

**Planning Commission
Thursday, April 20, 2023
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/89368634307?pwd=M0REY3RVSzFHeFdmK2pZUmJNdkdSZz09>

Meeting ID: 893 6863 4307

Meeting Password: 989853

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

Meeting ID: 893 6863 4307

Meeting Password: 989853

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, 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 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. You may also request a copy from the Planning Department.

Commission Members	Agenda Items
Sidonie Winfield, Chair	6:30 PM – REGULAR MEETING
Gary Langenwalter Vice - Chair	1. Call to Order
Matthew Deppe	2. Minutes:
Sylla McClellan	<ul style="list-style-type: none"> • March 2, 2023 – <i>(Exhibit 1)</i> • March 16, 2023 – <i>(Exhibit 2)</i>
Meg Murray	3. Public Hearings
Brian Randall	A. <u>Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-20) and Zone Change, including Planned Development Overlay Designation (ZC 3-20)</u> – <i>(Exhibit 3)</i>
Beth Rankin	(Continued from January 19, 2023, PC Meeting)
Dan Tucholsky	<p>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.</p>
Vacancy, Ward 1	<p>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.</p>
	<p>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.</p>
	<p>Location: 3310 SE Three Mile Lane, more specifically described at Tax Lot 700, Section 26, T.4S., R 4 W., W.M.</p>
	<p>Applicant: Kimco McMinnville LLC, c/o Michael Strahs</p>

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B. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-21) and Zone Change, including Planned Development Overlay Designation (ZC 2-21) – (Exhibit 3)

(Continued from January 19, 2023, PC Meeting)

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: 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

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

(Continued from January 19, 2023, PC Meeting)

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

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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: 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

4. Commissioner Comments

5. Staff Comments

6. Adjournment

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EXHIBIT 1 - MINUTES

**March 2, 2023
Planning Commission
Regular Meeting**

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

Members Present: Sidonie Winfield, Beth Rankin, Dan Tucholsky, Matt Deppe, Gary Langenwalter, Lori Schanche, Megan Murray, and Brian Randall

Members Absent: Sylla McClellan

Staff Present: Heather Richards – Community Development Director, John Swanson – Senior Planner, Adam Tate – Associate Planner, and Carrie Richter – Bateman Seidel Legal Counsel

1. Call to Order

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

2. Citizen Comments

None

3. Minutes

- **October 20, 2022**
- **December 15, 2022**

4. Public Hearings

A. Quasi-Judicial Hearing: Minor Partition (MP 3 – 22)

Request: An application to partition Tax Lot R4524 00904, 2.17 acres, off of Redmond Hill Road: Parcel 1, 47,625 square feet, Parcel 2 – 31,034 square feet, and Parcel 3 – 30,783 square feet. Parcel 3 is a flag lot and Parcels 1 and 2 are accessed via a private driveway access easement.

Location: Redmond Hill Road, Tax Lot R4524 00904

Applicant: Catherine A. Wright, Tankersley & Wright, LLC representing the property owner Jose and Maria Garcia

****RECORDING STARTS HERE at 10 minutes, 30 seconds in****

Associate Planner Tate said they had received a letter from Linda Berlin requesting a public hearing, asking a number of questions, and posing drainage concerns. He reviewed the conditions of approval. Staff recommended approval with conditions.

There was discussion clarifying only trees above nine inches in diameter had to be approved before they were removed, how the trees would be protected, and how water from the spring was considered natural water and its drainage was not regulated.

City Engineer Lofton said if the spring was surface flow after exiting, it would be treated like stormwater, but if went back down into the ground, it would be treated as groundwater.

Applicant's Testimony: Katheryn Wright, representing the applicant, said the concerns raised around stormwater drainage were addressed in the conditions and the applicant had talked with the neighbors. The slopes were not steep until the southwestern corner of the property and she provided pictures of the property. She thought with a driveway developed there and a stormwater drainage system, it would start catching some of that water. It would not make the situation worse.

Public Testimony:

Marjorie Clebinger, McMinnville resident, said one of the parcels was not entirely in the City limits and she wondered how that would be addressed, especially for City services.

