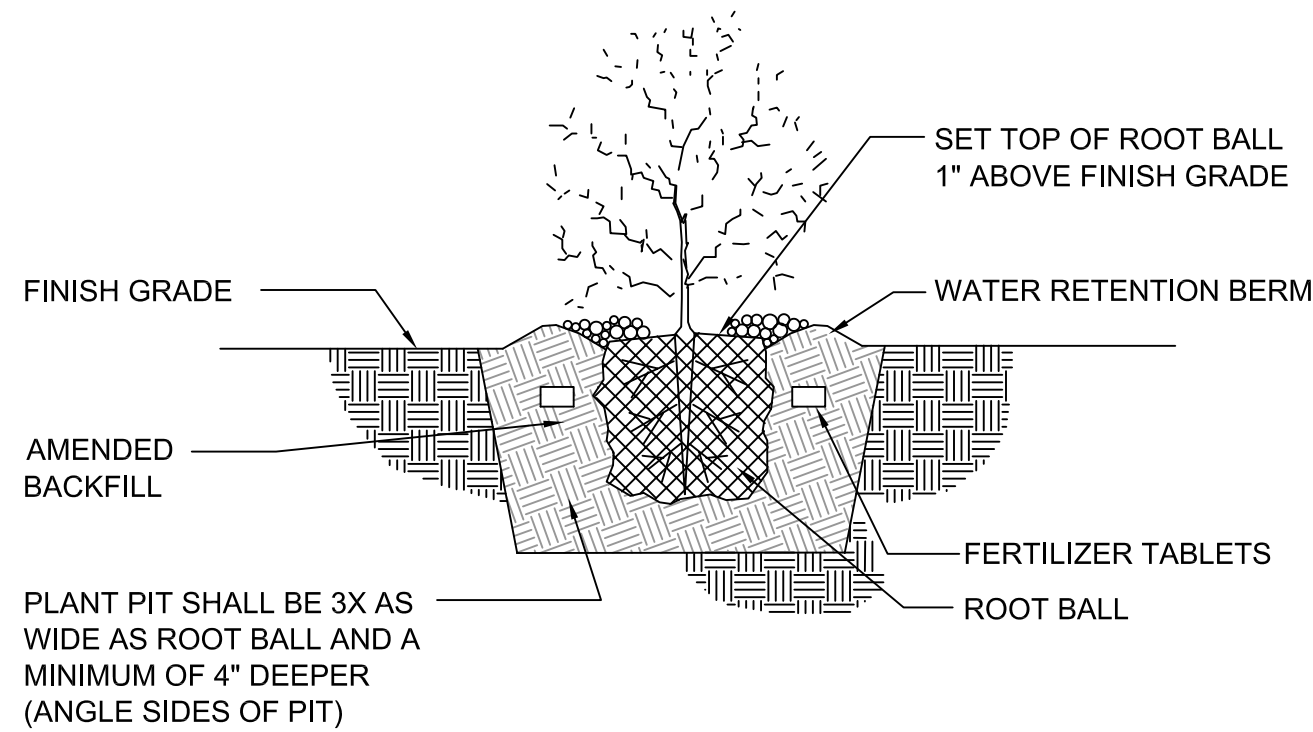


STREET TREE / TREE PLANTING DETAIL

N.T.S.

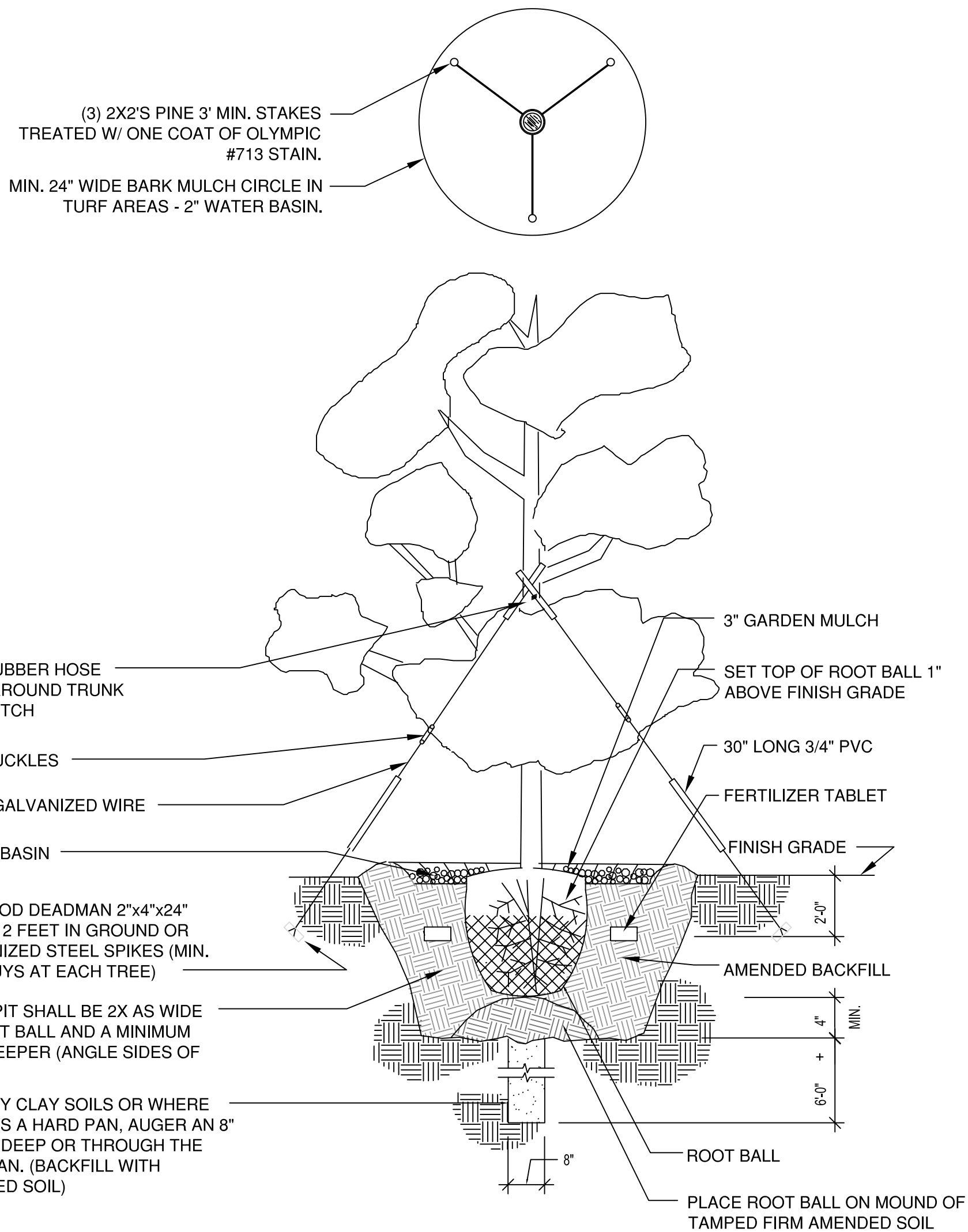
TYPICAL PLANTING NOTES:

1. B&B STOCK MAY BE SUBSTITUTED WITH CONTAINER STOCK OF EQUAL GRADE.
2. CONTAINER STOCK MAY BE SUBSTITUTED WITH B&B STOCK OF EQUAL GRADE.
3. PLANT MATERIAL SHALL CONFORM WITH AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1, 2014 EDITION.
4. ALL TREES SHALL BE BRANCHED.
5. GARDEN MULCH ALL PLANTING BEDS WITH 3" MIN. LAYER OF SPECIFIED GARDEN MULCH.
6. IN THE EVENT OF A DISCREPANCY BETWEEN THIS MATERIAL LISTING AND THE DRAWINGS, THE DRAWINGS SHALL GOVERN THE PLANT SPECIES AND QUANTITIES REQ.
7. IN THE EVENT OF QUESTION OR LACK OF CLARITY ON DRAWINGS, LANDSCAPE CONTRACTOR IS TO CALL LANDSCAPE ARCHITECT BEFORE PROCEEDING.
8. LANDSCAPE CONTRACTOR IS TO NOTIFY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF PLANT MATERIAL TO APPROVE FINAL PLACEMENT.
9. LANDSCAPE CONTRACTOR TO VERIFY PLANT MATERIAL QUANTITIES QUANTITIES.
10. AUTOMATIC IRRIGATION TO BE INSTALLED PRIOR TO FINAL ACCEPTANCE.
11. CONTRACTOR WILL PROVIDE A ONE YEAR WARRANTY ON ALL PROVIDED & INSTALLED PLANT MATERIAL FROM DATE OF FINAL APPROVAL BY OWNER'S REPRESENTATIVE.



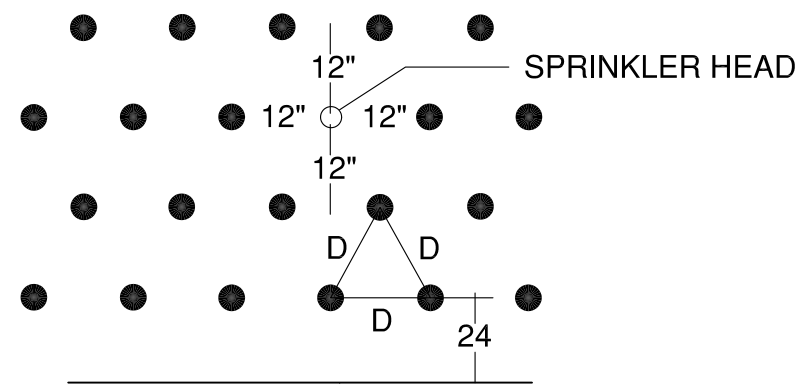
SHRUB PLANTING DETAIL

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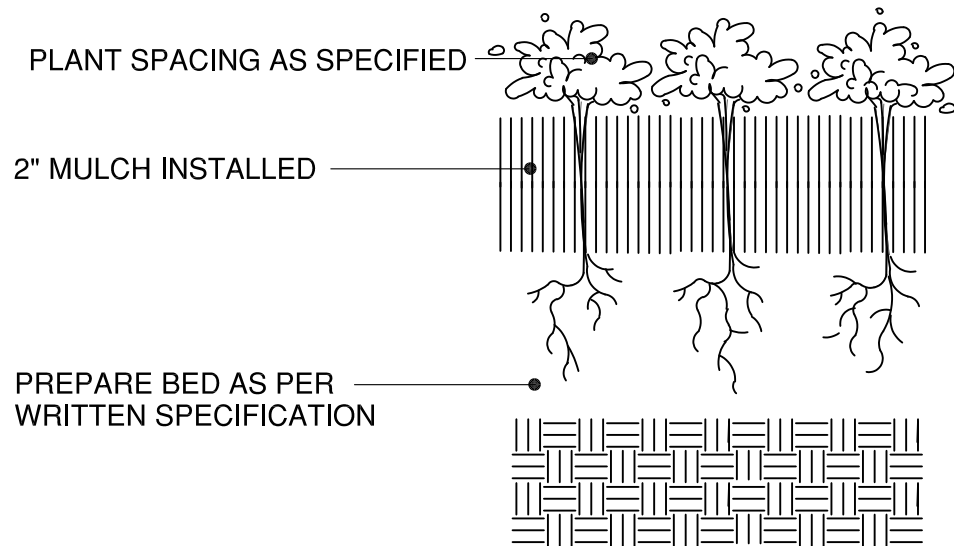


EVERGREEN TREE PLANTING DETAIL

N.T.S.

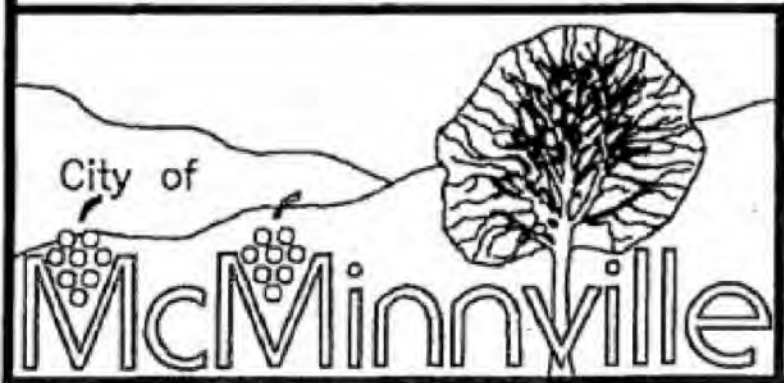
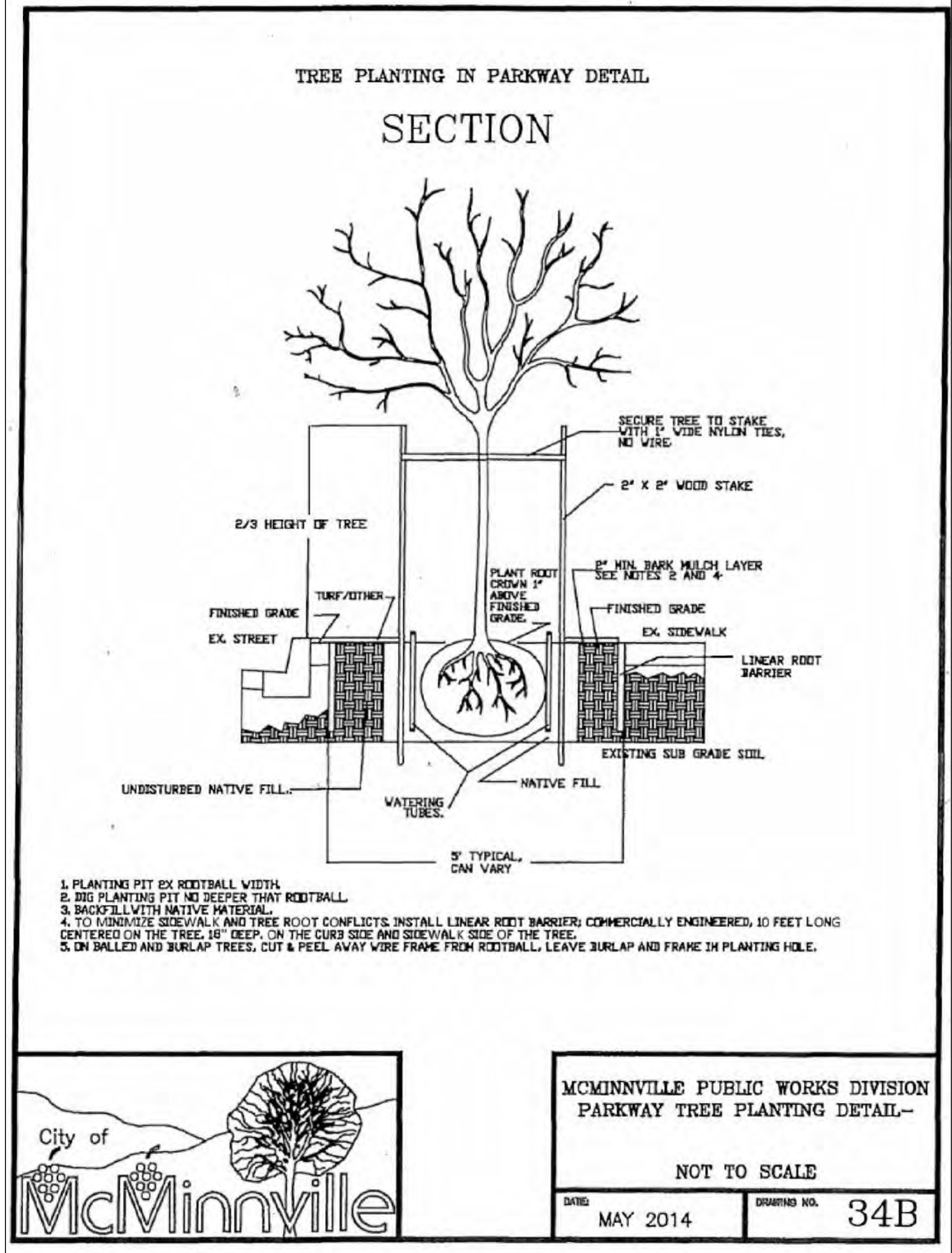


NOTE:  
LOCATE PLANTS SPACED EQUAL DISTANT (D)  
FROM EACH OTHER AS SPECIFIED AND  
MINIMUM OF 12" FROM SPRINKLER HEAD



GROUNDCOVER PLANTING DETAIL

N.T.S.



|  |                    |
|--|--------------------|
| MCMINNVILLE PUBLIC WORKS DIVISION<br>PARKWAY TREE PLANTING DETAIL- |                    |
| NOT TO SCALE   |                    |
| DATE:<br>MAY 2014  | DRAWING NO.<br>34B |

| REVISIONS |      |               |
|-----------|------|---------------|
| REV.      | DATE | DESCRIPTION   |
| 5/6/2022  |      | CITY COMMENTS |
| 6/3/2022  |      | DESIGN CHANGE |
|           |      |               |
|           |      |               |
|           |      |               |
|           |      |               |
|           |      |               |

SHEET NAME:  
**PLANTING  
DETAILS & NOTES**

|             |          |
|-------------|----------|
| DRAWN BY:   | TM       |
| CHECKED BY: | TM       |
| ISSUE DATE: | 3/2/2022 |
| JOB NO.:    | 2206     |



InSite Real Estate, LLC  
1400 16th Street, Suite 300 | Oak Brook, IL 60523-8854  
Phone: 630-617-9100 | Fax: 630-617-9120 | [www.insiterealestate.com](http://www.insiterealestate.com)

March 22, 2022

**RE: Proposed Retail Development, McMinnville, OR  
SWC SW Booth Bend Rd. and SW Hwy. 99W  
Planned Development Amendment Application  
Neighborhood Meeting**

To Whom It May Concern:

Per Section 17.72.095 of the City of McMinnville Zoning Ordinance, it is required to hold a Neighborhood meeting for certain Land Use Applications, such as a Planned Development Amendment. InSite Real Estate, LLC. (InSite) is applying for a Planned Development Amendment for the property identified in the subject line above. Below is the information required to attend the neighborhood meeting:

Date: April 18, 2022

Time: 6:00 PM PST

Location: Alt Coworking

609 NE 3<sup>rd</sup> Street, McMinnville, OR 97128

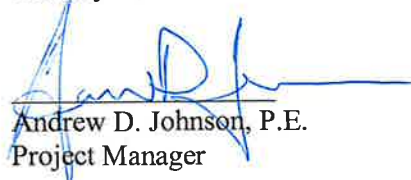
Proposal Description: InSite is seeking to amend the Planned Development approved via City of McMinnville Ordinance No. 4688, so that the parcel identified as "Parcel 3" (1.80 acres) on the PD Site Plan is further subdivided into Lots 1 (0.94 acres) and 2 (0.86 acres) as shown on the enclosed "Conceptual Site Plan." Another proposed amendment to the PD is to divide the previously approved permissible building area (PBA) (16,000 SF) into two separate PBA's, which, when combined, are still less than the previously approved PBA. The design intent for Lot 1 is to construct a 1,937-SF fast-food restaurant with a drive-thru facility. An associated 19-stall parking lot, utilities, and signage will also be constructed on Lot 1 in accordance with City and/or other local standards.

Enclosed are the following documents for reference:

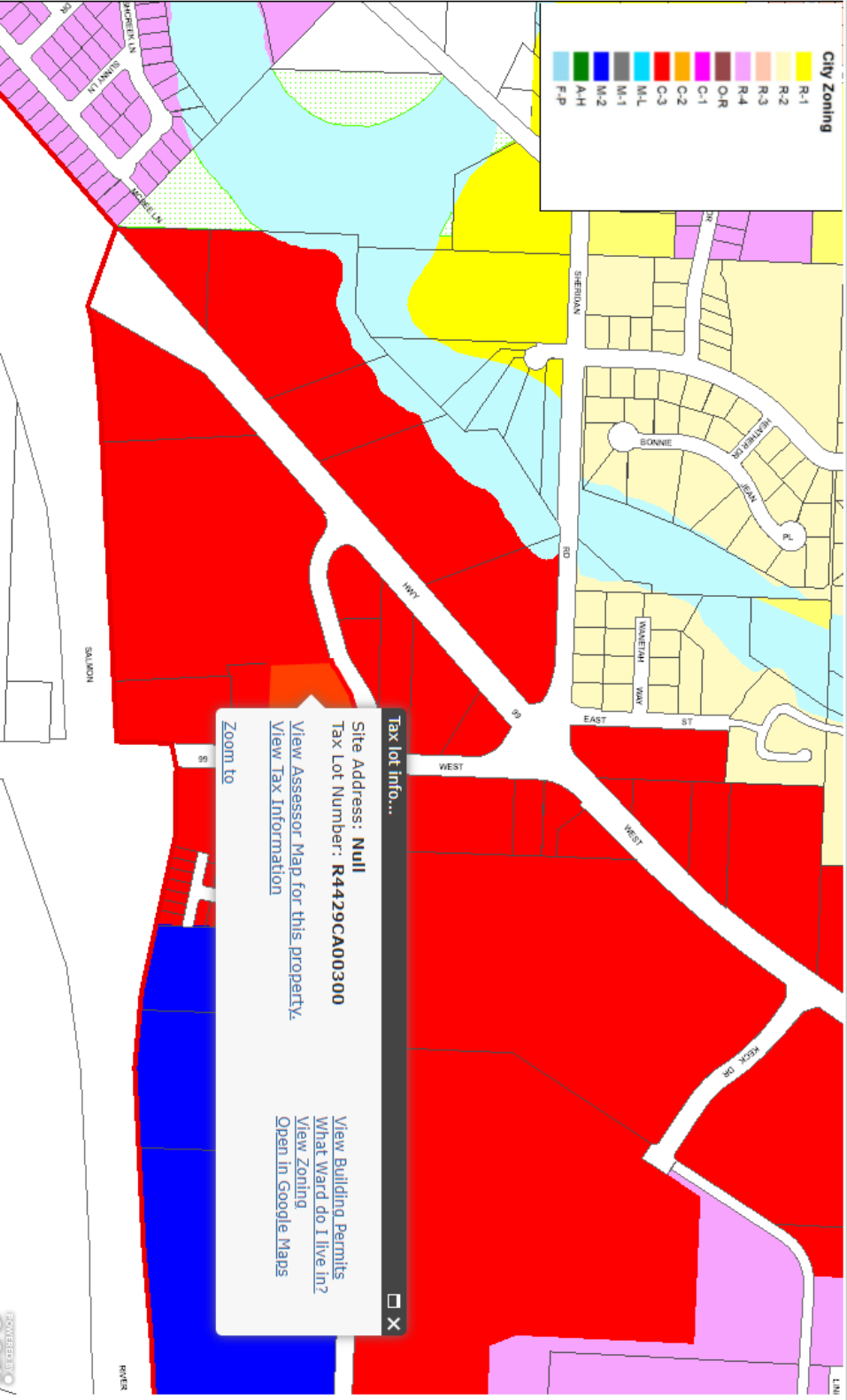
1. GIS Map showing subject property
2. Conceptual Site Plan showing proposed improvements

Please do not hesitate to contact us if you have any questions or concerns regarding the scheduled neighborhood meeting.