Associate Planner Tate said services would only be provided to the part of the parcel that was in the City limits. There were no plans to annex the part outside the City limits at this time. There was a condition that when the adjacent property annexed, it would have to annex as well.

Commissioner Tucholsky asked about the neighbors' concerns about the sewer connections.

City Engineer Lofton said the parcels would be close enough to connect to City sewer and it would be recommended that they connect.

Commissioner Tucholsky asked if they could make it a condition that they connect to City sewer. Community Development Director Richards said the code required the connection when they were in a certain distance of City services.

Rebuttal: Ms. Wright said the applicant had always planned to connect to the City sewer. She explained the City utilities would be brought up from Redmond Hill Road. She clarified where the City line was on the property.

Chair Winfield closed the public hearing.

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

Deliberation: There was discussion regarding how part of the property was outside of the UGB.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant and evidence in the record, Commissioner Rankin MOVED to APPROVE MP 3-22 subject to the conditions of approval. SECONDED by Commissioner Tucholsky. The motion PASSED 8-0.

B. Quasi-Judicial Hearing: Appeal of Historic Landmarks Committee of Denial for three Certificates of Approval for the demolition of a historic resource at 609, 611 and 619 NE Third Street (HL 6-22, HL 7-22 and HL 8-22), and the compliance of the new construction of the Gwendolyn Hotel with the Downtown Design Guidelines and Standards (Docket DDR 2-22). (Exhibit 4)

Request: Request to demolish three historic resources and build a new five-story hotel with ground floor commercial, programmed roof deck and underground parking structure.

Docket: **AP 1-23 (HL 6-22)**, (Certificate of Approval for Demolition, 609 NE Third Street) Property Owner –Oregon Lithoprint Inc, represented by Jon Bladine.

AP 2-23 (HL 7-22), (Certificate of Approval for Demolition, 611 NE Third Street) Property Owner – Bladine Family Limited Partnership, represented by Jon Bladine,

AP 3-23 (HL 8-22), (Certificate of Approval for Demolition, 619 NE Third Street) Property Owner - Wild Haven LLC, represented by Philip Frischmuth,

AP 4-23 (DDR 2-22), (Downtown Design Review – New Construction – Gwendolyn Hotel, 609, 611 and 619 NE Third Street) **Location:** 609 NE Third St. (TL 4500, Sec. 21BC, T.4S., R.4 W., W.M.), 611 NE Third St. (TL 4300, Sec. 21BC, T.4S., R.4 W., W.M.), 619 NE Third St. (TL 4201, Sec. 21BC, T.4S., R.4 W., W.M).

Applicant: Mark Vuong, HD McMinnville LLC

Chair Winfield opened the public hearing and read the hearing statement. She 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.

Commissioner Langenwalter had a client who would be affected positively if this was approved. It would not affect his remuneration and he could be objective in his decision.

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.

Commissioner Langenwalter had received a phone call from a property owner who lived across the street from the subject properties. He told her he could not talk about it.

Staff Report: Community Development Director Richards said the Historic Landmarks Committee had denied all four land use applications and the applicant had appealed that decision to the Planning Commission. She described the subject property, Third Street context, three properties considered for demolition, historic significance, and McMinnville historic resources inventory. She then gave a background on 609 NE Third Street, 611 NE Third Street, and 619 NE Third Street and showed photos of all three buildings. She reviewed quasi-judicial land use decisions relative to appeals, the City's process, supplemental materials, basis of appeal, demolition criteria, criteria to consider including the condition of the buildings, historic integrity, age, value to the community, economic consequences, design or construction rarity, Comprehensive Plan policies, and precedence. She then discussed what the appeal was based on for the new construction and described the Gwendolyn Hotel project. She explained the approval criteria for the underlying C3 zone and downtown design standards, application materials, findings, exterior façade changes,

height perspective, height study, corner perspective, criteria not met, findings, precedence, waivers, public testimony provided to the HLC, and public testimony provided to the PC. She answered Planning Commission questions regarding what triggered a seismic upgrade, why the criteria focused on the exterior of the buildings, and if the stucco application over the exterior brick was permanent. She then gave options for the Commission's decision.