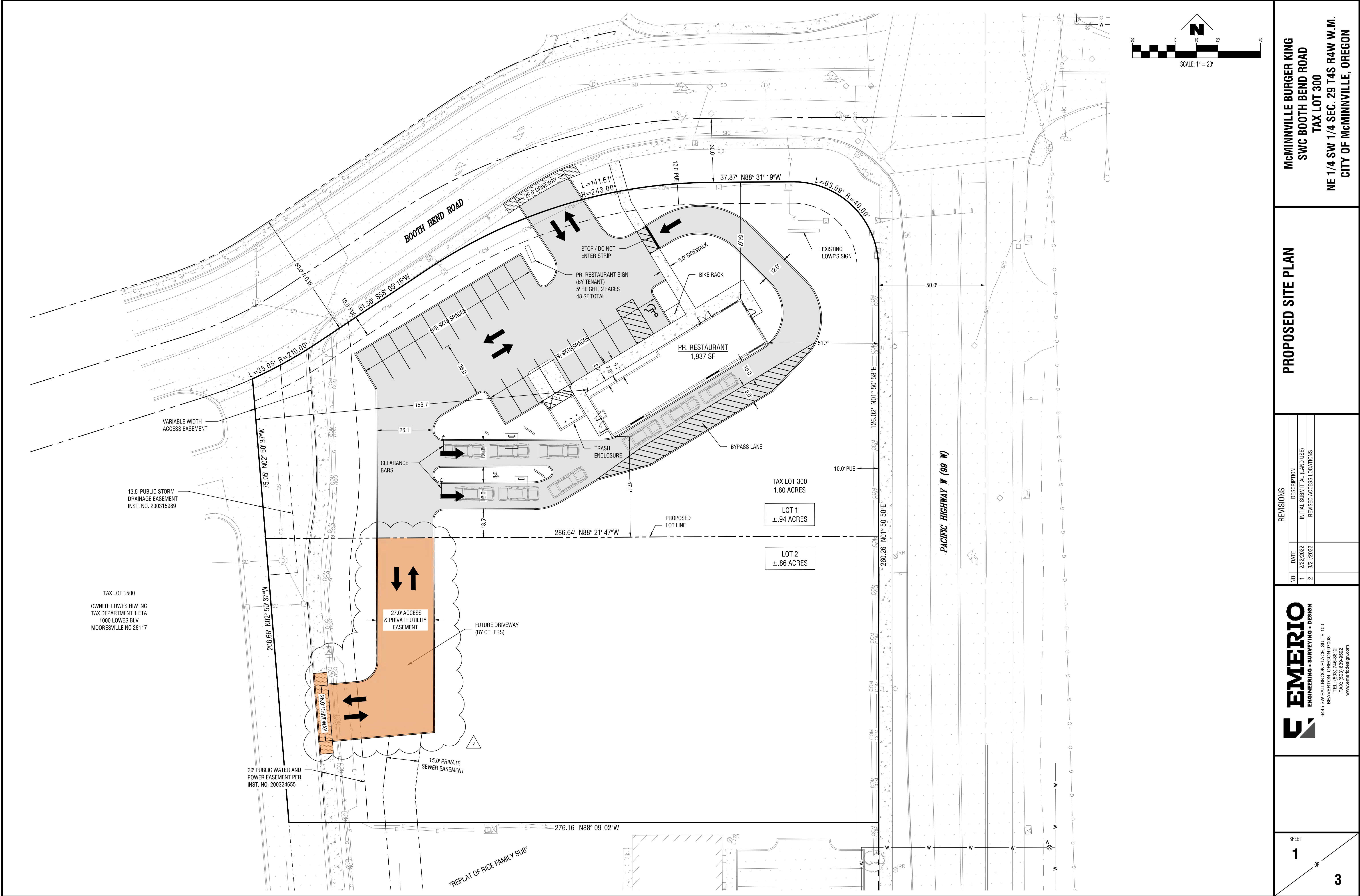
Thank you,



Andrew D. Johnson, P.E.  
Project Manager







PROPOSED SITE PLAN

REVISIONS

| NO. | DATE      | DESCRIPTION                  |
|-----|-----------|------------------------------|
| 1   | 2/22/2022 | INITIAL SUBMITTAL (LAND USE) |
| 2   | 3/21/2022 | REVISED ACCESS LOCATIONS     |

**EMERIO**  
ENGINEERING • SURVEYING • DESIGN  
6445 SW FALLBROOK PLACE, SUITE 100  
BEAVERTON, OREGON 97008  
TEL: (503) 746-5812  
FAX: (503) 639-9592  
www.emeriodesign.com





## PLANNED DEVELOPMENT AMENDMENT

### PROPOSED CONDITIONS

MCMINNVILLE, OR

3/21/2022

#### Proposed Amendments to PUD Ordinance No. 4688:

1. Subdivide Parcel at SW corner of SW Booth Bend Rd. and SW Highway 99W into two (2) separate lots with two (2) separate Permissible Building Areas (PBA's).
2. Divide previously approved PBA for subject property (16,000 SF) into two separate PBA's: 1,937 SF on Lot 1, and 5,000 SF on Lot 2.



**InSite**

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Oak Brook, IL 60523-8854  
Office: 630.617.9100  
[www.insiterealestate.com](http://www.insiterealestate.com)





## MEMORANDUM

DATE: December 27, 2021

TO: Andrew Johnson | InSite Real Estate, LLC

FROM: Lacy Brown, P.E. | DKS Associates  
Jenna Bogert, P.E. | DKS Associates

SUBJECT: McMinnville Burger King - Transportation Letter



P21251-000

## INTRODUCTION

This memorandum is a traffic assessment letter for the proposed Burger King located on SW Booth Bend Road in McMinnville, Oregon. It is our understanding that the proposed fast food restaurant is consistent with the previously approved master plan for the area. The Burger King will have a total building gross floor area of 1,937 square feet and a drive-thru that can accommodate a vehicle queue of up to 9 vehicles. The site plan includes one full access driveway on SW Booth Bend Road and one full access driveway on the shared road to the west of the property. A map of the study area is shown in Figure 1.

Because the City of McMinnville does not currently have any guidelines for when a traffic study is needed, City of McMinnville staff<sup>1</sup> have stated that if the proposed site's trip generation is less than 20 peak hour trips or 200 daily trips, no transportation impact analysis will be required. The following sections include the estimated project trip generation and a site plan review.



FIGURE 1: STUDY AREA

<sup>1</sup> Phone call between Jamie Fleckenstein (City of McMinnville) and Andrew Johnson (InSite Real Estate).

## TRIP GENERATION

Trip generation is the method used to estimate the number of vehicles that are added to the roadway network by the proposed project during a specified period.

For this project, the number of trips generated by the proposed development was based on the City's Transportation System Development Charge (SDC) calculator. Using the spreadsheet calculator provided by the City of McMinnville, the estimated peak hour trips generated by the 1,937 square-foot Burger King is a total of 9 vehicle trips after pass-by and other trip reductions. The SDC calculator is provided in the appendix.

Because the site is expected to generate less than 20 peak hour trips, the City staff have confirmed that a traffic impact study is not required for the proposed development.

## SITE PLAN REVIEW

A review of the project site plan and site accesses is summarized in the following sections.

### ACCESS SPACING

Per City of McMinnville Code,<sup>2</sup> the minimum distance between a proposed driveway and an intersection is to be 30 feet, measured from edge to edge.

On SW Booth Bend Road, the OR 99W intersection is located approximately 145 feet from the proposed driveway. On the access road to the west of the property, the nearest driveway is located approximately 100 feet to the north of the proposed project site driveway. Therefore, both of the proposed site accesses meet the access spacing standard.

A full movement access to the project site at the proposed location on SW Booth Bend Road is documented in the approved PUD for the area. Because the driveway is located in close proximity to the OR99W intersection, there is the potential for eastbound queues at the signal to interfere with driveway operations and possibly impact on-site circulation. If these potential impacts are realized once the development is in operation, signing and striping changes at the site driveway and on SW Booth Bend Road could be implemented to discourage left-turn movements in and out of the driveway. A conceptual layout of these changes is provided in the appendix.

Prior to occupancy, sight distance at any new or modified access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.

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<sup>2</sup> 12.20.070, City of McMinnville Municipal Code.

## FRONTAGE IMPROVEMENTS

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Based on the City's TSP<sup>3</sup>, SW Booth Bend Road fronting the project site is classified as a local street. The City Municipal Code provides the cross-section requirements for local streets.<sup>4</sup> Local streets require a minimum curb-to-curb width of 28 feet with 5-foot sidewalks on both sides with planter strips.

The existing cross section of SW Booth Bend Road fronting the project site is approximately 45 feet from curb-to-curb and includes three travel lanes with on-street bike lanes. There are existing sidewalks along the project frontage, but no planter strips. It is recommended that the existing curb-to-curb width be maintained and that the project sponsor coordinate with City staff to determine if planter strips are desired along the project frontage.

## ON-SITE CIRCULATION AND PARKING

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Based on the site plan provided, vehicle drive aisles are shown to be 26 feet in width, providing sufficient width for two-way travel as well as parking maneuvers. The drive-through line circulates counterclockwise along the south side of the restaurant building and can accommodate up to 9 queued vehicles without blocking through drive aisles in the parking lot. A by-pass lane in the drive-through is also shown on the site plan. The site provides sufficient circulation and drive-through queue space for the fast food restaurant.

There are a total of 19 parking stalls including one ADA stall shown on the site plan. Based on the City's Municipal Code<sup>5</sup>, drive-through restaurants are required to provide one parking space per 200 feet of floor area or one space per four seats, whichever is greater. Based on the proposed site, the site is required to provide a minimum of 10 parking stalls.

## SUMMARY

The following is a list of the key findings from the traffic analysis for the proposed Burger King located at the corner of SW Booth Bend Road and OR 99W in McMinnville, Oregon.

- The proposed Burger King is estimated to generate 9 net new peak hour trips based on the City's SDC calculator and therefore, does not require a full traffic impact study per City staff.
- There are two project site accesses proposed, a full access onto SW Booth Bend Road and a full shared access on the private road along the west edge of the property. Both of the proposed driveways meet the City's access spacing standard.

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<sup>3</sup> Exhibit 2-3, City of McMinnville Transportation System Plan, Adopted May 2010.

<sup>4</sup> 17.53.101, City of McMinnville Municipal Code.

<sup>5</sup> 17.60.060, City of McMinnville Municipal Code.



- If traffic on SW Booth Bend Road is observed to interfere with operations of the site driveway once the development is in operation, signing and striping changes could be implemented to discourage left-turn movements in and out of the driveway.
- Prior to occupancy, sight distance at any new or modified access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon.
- It is recommended that the project sponsor coordinate with City staff to determine if planter strips are desired on SW Booth Bend Road along the project site frontage to meet the City's street cross-section standards.
- The on-site vehicle circulation and number of parking stalls shown on the site plan are sufficient and meet City code.