Applicant's Testimony: Garrett Stephenson, legal counsel, discussed the criteria and their concerns with the HLC's decision. They thought the balance of the factors supported the decision for issuing demolition permits and allowing the new building to be constructed. The rents these buildings could command based on their condition was so low that the realistic opportunity for their continued maintenance and upgrades was very limited. The HLC said they did not believe demolishing the buildings should be allowed where it was clear that they had not been adequately maintained. That was not reflected in the record. What was reflected in the record was a memo identifying all of the historic rehabilitation programs that they could qualify for. It was not a case of the owners had not been maintaining the buildings, but that no matter how nicely they could be rehabbed, they commanded a certain amount of rent and they were over 100 years old. Maintaining 100 year old buildings with repeated different uses was difficult. All of the buildings had substantially different facades than the originals and the second stories were not occupied and restoring the second floors would trigger required seismic upgrades. The buildings did not evoke the auto garages that they used to be. They looked like office buildings today, and were extremely costly to maintain and did not command the rents that made it easy to maintain in their historic condition. The buildings needed a lot of work in order to get them back to a level where they were well maintained. There were no criteria that required the building to be falling down in order to justify removal. They had worked with staff about the need for a waiver, and the answer was no, they did not need one. The HLC decided to change their position on that, but they were not asking for any treatment on the application criteria that the City had not given to any other applicant. They thought the right decision was the recommendation for approval from staff. He asked that the Planning Commission adopt that decision with the findings in the staff report.

Gary Reddick, architect, explained the design process for the new building, which started with finding out what they were allowed to do, how complicated and difficult it would be to do this building in McMinnville, not doing anything that would require a variance, looking at precedence and studying other buildings on the street, and reviewing the City's vision and goals for downtown. They were encouraged by the staff report that recommended approval, and he read from the staff report how the application met the criteria. They wanted to do the right thing for McMinnville.

The Commission asked questions about the height and massing of the new hotel building and flexibility of the design, adding rain/weather protection, how the design did not reflect the current buildings, number of employees, parking, using local companies for the construction, why they chose this location, plans for retail and dining areas as well as entrance, hotel rates, contamination and building the parking garage, interior design, pre-planning and incorporating historic elements, and how the new building tied into what was already on Third Street.

Andrew Clark, developer, said they would employ about 80 people and there would be six additional businesses within the hotel that would employ additional people as well. There would be parking for employees, and any overflow parking would be on the street. They would have valet parking. They would like to be partners with the City and help with the infrastructure and growth that would occur in the future. A significant part of the ownership group were local to Oregon. He would be open to using local companies to work on the project and would like to partner with local colleges on their hospitality programs. They wanted to develop an experience for people coming to McMinnville which included a pedestrian experience, and this location was attractive for that. If this application was denied, they would not be looking at other options in McMinnville. The retail and dining would be available for lease. These businesses would be available for anyone to come to, not just hotel guests. They had

considered rates similar to the Atticus. They were not required to provide parking but they thought it was a need and they planned to provide it.

Mr. Stephenson said there were contaminants in the soil and they had a plan to remediate it through their Contaminated Media Management Plan.

Mr. Reddick explained the interior design of the ground floor. They had done a historic assessment of the surrounding buildings to know what was there. He described what historic features were incorporated into the design of the new building, such as the window styles, cornice, and brick.

The Commission continued to ask questions about workforce housing, sense of place, employees earning a living wage, meeting Comprehensive Plan goals, creating heritage tourism, hiring locals, salvaging historic elements, how the building could better fit aesthetically, what value was added to downtown business owners, impact on parking, return on investment, restoring these buildings vs. opportunities with the new construction, what it would take to keep the current buildings viable, preserving the historic integrity of the district, managing rotating chefs, and varying hotel room size.

Public Testimony:

Proponents: Jeb Bladine, representing the property owners of the buildings at 609 and 611 Third Street, responded to the repeated claims of the HLC that the owners neglected and failed to maintain these buildings. He read from the HLC findings for denial and explained the renovations that had been done to the buildings for the office use. They had tried to apply for a Historic Preservation Grant, but the Downtown Committee did not pursue it, showing a lack of interest in their preservation. Over the past 25 years they had spent over one million dollars on renovations, repairs, taxes, and maintenance on these buildings and had done three to four repair projects. They had engaged architects and engineering services and had been told every time that significant renovation to these buildings would be beyond their ability to afford and pay back. Retention of these buildings was a significant financial hardship to their business. They had tried to sell the buildings since 2017, and all the interest ended with the analysis of the buildings and building code. No reasonable developer would acquire these buildings with the thought of renovating them.

Doug Hurl, McMinnville resident, thought the City should not miss this opportunity. The applicant met all the requirements and many downtown building owners and local residents were in favor of the project. It would bring more vibrancy and parking downtown. It was a quality development.

Casey Kulla, McMinnville resident, was in support of the demolition and new construction. The applicant and staff worked diligently to modify the design, and the current buildings did not have the historic value that the HLC argued that they had. He noted historic integrity was subjective. He listed other demolitions that had been approved in downtown and the new and older buildings around Third Street with a similar scale to the proposed design.

John Linder, McMinnville resident, was in support of the project due to the jobs that would be brought into the community, increased value in the building stock in McMinnville, and increase in property taxes. He supported the demolition as the condition of the buildings was poor and there was no historic integrity. He did not think their retention was in the best interest of the community. The buildings were not architecturally significant in their present state and could

not be restored to their former state in an economically viable way. The HLC based the value to the community on those who testified in opposition, but he thought the value was much broader than that. It was only one story taller than McMennamins and they were willing to help with the parking issues. The project fit with the community visioning plan.

Opponents: Katherine Hewitt, McMinnville resident, noted the historic downtown district was a small portion of the City with very few buildings compared to the overall size of McMinnville. Removing the buildings would not enhance tourism, but would diminish the historic district by eroding the character that had been established in the downtown district. If they wanted the City to grow as a tourism destination, they needed to diversify beyond downtown into other areas.

Daniel Keizer, McMinnville resident, thought an intact historic district was crucial to the City's economic and tourism growth. He discussed the City's code and how the proposed design of the hotel did not meet code in the streetscape and massing, height, setbacks, façade, architecture, and rooftop mechanical equipment. Approval would set a dangerous precedent and would destroy the character of downtown.

Ernie Munch, architect, explained how he had been involved in the demolition and new construction in the historic district. He had done extensive research and found these buildings were important due to the history of the automobile industry in the City and the important families that were involved. He thought they were worth restoring. He discussed how the designation of the historic district had been established and the purpose of the district.

Nathan Coopridner was a Portland resident but had been an architect on projects in McMinnville. He supported the HLC's decision and did not think the application met the design review code. He thought they should have gotten a waiver for the massing and scale. The building was not similar in scale to other adjacent historic buildings and the proportional bays were not similar in scale to other adjacent historic buildings. They did not meet the standards for the preservation of the district. He gave examples of other projects that did meet the criteria for being similar in scale and renovations to historic buildings.

Linda Levitt owned a building across the street. She discussed concerns about the construction noise, mess, no parking on the street, and loss of customers. She thought demolishing the buildings would destroy the atmosphere of downtown.

Marilyn Cozal also owned a building across the street. She agreed with the HLC's decision. She discussed how she had renovated buildings on Third Street and how it was important to preserve their history. The historic district was a small part of the City and needed to be preserved. She was not opposed to the hotel, but was opposed to tearing down the historic buildings in order to build it. The façades could be renovated or rebuilt, and she thought the buildings could still be economically viable. Overturning the HLC's decision was a dangerous precedent.

Rebuttal: Mr. Stephenson suggested instead of rebuttal, to continue the hearing so they could come back with responses to the Commission's questions on March 16. They were willing to extend the 120 day deadline.

Commissioner Schanche MOVED to CONTINUE the hearing for AP 1-23, AP 2-23, AP 3-23, and AP 4-23 to March 16, 2023 at 3 p.m. SECONDED by Commissioner Langanwalter. The motion PASSED 8-0.

5. Commissioner Comments

None

6. Staff Comments

None

7. Adjournment

Chair Winfield adjourned the meeting at 11:15 p.m.