#### **APPENDIX**

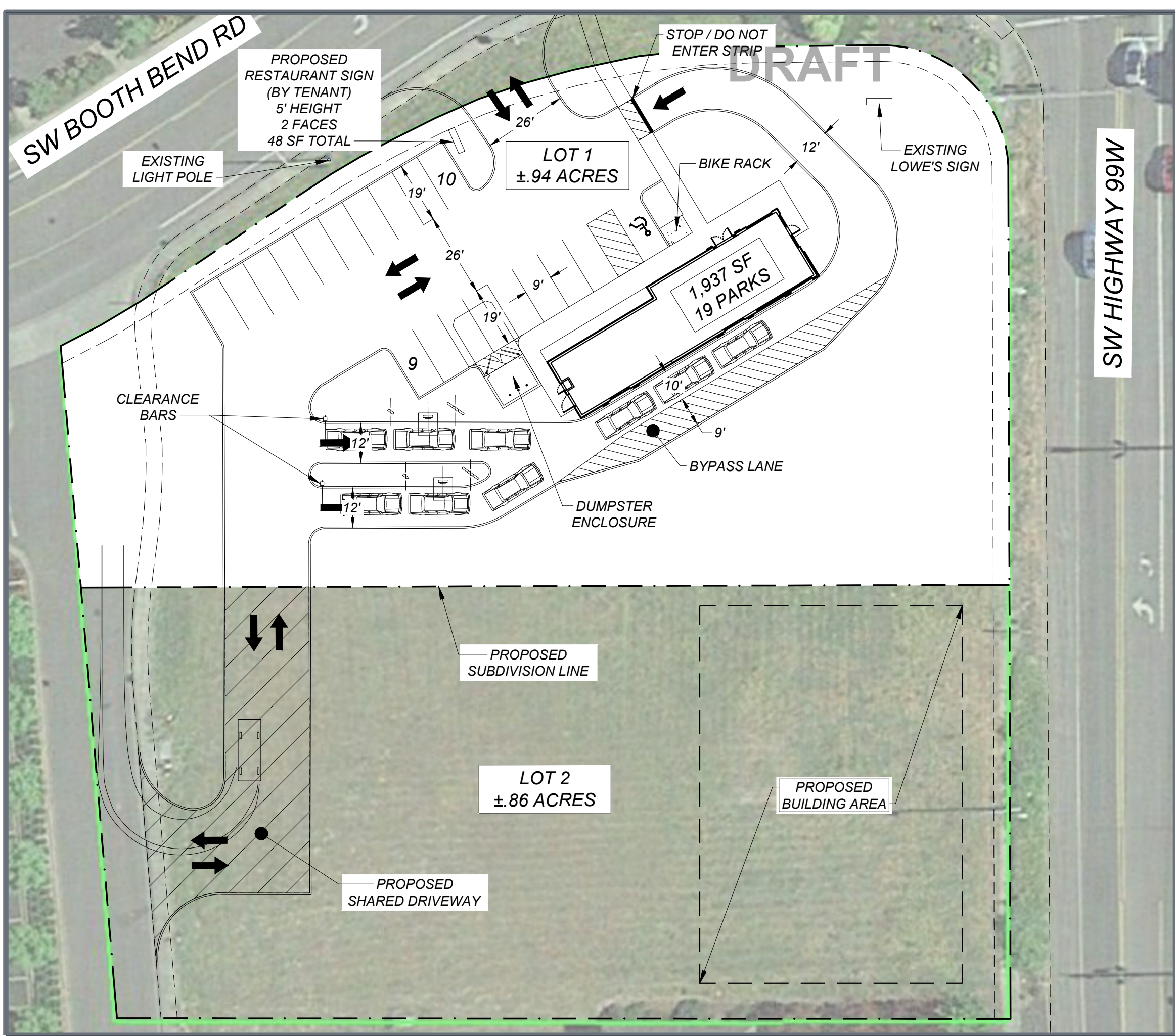
- Transportation SDC Calculator Spreadsheet
- Current Site Plan for Proposed Development
- Conceptual Changes at SW Booth Bend Road Project Driveway

|   |                       |              |
|---|-----------------------|--------------|
| Council<br>Adopted<br>Resolution<br>2020-14 (July 1,<br>2020) | TSDC Revenue          | \$18,366,985 |
|   | New PM Peak Trips     | 7,230        |
|   | TSDC/New PM Peak Trip | \$2,540      |

McMinnville TSDC Schedule - July 1, 2020

Adjustable  
Value

| Land Use Category - ITE 10th Edition           | Notes | ITE<br>Land<br>Use<br>Code | ITE Average<br>PM Peak Hour<br>Trip Rate | Unit*        | Pass-By<br>Trip<br>Reduction<br>Factor ** | Net New<br>Trip Rate | Trip Length<br>Adjustment<br>Factor | Net<br>New<br>Trips | # Units | Net New PM Peak<br>trips |
|--|-------|----------------------------|--|--------------|---|----------------------|-------------------------------------|---------------------|---------|--------------------------|
|  |       |                            | [1]                                      |              |   | [2]                  | [3]                                 | [4]                 | [5]     |                          |
| Fast Food Restaurant with Drive-Through Window |       | 934                        | 32.67                                    | 1,000 sf GFA | 0.50                                      | 16.34                | 0.28                                | 4.57                | 1.937   | 8.85                     |



PREMISES PLAN

LOCATION: (SWC) SW BOOTH BEND RD  
AND SW HIGHWAY 99W  
MCMINNVILLE, OR  
CONCEPT PLAN (v14)  
11/17/2021

|                                 |  |                    |
|---------------------------------|--|--------------------|
| SITE DATA                       |  |                    |
| JURISDICTION                    | CITY OF MCMINNVILLE  |                    |
| ZONING DISTRICT                 | C3 GENERAL COMMERCIAL  |                    |
| PERMITTED USE(S)                | RESTAURANT   |                    |
| LOT AREA                        | LOT 1: ± 41,033 SF (± .94 ACRES)<br>LOT 2: ± 37,375 SF (± .86 ACRES)<br>TOTAL: ± 78,408 SF (± 1.80 ACRES)  |                    |
| BUILDING AREA                   | 1,937 SF   |                    |
| F.A.R.                          | CODE TBD   PLAN .05  |                    |
| SETBACKS                        |  |                    |
| BUILDING SETBACKS               | CODE   | PLAN               |
| - FRONT YARD                    | NONE   | 58' (E)            |
| - CORNER SIDE YARD              | NONE   | 50' (N)            |
| - INTERIOR SIDE YARD            | 0'   | 51' (S)            |
| - REAR YARD                     | 0'   | 149' (W)           |
| PARKING SETBACKS                |  |                    |
| - FRONT YARD                    | 5'   | 24' (E)            |
| - CORNER YARD                   | 5'   | 5' (N)             |
| - INTERIOR SIDE YARD            | XX'  | 18' (S)            |
| - REAR YARD                     | XX'  | 44' (W)            |
| SIGNAGE SETBACK                 | TBD  | 5'                 |
| OFF STREET PARKING REQUIREMENTS |  |                    |
| PARKING STALL COUNT             | 19 (NOTE 2)  | 19 (9.8 / 1000 SF) |
| ADA STALL COUNT                 | 1  | 1                  |
| PARKING STALL SIZE              | 9' X 19'   | 9' X 19'           |
| DRIVE AISLE WIDTH               | 26'  | 26'                |
| DRIVE-THRU STACKING             | TBD  | 9                  |
| BUILDING HEIGHT                 | 22' (PER LOWES CCR)  | TBD                |
| PROTOTYPE:                      | TBD  |                    |
| ADDITIONAL NOTES                | 1. BICYCLE SPACES SHALL BE 10% OF THE AUTOMOBILE PARKING SPACES REQUIRED<br>2. LOWE'S RESTAURANT OR FAST FOOD PARKING REQUIREMENT: 10 / 1,000 SF |                    |
| DRAWN BY:                       | BS   |                    |

030'60'

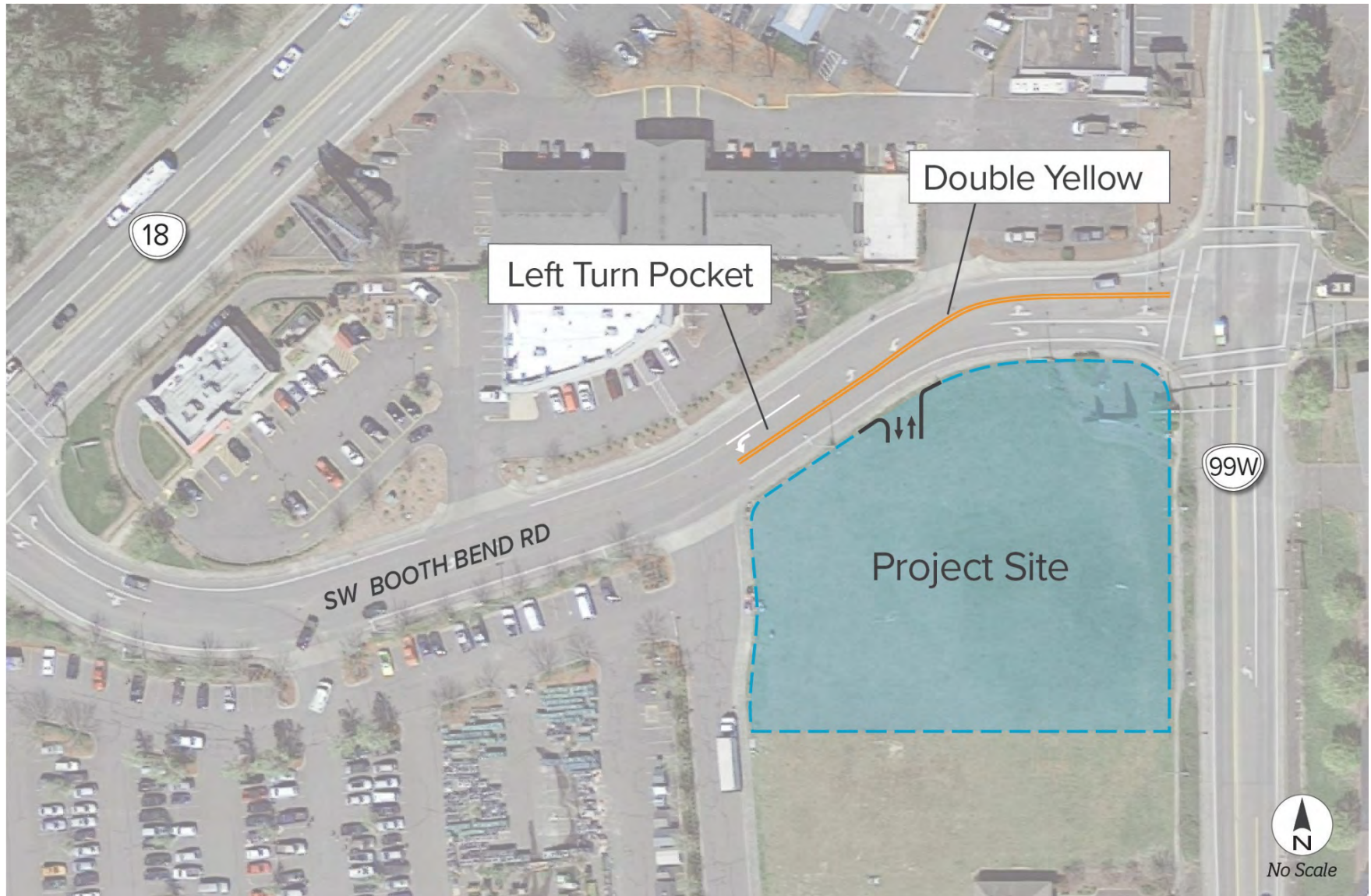
N

InSite

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## Conceptual Layout of Possible Future Striping Changes on SW Booth Bend Road





## ATTACHMENT 2 TO DECISION DOCUMENT

ORDINANCE NO. 4688

An Ordinance rezoning certain property from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone to permit the development of a commercial shopping complex on 21.26 acres of land located north of Oregon State Highway 18 (Salmon River Highway), west of Oregon State Highway 99W, east of the Highway 18/99 Connector, and south of the Vineyard and Paragon motels.

### RECITALS

The Planning Commission received an application (ZC 15-98) from Alan M. Roodhouse of Farallon Development Corporation dated September 15, 1998, requesting approval to rezone some 21.26 acres of land from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone to permit the development of a commercial shopping complex. The subject site is located north of Oregon State Highway 18 (Salmon River Highway), west of Oregon State Highway 99W, east of the Highway 18/99 Connector, and south of the Vineyard and Paragon motels, and is more specifically identified as Tax Lots 1500, 1800, 1801, and 1900, Section 29, T. 4 S., R. 4 W., W.M.

A public hearing was held on November 19, 1998, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on November 14, 1998, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, testimony was received, the application materials and a staff report were presented; and

The Planning Commission, being fully informed about said request, found that said change conformed to the zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change to the Council; now, therefore,

### THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Farallon Development Corporation.

Section 2. That the property described in Exhibit "A", which is attached hereto and incorporated herein by this reference is hereby rezoned from a County N-C (Neighborhood Commercial) zone to a City C-3 PD (General Commercial Planned Development) zone subject to the following conditions:

1. That detailed plans for the proposed commercial development showing site layout, proposed circulation pattern, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Community Development Department prior to the issuance of any building permits for said development. Approval or denial of such plans shall be based on findings that, to the extent possible, the building and site design employs principles that will ensure compatibility with adjacent development, and provide an architectural style appropriate to a "gateway" or entrance to the City of McMinnville. In addition, approval or denial of the exterior building design shall be based on a finding that, to the extent possible, the building design incorporates design and architectural features that would serve to break up the building's horizontal plan and provide visual interest. This may include, but is not limited to, the use of vertical columns, gables, variety of compatible and complimentary building materials, providing openings in the building facade, and landscaping at the building perimeter. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, planting design, window treatment, vertical and horizontal articulation, massing, voids to solids relationships, and other elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval. The applicant may appeal the decision of the Community Development Department to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Community Development Department's decision.
2. That landscape plans for the commercial site shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to issuance of permits for any of the commercial buildings. At a minimum, 15 percent of the site shall be landscaped with emphasis placed along all street frontages, at major entrances to the commercial complex, within off-street parking lots, and at building perimeters. Final site and landscape plans should incorporate extensive streetside landscaping areas which facilitate meandering sidewalk(s) and street tree planting along both highway frontages (Highway 99W and the Highway 99W/Highway 18 Connector). A continuous evergreen screen shall be planted along the southern boundary of the site.

3. That signs located on the commercially zoned land shall be subject to review by the Planning Department as to their location and design, and to the following limitations:
  - a. That site signage located on the Highway 99W frontage is limited to a single monument sign a maximum of six (6) feet in height and fifteen (15) feet in width, situated at the major entrance as may be approved by ODOT. Site signage located on the Highway 99/18 Connector frontage shall be limited to a single pole-mount sign no more than twenty (20) feet in height and twelve (12) feet in width, situated at the major entrance as may be approved by ODOT. Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic or plexi-glass type cabinet or faces be allowed. In addition, no signs, including wall-mount, shall be allowed on the southern facade of those buildings adjacent to Highway 18, and no roof-mount signs of any type shall be permitted within the subject site.
  - b. That an easement for maintenance, access and placement be granted to the City of McMinnville sufficient to accommodate a "Welcome to McMinnville" sign at the far southwest corner of the subject site.
  - c. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than twelve inches from the building face. There is no limit on the number or size of signs attached to the building faces.
4. That the submitted master plan and development plans, as approved by the Community Development Department, shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted plans. Minor changes to the details of the adopted plans may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.
5. That the applicant obtain required access permits from the Oregon Department of Transportation for use of the existing or proposed access drives prior to issuance of any development permits for the site.



6. That the State Highway 99W, State Highway 18, and the Highway 18/99W Connector frontages adjacent to the subject site shall be improved by the applicant to standards as required by the Oregon Department of Transportation (ODOT).
7. That the developer enter into a construction permit agreement with the City Engineering Department for all public improvements and gain a fill and grading permit for lot fill and grading from the City Building Division.
8. That the applicant provide utility and access easements across the subject site as required. Costs associated with the provision of the required utilities shall be borne by the developer.
9. That the applicant submit to the City Engineer and ODOT for review and approval a design for the Highway 99W and Highway 18/99W Connector intersections and associated improvements. All costs associated with the construction of all site accesses, to include the signalization of both intersections, and other improvements as stipulated in existing agreements between the applicant and City and ODOT, and as may be additionally required by the City and ODOT, shall be borne by the applicant. All required improvements and right-of-way dedications shall be completed prior to occupancy of any buildings within the subject site.
10. That 10-foot utility easements be provided along both sides of all rights-of-way. Additional utility easements as required by the Water and Light Department for transformer and vault locations and for the servicing with utilities shall also be provided.
11. That storm water drainage plans shall be submitted to the Community Development Department and ODOT for review and approval. All required improvements shall be installed prior to issuance of occupancy permits.
12. That fire hydrants as required by the Uniform Fire Code shall be installed by the applicant.
13. That within the commercially zoned land, all business, storage, or displays shall be conducted wholly within an enclosed building except for off-street parking and loading. Incidental exterior display and outdoor dining areas may be allowed if incorporated into future building design, are operated by the owner of a business located on the subject site, and are approved for such use by the Planning Director. Temporary seasonal activities, such as Christmas tree sales and fireworks sales, shall be permitted.

14. That utilities shall be extended to the property boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
15. That the conceptual land use plan submitted by the applicant as part of this land use request shall in no way be binding on the City, particularly as regard proposed vehicular access.
16. That off-street parking at the rate of four and one-half (4.5) spaces per 1,000 square feet of gross floor area may be permitted provided a minimum of fifteen percent (15%) of the subject site be landscaped as approved by the McMinnville Landscape Review Committee.

Passed by the Council this 26th day of January 1999, by the following votes:

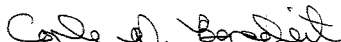
Ayes: Aleman, Hughes, Kirchner, Payne, Rabe, Windle

Nays: \_\_\_\_\_

Approved this 26th day of January 1999.

  
\_\_\_\_\_  
MAYOR

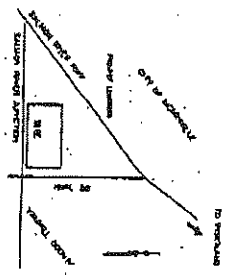
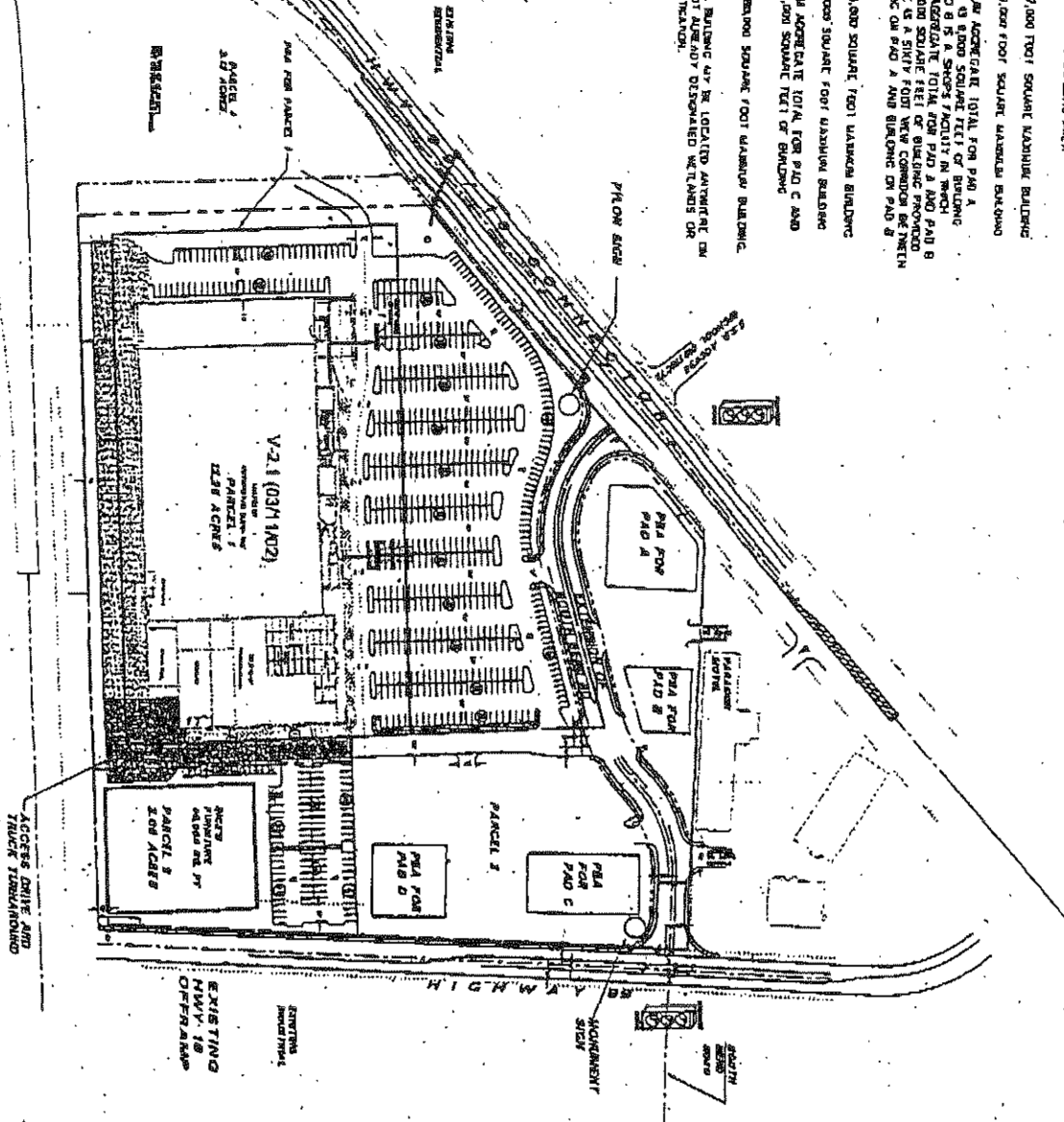
Attest:

  
\_\_\_\_\_  
RECORDER

PAD A - 7,000 TON SQUARE MODULAR BUILDING  
PAD B - 8,000 TON SQUARE MODULAR BUILDING  
THE MAJORLY ACCEPATED TOTAL FOR PAD A  
AND PAD B IS 8,000 SQUARE FEET OF BUILDING  
UNLESS PAD B IS 5,000 SQUARE FEET IN WHICH  
CASE THE AVERAGE TOTAL FOR PAD A AND PAD B  
WILL BE 11,000 SQUARE FEET OF BUILDING PROVIDED  
THAT THERE IS A SINGLE TOWER FOR CONCRETE  
BUILDINGS ON PAD A AND BUILDING ON PAD B

PAD C - 18,000 SQUARE FOOT MAXIMUM BUILDING  
PAD D - 18,000 SQUARE FOOT MAXIMUM BUILDING  
THE MAXIMUM AGGREGATE TOTAL FOR PAD C AND  
PAD D IS 36,000 SQUARE FEET OF BUILDING

PARTICLE 1: 1500 POOL SQUARE FOOT MARBURY BUILDING.  
PARTICLE 2: A BUILDING MAY BE LOCATED ANYWHERE ON  
PARCEL 4 NOT ALREADY DESIGNATED WETLANDS OR  
BE PLAINS WILKINSON.



100-100000

[illegible]

PRODUCT LIST:

1. 479 PAVING SPACES IN FRONT OF STORE.
2. 15 PAVING SPACES ON END OF GARDEN DRIVE.
3. 87 PAVING SPACES ON WEST SIDE OF HIGHWAY.
4. ADDITIONAL PAVING MATERIAL INVESTIGATION.

| BUREAU  |   | BUREAU  |  |
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## PRELIMINARY SITE PLAN

LOWE'S OF  
McMinnville  
McMinnville, OREGON

**LOWE'S**  
Exclusives

1048 2nd Boulevard E., Suite 202  
 Portland, OR 97214  
 W 503/466-1545 Fax 503/466-1548

SD-1



## **EXHIBIT 6 - STAFF REPORT**

**DATE:** July 21, 2022  
**TO:** Planning Commission Members  
**FROM:** Monica Bilodeau, Senior Planner  
**SUBJECT:** S 3-18, Land-Use Extension Request

### **STRATEGIC PRIORITY & GOAL:**



#### **ECONOMIC PROSPERITY**

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

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### **Report in Brief:**

This item was continued from the July 7, 2022 hearing due to lack of quorum.

This is the second request for a land-use decision extension of one year for Oak Ridge Meadows Development, Docket S 3-18, a Tentative Subdivision. The Planning Director issued a land-use extension on December 15, 2020, extending the decision expiration from August 22, 2021 to August 22, 2022.

The applicant is now requesting an additional year extension to August 22, 2023.

### **Background:**

Tentative Subdivision decisions are good for one year. Per section 17.53.075 of the McMinnville Municipal Code, applicants can request a one-year extension that the Planning Director may approve, and any additional extension requests need to be approved by the Planning Commission.

The City Council passed Ordinance No. 5070 on July 23, 2019. The Ordinance was written to take effect 30 days after its passage, August 22, 2019.

Per Conditions of Approval #6 and 32 of S 3-18, Ordinance 5070, the subdivision tentative plan Phase One approval is scheduled to expire two (2) years from the date the decision is final without appeal, August 22, 2021.

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### **Attachments:**

- A: Land Use Extension Request Letter and Conditions
- B: Great Neighborhood Principles for Oak Ridge Meadows Subdivision
- C: December 15, 2020 Land Use Extension – Planning Director's Decision

The Planning Director issued a land-use extension on December 15, 2020, extending the decision expiration to August 22, 2022.

The applicant requested a second land-use extension on May 10, 2022. The reason for the request is delays experienced by both contractors and consultants due to pandemic related staffing challenges. In addition, wetland permitting and excessive wet weather this year did not allow work in the wetland areas. There were also supply chain and goods needed for construction of infrastructure that were delayed.

**Discussion:**

Below are figures representing the subdivision. The applicant needs to complete all of the conditions of approval prior to recording the plat and has been working on those over the course of the past three years. The applicant has provided a summary table of the conditions and the status of each to demonstrate what they have completed to date. See Attachment A.

The Oak Ridge Meadows Subdivision was originally approved in August 22, 2019 and prior to the adoption of the Great Neighborhood Principles. Staff asked the applicant to prepare a summary how the approved project meets the Great Neighborhood Principles. See Attachment B.

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**Attachments:**

A: Land Use Extension Request Letter and Conditions

B: Great Neighborhood Principles for Oak Ridge Meadows Subdivision

C: December 15, 2020 Land Use Extension – Planning Director’s Decision

**Figure 1. Vicinity Map**



Attachments:

- A: Land Use Extension Request Letter and Conditions
- B: Great Neighborhood Principles for Oak Ridge Meadows Subdivision
- C: December 15, 2020 Land Use Extension – Planning Director’s Decision

**Figure 2. Subdivision Plan Summary**



**Oak Ridge Meadows PD (PDA 4-18)**

- 35.47 total acres

**Request:**

- 108 lot single-family residential subdivision
- Public & private open space amenities

**Criteria:**

- Ch. 17.53 Land Division Standards

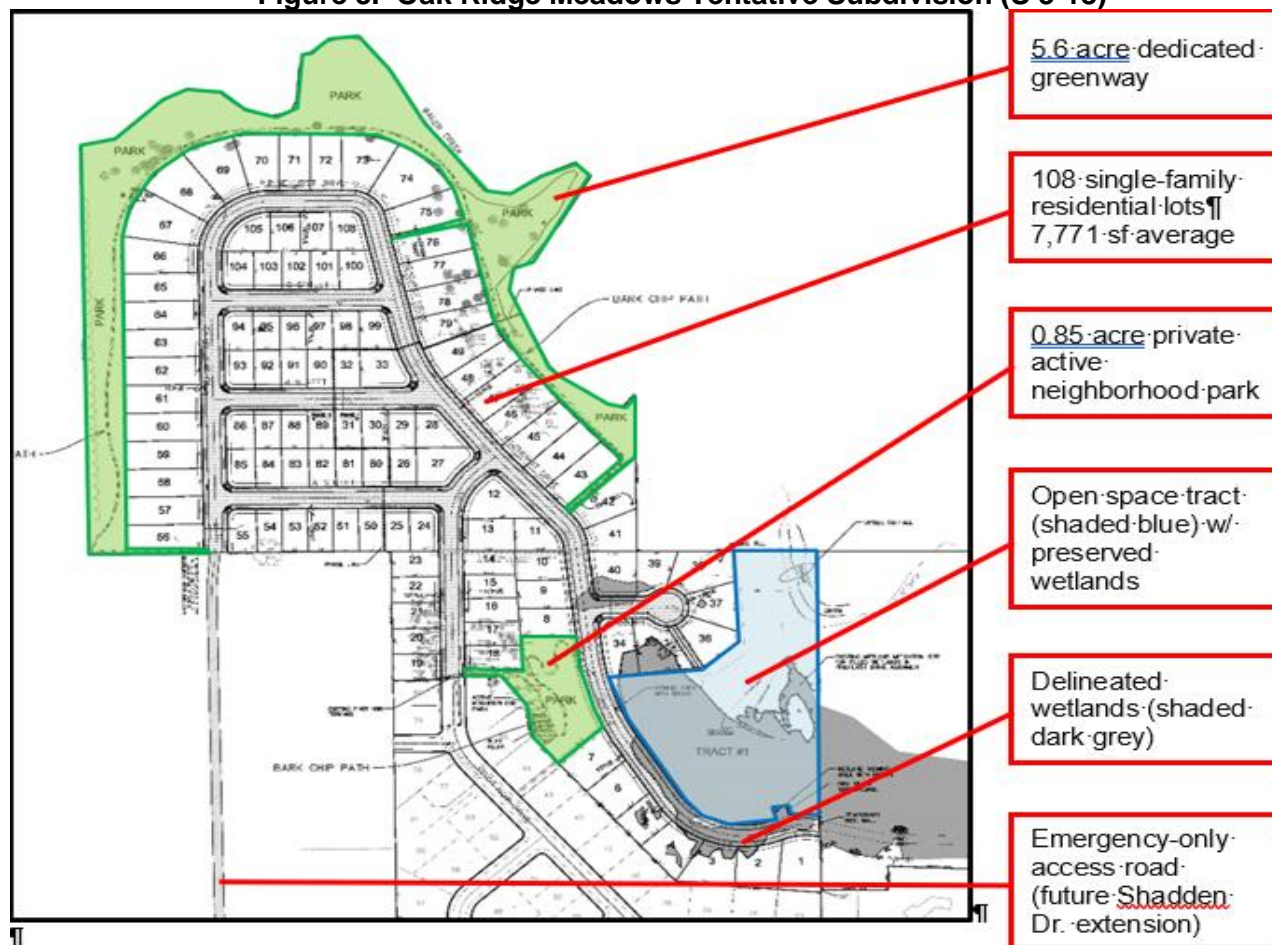
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**Attachments:**

- A: Land Use Extension Request Letter and Conditions
- B: Great Neighborhood Principles for Oak Ridge Meadows Subdivision
- C: December 15, 2020 Land Use Extension – Planning Director's Decision



**Figure 3. Oak Ridge Meadows Tentative Subdivision (S 3-18)**



**Attachments:**

- A: Land Use Extension Request Letter and Conditions
- B: Great Neighborhood Principles for Oak Ridge Meadows Subdivision
- C: December 15, 2020 Land Use Extension – Planning Director’s Decision

**Recommendation:**

Staff recommends approving the land-use extension to August 22, 2023.

Attachments:

- A: Land Use Extension Request Letter and Conditions
- B: Great Neighborhood Principles for Oak Ridge Meadows Subdivision
- C: December 15, 2020 Land Use Extension – Planning Director’s Decision

# Oak Ridge Meadows, LLC

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May 10, 2022

City of McMinnville Planning  
231 NE 5th Street  
McMinnville, OR. 97128

RE: Land Use Extension S 3-18 (Ord. 5070)  
Oak Ridge Meadows Subdivision, Tax Lots R4417 01300 and R4407 00602

This is a formal written request for a one year Land Use Extension for Oak Ridge Meadows Subdivision to be presented to the Planning Commission for approval.

On December 15, 2020, Premier Development, LLC received an approval letter from Heather Richards, PCED, Planning Director extending the tentative subdivision land-use decision from August 22, 2021 to August 22, 2022.

In the last letter to request an extension, we was anticipating getting the final federal and state permits by June 2021 so we could work in the wetland area while it was dry. The Army Corp Permit was finally issued September 8, 2021. The construction began in October with the initial cut-out of the streets and clearing, along with the ordering and purchasing of available pipe and supplies. An extensive amount of gravel for the surcharge to compact the wetland area on the lower Pinehurst Dr was layed and completed by end of January 2022. At the end of April 2022, the GeoEngineer concluded the compaction was complete. The plan, as of this date, is to restart construction May 23, 2022, with the expectation all needed supplies will be available by then. We are extremely motivated to complete the subdivision, as quickly as possible, however, there are still unusual circumstances and challenges to be dealt with in regard to available workforce, availability of needed supplies, and the lack of dry weather to work in the wetlands area. We are expecting to have completion to be by the end of this year, 2022. The completion of the construction, surveying and recording the plat will likely not be complete by August 22, 2022, therefore, we are requesting a one year extension from the Planning Commission.

We are looking forward to drier weather, a better response from the supply chain, enough workers to do the job and a good economy!

Respectfully submitted,



Lori Zumwalt, Owner/Member  
Oak Ridge Meadows, LLC  
Premier Development, LLC

S 3-18 Conditions of Approval Timeline Completed

| S 3-18                              | Condition of Approval item  | Notes  | Complete date      |
|-------------------------------------|---|--|--------------------|
| #1                                  | N/A   |  |                    |
| #2                                  | Street Tree Landscape plan approved L 31-21                               | Street Trees to be installed Fall/Winter 2022 as needed  | 4/20/2022          |
| #3                                  | Private Active Park   | Landscape Plan approved  | 4/26/22            |
| #4 #5                               | CCR's/HOA   | CCR and Bylaws submitted to City   | 5/19/22            |
| #6                                  | Both phases will be built at one time                                     |  | —                  |
| #7                                  | Developer is selling lots   |  | —                  |
| #8                                  | Private Active Park Construction  | Landscape Plan approved 4/26/2022  | TBD                |
| #9 10                               | Greenway trail system has been redesigned and approved by City            | Minor Amendment Approval PDA 1-22  | 3/10/22            |
| #10                                 | Ped/Bike pathway  | Part of construction plans/updated PDA 1-22  | 3/10/22            |
| #11                                 | Revocable License Agreement for maintenance of greenway trail and benches | Working with City  | Current            |
| #12                                 | N/A   | 108 lot subdivision  | —                  |
| #13                                 | Subdivision design  | Complete   | —                  |
| #14                                 | Storm Drain Plan Approved   |  | 9/22/21            |
| #15,16,18,19,20,21, 22 25, 26,27,37 | Final Construction Plans - City permits obtained                          |  | 9/22/21            |
| #17, 23                             | State and Federal Agency Permits  | Permitted  |                    |
|                                     |   | DEQ 1200C  | 7/21/21            |
|                                     |   | DEQ 401 Water Quality Certificate  | 6/9/21             |
|                                     |   | DSL Removal-Fill Permit  | 7/6/21             |
|                                     |   | Army Corp of Engineers Nationwide Permit   | 9/8/21             |
| #24                                 | Construction of Pinehurst Dr through wetland                              | Rock placed on roadway 10/21 - 1/22. Per Geotech monitoring, compaction complete 4/30/22, no other work could be done on subdivision due to needing to install very deep sewer pipe first and needed to wait until compaction complete to determine height levels as well as weather permitting. Currently, waiting for very delayed manholes, supplies and subs. Plan is to start on sewer line by end of May 2022. | 4/30/2022- current |
| #28                                 | Signage   | To be done at end of project   | TBD                |
| #29                                 | Final Plat  | To be done at end of project   | TBD                |
| #30                                 | City Construction Permit  | After Army Corp Permit obtained  | 9/22/2021          |
| #31                                 | Mylars, Final Plat review   | To be done at end of project   | TBD                |
| #32, 33                             | Tentative Subdivision Plan Extension                                      | 1st extension per Planning Director is to Aug, 22, 2022, Developer requesting 2nd extension due to supply chain issues, delayed agency permits prior to wet weather, time required for Geotech surcharge compaction. Contractor will be working through this summer however, it is doubtful all conditions including recording of final plat will be complete by Aug 22, 2022.                                       | Current            |
| #34                                 | Mailbox clusters  | Developer has coordinated with Postmaster for placement of mailboxes   | Complete           |
| #35, 36                             | Architectural Pattern Book  | Architectural details added to CCR's   | In review          |
| #38                                 | Certified Hydrology Report  | Submitted with construction plans  | 9/22/2021          |
|                                     |   |  |                    |
|                                     | <b>Pertinent PDA 4-18 items</b>   |  |                    |

| S 3-18 | Condition of Approval item          | Notes   | Complete date |
|--------|-------------------------------------|---|---------------|
| #9     | Public greenway park min. 5.6 acres | Upon clearing some of the brush, surveying and getting a better view of the slopes down to Baker Creek. It was determined that the chip path is some areas needed to be moved away from the steep bank and moved to protect mature fir trees. This change was finalized with Minor Plan Amendment. PDA 1-22 In doing so the park area was increased to 7.04 acres | 3/10/22       |
| #11    | Final Wetland Delineation           | Concurrence by DLS  | 10/23/2019    |



Great Neighborhood Principles for Oak Ridge Meadows Subdivision  
Land Use Approval Extension S 3-18 (Ord. 5070)  
Tax Lots R4417 01300 and R4407 00602  
June 10, 2022

*The Oak Ridge Meadows Subdivision was originally approved in August 22, 2019 and prior to the Great Neighborhood Principles being adopted by the City of McMinnville. In a request for the Planning Commission to extend the subdivision's completion time, the Planning Department has asked that the developer show how Oak Ridge Meadows Subdivision meets the Great Neighborhood Principles. Below are the satisfied findings of the Great Neighborhood Principles.*

**Great Neighborhood Principles**

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.

*Findings: Oak Ridge Meadows has obtained the necessary permits from the Department of State Lands and Army Corp of Engineers for care and handling of the wetlands and installation of a sewer main line and road. Some clearing of brush has uncovered steep slopes along the north end of the property requiring moving the chip path up hill and away from the steep bank and to preserve large trees. Developer has addressed these issues and obtained approval with a Minor Plan Amendment. The principle of Natural Feature Preservation is satisfied by designing the overall subdivision with sensitivity to the wetlands, watercourse (Baker Creek), steep slopes by the banks of the creek, and large mature 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.

*Findings: Oak Ridge Meadows subdivision (PDA 4-18) conditions of approval, numbers 9 requires dedication of a minimum of 5.6 acres of public open space greenway. Upon construction plans being finalized 6.42 acres of public open space (City Park greenway) was designed to be dedicated to the City. After clearing some of the area, the chip path's original design needed to be moved off some steep slopes and away from Baker Creek's bank. In making*

*these adjustments through a Minor Plan Amendment, 0.62 acres of more City Park land was added to the dedicated City Park greenway. This change also helped to better preserve the large fir and oak trees along the north end of the subdivision. This principle is satisfied as there are great scenic views walking along the chip path, including large mature trees, nature and Baker Creek in the dedicated City Park. There are also two wetland viewing benches to be installed along the wetland area.*

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.

*Findings: Oak Ridge Meadows Subdivision has City approved plans for a Private Active Neighborhood Park with a play structure and bench to benefit the residents of the subdivision. In addition, the developer has added an additional 0.62 acres to the 6.42 acres originally planned City Park, making the total dedication 7.04 acres to the City for park land with a chip path that follows Baker Creek and satisfies the McMinnville Park and Recreation Master plan. This principle is satisfied.*

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).

*Findings: The subdivision has streets that are designed to include planter strips and sidewalks for an enjoyable pedestrian experience. There is chip path that meanders throughout the perimeter of the site with views of Baker Creek and large fir and oak trees, it also connects to the Private Active Neighborhood Park that has play equipment and large oak trees. These amenities encourage pedestrian walking with connections to parks, trails and open spaces, therefore this principle is satisfied.*

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.

*Findings: The new local streets satisfy this principle as they will provide for a safe and enjoyable biking experience for all ages. The chip path will connect with Baker Creek North's chip path and connect to the established north/south bike/pedestrian pathway, south to Jay Pearson Neighborhood Park and on to W 2nd Street.*

- 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.

*Findings: This principle is satisfied in that the Oak Ridge Meadows Subdivision is designed to connect with the surrounding built environment. It provides street connectivity and safe travel routes that are built to City standards with a 28 foot pavement width, plant strips and sidewalks. On the southeast side of the property, in the existing Oak Ridge Subdivision, Pinot Noir Drive, at the north end, will be widened to 28 feet and connected to the new Oak Ridge Meadows Subdivision. On the southwest side, the existing Shadden Drive will be connected, and provides an alternative route to Baker Creek Road through the Baker Creek North Subdivision.*

- 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.

*Findings: Oak Ridge Meadows streets are designed to be accessible and allow for ease of use for people of all ages and abilities, therefore this principle is satisfied. It offers elements such as a chip path meandering around the perimeter of the subdivision, a public park, a private active park and streets with sidewalks with ADA truncated domes.*

- 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).

*Findings: This principle #8 is satisfied as the Oak Ridge Meadows lot lay out is designed to function and be balanced with the existing built environment. Building lots are oriented toward the streets promoting integration with public spaces. The area will have street lights, trees lining the streets and street tree landscape plan has been reviewed and approved by the City.*

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.

*Findings: The Oak Ridge Meadows Subdivision satisfies the Mix of Activities principle as it has two routes of ingress and egress that will be completed and will allow residents easy access to Baker Creek Road which is a minor arterial leading to Highway 99W commercial uses, local schools, parks (Jay Pearson Neighborhood Park) and community services. The completion of the subdivision will provide easy access to neighboring streets and amenities that can be accessed by vehicle, bike or walking.*

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.

*Findings: Oak Ridge Meadows transitions from smaller lots in the center of the subdivision to larger lots bordering the exterior of the land and is compatible with neighboring subdivisions (Oak Ridge and Baker Creek North). This principle is satisfied.*

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.



*Findings: This principle is satisfied as the range in the size of the lots throughout the subdivision is from 3793 square feet to 13,165 square feet. This range provides housing opportunities for different income levels and different generations. The larger sized lots allow for the potential of Middle Housing options.*

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.

*Findings: This principle is satisfied as the developer intends to sell the lots to citizens and builders. This variety of owners will provide a variety of architecture. The CCR's have identified building material expectations per Conditions of Approval #17 and #18, for submission to the City for building permits to include the following:*

*"In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street. Front elevations will need to be clearly defined with at least two material types, driveways should be adjacent to each other to enhance opportunities for front yards and landscaping, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other. At a minimum, the submitted building plan shall contain sections addressing:*

- a). Style and Massing
  - b). Quality and Type of Exterior Materials
  - c). Front Porches/Entry Areas
  - d). Roof Design and Materials
  - e). Exterior Doors and Windows
  - f). Garage Door Types
  - g). Exterior Lighting
  - h). Sample Exterior Colors".
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)

*Findings: The Oak Ridge Meadows subdivision has been designed to provide an efficient, ecologically friendly environment with protected wetlands, storm water management system, completed paved streets with lights, plant strips with street trees, a public park with chip path, a*

*private park with play structure and 2 wetland viewing benches. With these elements this principle is satisfied.*

*Summary: Oak Ridge Meadows has completed many items necessary to build the subdivision, such as, designing and engineering plans, surveying and a hydrology analysis report of Baker Creek, designing a storm water management detention system, working with Army Corp of Engineers and Department of State Lands for mitigating wetlands in order to obtain federal (Army Corp), and state (OHA-401 Cert., DEQ1200C and Dept. of State Lands removal/fill) permits. Additionally, we have worked with McMinnville Water and Light and City Planning and Engineering to obtain construction permits. This was all done during the Covid Pandemic with many delays.*

*Once Army Corp and DSL permits were obtained mid-September 2021, the contractor was able to do some clearing, cut out and rock the streets and prepare the lower Pinehurst Road (wetland area) for surcharging. The surcharge (gravel), once fully applied, was to sit undisturbed for 8 -12 weeks. Due to the extensive amount of time it took to obtain the necessary federal and state permits and with winter wet weather upon us, working in the wetlands area was delayed until the Geotechnical Engineer could approve the compaction and soil conditions.*

*During the winter, the redesigning of part of the chip path location was approved, as a result, we were able to preserve trees and provide a safer location for the chip path, away from the steep slopes by Baker Creek. The wet weather, saturated soils, Covid related delays and now supply chain/Covid delays for manholes have been some of the obstacles the developer and contractor have faced. The developer has preordered and received most all of the materials needed such as, pipe and fittings. Currently, the sewer and storm pipe is being install in the northern section of the property and continued evaluation of the dryness of the wetland area is being done in order to safely install manholes and pipe in that area.*

*The contractor is moving full steam ahead, however, it is unlikely the plat will be recorded by the expiration date of August 22, 2022. Therefore, Oak Ridge Meadows is requesting a one year extension to August 22, 2023 for the Oak Ridge Meadows Subdivision Conditions of Approval S 3-18. The overall plan is to record both phases of the plat by the end of the year or early 2023.*



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

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December 15, 2020

Lori Zumwalt  
Premier Development, LLC  
2470 SW West Wind Drive  
McMinnville, OR 97128

Re: Land Use Approval Extension S 3-18 (Ord. 5070)  
Oak Ridge Meadows Subdivision, Tax Lots R4417 01300 and R4407 00602

Dear Ms. Zumwalt:

This is a letter extending your tentative subdivision land-use decision from August 22, 2021 to August 22, 2022.

On November 17, 2020, the McMinnville Planning Department received a letter dated November 17, 2020 from you requesting a one-year extension of the City Council's approval of the above-referenced land use application.

The City Council passed Ordinance No. 5070 on July 23, 2019. The Ordinance was written to take effect 30 days after its passage, August 22, 2019.

Per Conditions of Approval #6 and 32 of S 3-18, Ordinance 5070, the subdivision tentative plan Phase One approval is scheduled to expire two (2) years from the date the decision is final without appeal, August 22, 2021.

Per Section 17.53.060(D) of the McMinnville Zoning Ordinance, a one-year extension of the tentative subdivision plan approval (S 3-18, Ordinance 5070) may be granted, upon request. After reviewing your request, the expiration date of S 3-18 is being extended through 5:00 p.m., **August 22, 2022**, allowing you to complete the subdivision process subject to the same conditions as granted in the original approval, as provided below: (Please note the new expiration date is one year from the original expiration date, and any additional extension request would require a resubmittal to the Planning Commission for review, "making any revisions considered necessary to meet changed conditions," as specified in Section 17.53.075 of the Zoning Ordinance.

***Subdivision Tentative Plan (S 3-18) Conditions of Approval:***

1. That the decision for approval of Oak Ridge Meadows Tentative Subdivision (S 3-18) is not rendered, and does not take effect, until and unless the Planned Development Amendment requests (PDA 3-18 and PDA 4-18) are approved by the City Council.

2. That the applicant 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 subdivisions 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.
  - A. Trees shall be provided with root barrier protection in order to minimize infrastructure and tree root conflicts. The barrier shall be placed on the building side of the tree and the curb side of the tree. The root barrier protection shall be placed in 10-foot lengths, centered on the tree, and to a depth of eighteen (18) inches. In addition, all trees shall be provided with deep watering tubes to promote deep root growth.
  - B. Each year the applicant shall install street trees, from October 1 to April 1, adjacent to those properties on which a structure has been constructed and received final occupancy. This planting schedule shall continue until all platted lots have been planted with street trees.
  - C. It shall be the applicant's responsibility to relocate street trees as may be necessary to accommodate individual building plans. The applicant shall also be responsible for the maintenance of the street trees, and for the replacement of any trees which may die due to neglect or vandalism, for one year from the date of planting.
3. That a landscape plan, including landscaping and improvements in common area tracts, shall be submitted to the McMinnville Landscape Review Committee for their review and approval. Improvements in the Private Active Neighborhood Park shall include, at a minimum, commercial grade play equipment featuring at least ten different play elements for ages 2-12 and appropriate seating and trash/recycling collection. Improvements in the wetland viewing areas in Tract 1 shall include, at a minimum, appropriate seating and trash/recycling collection.
4. That restrictive Covenants, Conditions, and Restrictions (CC&Rs) shall be prepared for the development that are consistent with those in place for existing adjacent single family developments and must meet with the approval of the Planning Director prior to final plat approval.
5. That documents creating a Homeowner's Association for the subdivision and assigning to it maintenance responsibilities of any common ownership features must be submitted to and approved by the Planning Director. Additionally, the Homeowner's Association shall be assigned maintenance responsibilities of the dedicated public open space greenway until 2032, at which point maintenance responsibilities shall be transferred to the City in perpetuity. In order to assure that the Homeowner's Association maintains and repairs any needed improvements, the Covenants, Conditions, and Restrictions (CC&Rs) shall



explicitly require the Homeowner's Association to provide notice to the City prior to amending the CC&Rs, and that all such amendments shall be subject to approval by the Planning Director. Additionally, the CC&Rs shall prohibit the Homeowner's Association from disbanding without the consent of the Planning Director. The CC&Rs shall be reviewed by and subject to City approval prior to final plat approval.

6. That plat phasing is approved as depicted in the applicant's submittal listed as Exhibit 6ALT in the applicant's submittal and generally described as:
  - a. Phase 1 – Lots 1 through 49, the northerly extension of Pinot Noir Drive, Pinehurst Drive generally south of "B" Street, "A" Court, and the easterly portions of "A" and "B" Streets.
  - b. Phase 2 – The balance of Oak Ridge Meadows inclusive of the temporary emergency only access.

Both Phase 1 and Phase 2 shall be recorded for final plat within (5) years (two years for Phase 1 and a subsequent 3 years for Phase 2) from the date this approval decision is final without appeal and the decisions of PDA 3-18 and PDA 4-18 are final without appeal. The developer shall be responsible for requesting approval of the Planning Commission for any major change of the details of the adopted plan. Minor changes to the details of the adopted plan may be approved by the Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

7. That the applicant shall provide twenty-five percent (25%) of the single family lots (27 of the proposed 108 single family lots) for sale to the general public for a period of six months following recording of the final plat. The applicant shall provide information detailing the number of lots that will be made available for individual sale to builders for review and approval by the Planning Director prior to recording of the final plat. Upon approval, the referenced lots will be made available for sale to the general public for a minimum of one hundred eighty (180) days prior to building permit issuance for said lots.
8. That the Private Active Neighborhood Park shall be constructed at the time the fifteenth building permit has been issued for Phase 1. Per Section 17.53.075(D) of the Zoning Ordinance, prior to final plat of Phase 1, the applicant shall enter into a construction agreement with the City for the improvements in the Private Active Neighborhood Park. A bond or other assurance for the greenway improvements shall be filed with the agreement for improvement.
9. That the dedicated greenway trail system and access ways shall be constructed prior to the issuance of building permits for Phase 2 per Section 17.53.075(D) of the McMinnville Municipal Code.
10. That a pedestrian/bicycle way be provided between Lot 56 and Lot 75 such that the distance between pedestrian ways along Pinehurst Drive from its temporary southwest terminus and "A" Court does not exceed 800 feet. This pedestrian/bicycle way shall be constructed per the specifications outlined the conditions of approval for PDA 4-18.

11. That the developer and the Homeowner's Association shall enter into a Revocable License Agreement with the City to establish and maintain a minimum of two (2) wetland viewing areas in the right-of-way that are accessible, meet city specifications and are maintained by the developer and Homeowner's Association.
12. That the proposed subdivision be limited to 108 dwelling units until such time that a second permanent improved street connection provides access to the proposed subdivision.
13. The applicant shall remove Lots 34, 35, 41, 42 and 43 as they are depicted on the application site plan Exhibit 6, and replace them elsewhere within the subdivision in substantial conformance with the site plan shown on Exhibit 6ALT. The average lot size within the subdivision is authorized to be approximately 7,302 square feet and the minimum lot size within the subdivision is authorized to be approximately 3,793 square feet.
14. That a detailed storm drainage plan, which incorporates the requirements of the City's Storm Drainage Master Plan must be submitted to, and approved by, the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat. If the final storm drainage plan incorporates the use of backyard collection systems and easements, such must be private rather than public and private maintenance agreements must be approved by the City for them.
15. Prior to the construction of any private storm facilities, the applicant shall obtain the necessary permits from the City's Building Division.
16. That a detailed sanitary sewage collection plan which incorporates the requirements of the City's Collection System Facilities Plan must be submitted to, and approved by, the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on the final plat.
17. That the applicant secures from the Oregon Department of Environmental Quality (DEQ) applicable storm runoff and site development permits prior to construction of the required site improvements. Evidence of such permits shall be submitted to the City Engineer.
18. That all fill placed in the areas where building sites are expected shall be engineered and shall meet with the approval of the City Building Division and the City Engineering Department.
19. That 10-foot utility easements shall be provided along both sides of all public rights-of-way for the placement and maintenance of required utilities.
20. That cross sections for the entire street system shall be prepared which show utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade.
21. Said cross sections shall be submitted to the Community Development Director for review and approval prior to submittal of the final plat. If the submitted information so indicates, the Planning Director may require the tentative subdivision plan be revised in order to provide for a more practical configuration of lots, utilities, and streets. All such submittals

must comply with the requirements of 13A of the Land Division Ordinance and must meet with the approval of the City Engineer.

22. That all streets within the proposed subdivision shall be improved with a 28-foot-wide paved section, curbside planting strips, and five-foot-wide sidewalks placed one foot from the property line within a 50-foot right-of-way, as required by the McMinnville Land Division Ordinance for local residential streets. Additionally, the applicant shall widen the existing cross-section of NW Pinot Drive north of Blake Street to 28-feet to be consistent with the local residential street standard.
23. That prior to construction of the proposed subdivision, the applicant shall secure all required state and federal permits, including, if applicable, those related to the federal Endangered Species Act (if applicable), Federal Emergency Management Act, and those required by the Oregon Division of State Lands, and U.S. Army Corps of Engineers. Copies of the approved permits shall be submitted to the City.
24. That the construction of Pinehurst Drive through the wetland fill area shall be done under the direction of, and per the requirements of a licensed geotechnical engineer.
25. That barricades shall be installed by the applicant at the terminus of all public streets, consistent with City standards. The barricades shall include text stating: "This street is planned for extension in the future to serve proposed development."
26. That the applicant provide information to the City Engineer as to the design capacity of the existing downstream sanitary sewer pump station located in the Crestbrook subdivision, First Addition. If the information and studies provided by the applicant indicate that adequate capacity does not exist to support the proposed development of the Oak Ridge Meadows subdivision, then the applicant shall make improvements to the system as may be necessary and required by the City Engineer. Such improvements shall be at the expense of the applicant and shall be completed prior to release of the final plat.
27. On-street parking will not be permitted within a 30-foot distance of street intersections measured from the terminus of the curb returns.
28. The City Public Works Department will install, at the applicant's expense, the necessary street signage (including stop signs, no parking signage, and street name signage), curb painting, and striping (including stop bars) associated with the development. The applicant shall reimburse the City for the signage and markings prior to the City's approval of the final plat.
29. The final plat shall include use, ownership, and maintenance rights and responsibilities for all easements and tracts.
30. That the required public improvements shall be installed to the satisfaction of the responsible agency prior to the City's approval of the final plat. Prior to the construction of the required public improvements, the applicant shall enter into a Construction Permit Agreement with the City Engineering Department, and pay the associated fees.
31. That the applicant shall submit a draft copy of the subdivision plat to the City Engineer for review and comment which shall include any necessary cross easements for access to

serve all the proposed parcels, and cross easements for utilities which are not contained within the lot they are serving, including those for water, sanitary sewer, storm sewer, electric, natural gas, cable, and telephone. A current title report for the subject property shall be submitted with the draft plat. Two copies of the final subdivision plat mylars shall be submitted to the City Engineer for the appropriate City signatures. The signed plat mylars will be released to the applicant for delivery to McMinnville Water and Light and the County for appropriate signatures and for recording.

32. That the Tentative Subdivision Plan, described as Exhibit 6ALT, Phase One shall expire two (2) years from the date this decision is final without appeal and the decisions of PDA 3-18 and PDA 4-18 are final without appeal. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
33. That the Tentative Subdivision Plan, described as Exhibit 6ALT, Phase Two shall expire five (5) years from the date of this approval. If the property owner wishes a one-year extension of the Planning Commission approval of this tentative plan under the provisions of MMC Section 17.53.075 (Submission of Final Subdivision Plat), a request for such extension must be filed in writing with the Planning Department a minimum of 30 days prior to the expiration date of this approval.
34. The applicant shall coordinate the location of clustered mailboxes with the Postmaster, and the location of any clustered mailboxes shall meet the accessibility requirements of PROWAG and the State of Oregon Structural Specialty Code.
35. That, prior to issuance of residential building permits, the applicant shall submit a residential Architectural Pattern Book to the Planning Director for review and approval. The purpose of the Architectural Pattern Book is to provide an illustrative guide for residential design in the Oak Ridge Meadows development. This book will contain architectural elevations, details, materials and colors of each building type. In order to protect property values, front entries will need to be clearly defined, at least two material types will need to be used on the front elevations, driveways should be adjacent to each other to enhance opportunities for front yards and landscaping, and a variety of color schemes should be used throughout the development that are distinctly different from each other but enhance each other.

At a minimum, the Architectural Pattern Book shall contain sections addressing:

- a) Style and Massing
  - b) Quality and Type of Exterior Materials
  - c) Front Porches / Entry Areas
  - d) Roof Design and Materials
  - e) Exterior Doors and Windows
  - f) Garage Door Types
  - g) Exterior Lighting
  - h) Sample Exterior Colors
36. In order to eliminate a cookie-cutter stylization of the neighborhood, no same home design shall be built in adjacency to another, including both sides of the street.



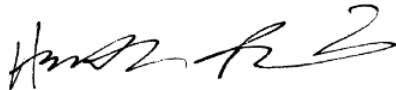
37. Public pedestrian/bicycle access paths ways, from the public right-of-way to the rear lot line of adjacent lots, shall be 20 feet in width, with a 10 foot wide multi-use path built to City specifications to be provided by the City to the developer/property owner with a five foot buffer on each side, and minimum of (1) public pedestrian/bicycle access path to the greenway trail shall be improved to accommodate maintenance vehicles. The temporary pedestrian/bicycle access way adjacent to Lot 56 shall be developed with a path consistent with the greenway trail.

38. The applicant will provide a professionally engineered and certified hydrologic and hydraulic evaluation of Baker Creek in the immediate vicinity of the Subject Property that complies with FEMA standards for a detailed flood study to ensure that the proposed lots as depicted in the application site plan, (Exhibit 6ALT) will not be subject to flooding during the 1-percent annual chance (100-year) flood. The applicant shall also provide a professionally engineered and certified report that the proposed development will not increase the flood risk of adjacent and downstream properties.

If the conditions cannot be completed by August 22, 2022, then you would need to request an extension to be reviewed by the Planning Commission in accordance with the Zoning Ordinance, or the application will expire and a new application would need to be submitted at the time when the process can be completed in a timely manner.

If you have any questions concerning this matter, please contact me at (503) 434-7311.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Richards', with a stylized flourish at the end.

Heather Richards, PCED  
Planning Director

HR:jf