EXHIBIT 2 - MINUTES

March 16, 2023
Planning Commission
Regular Meeting

3:00 pm
Hybrid Meeting
McMinnville, Oregon

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

Members Absent:

Staff Present: Heather Richards – Community Development Director, Tom Schauer – Senior Planner, John Swanson – Senior Planner, Adam Tate – Associate Planner, and Carrie Richter – Bateman Seidel Legal Counsel

1. Call to Order

Chair Winfield called the meeting to order at 3:00 p.m.

2. Citizen Comments

None

3. Minutes

- **January 19, 2023**

Commissioner Langenwalter MOVED to APPROVE the January 19, 2023 minutes. SECONDED by Commissioner Murray. The motion PASSED 9-0.

4. Public Hearings

- A. **Judicial Hearing: Appeal of Historic Landmarks Committee of Denial for three Certificates of Approval for the demolition of a historic resource at 609, 611 and 619 NE Third Street (HL 6-22, HL 7-22 and HL 8-22), and the compliance of the new construction of the Gwendolyn Hotel with the Downtown Design Guidelines and Standards (Docket DDR 2-22).**

Continuation from March 2, 2023

Request: Request to demolish three historic resources and build a new five-story hotel with ground floor commercial, programmed roof deck and underground parking structure.

Docket: **AP 1-23 (HL 6-22)**, (Certificate of Approval for Demolition, 609 NE Third Street) Property Owner –Oregon Lithoprint Inc, represented by Jon Bladine.

AP 2-23 (HL 7-22), (Certificate of Approval for Demolition, 611 NE Third Street) Property Owner – Bladine Family Limited Partnership, represented by Jon Bladine,

AP 3-23 (HL 8-22), (Certificate of Approval for Demolition, 619 NE Third Street) Property Owner - Wild Haven LLC, represented by Philip Frischmuth,

AP 4-23 (DDR 2-22), (Downtown Design Review – New Construction – Gwendolyn Hotel, 609, 611 and 619 NE Third Street) **Location:** 609 NE Third St. (TL 4500, Sec. 21BC, T.4S., R.4 W., W.M.), 611 NE Third St. (TL 4300, Sec. 21BC, T.4S., R.4 W., W.M.), 619 NE Third St. (TL 4201, Sec. 21BC, T.4S., R.4 W., W.M).

Applicant: Mark Vuong, HD McMinnville LLC

Chair Winfield opened the public hearing and read the hearing statement. She 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.

Commissioner McClellan recused herself from participating in the hearing as she wrote a letter to the Historic Landmarks Committee about this application.

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 Report: Community Development Director Richards said this was a continuation of the hearing from March 2. The Historic Landmarks Committee had denied the applications, and the applicant had appealed their decision to the Planning Commission. She reviewed the subject site, quasi-judicial land use decisions, structures requested to be demolished, McMinnville downtown historic district, McMinnville historic resources inventory, notice of appeal for the demolition, demolition criteria, new hotel project, notice of appeal for the new construction, new design code criteria, downtown design standards and guidelines, clarifications regarding parking, construction details, new construction in the historic district, waivers, building setbacks vs. step backs, public testimony, and the Commission's decision.

Applicant's Testimony: Andrew Clark, developer, discussed what this proposed development would mean to McMinnville. They wanted to create something new in order to serve the community into the future.

Garrett Stephenson, legal counsel, highlighted additional materials they provided to the Planning Commission based on the questions the Commission asked at the last meeting, memorandum explaining how they would honor the history and legacy of the buildings to be demolished and how the architectural features of the district influenced the design, cost estimates for two additional reuse scenarios, and what the wage mix would be for the hotel.

Gary Reddick, architect, said the Commission had asked to show them more clearly and specifically where he had taken inspiration from the older historic buildings on Third Street and to show examples from his design where he referenced and honored the legacy of the buildings to be demolished. He explained the process that was done of studying the historic buildings in downtown, inspiration they took from Third Street, and how they would honor the historic legacy of the early automobile industry in McMinnville. They would be cataloguing and carefully removing and saving every part of the interior that could be reused. They would name places inside the building after historically significant people and add historic photographs. He pointed out the 80 foot height was originally put in place in 1981.

The Commission asked questions about the wages, configuration and function of the parking, hotel operator, and air conditioning.

Public Testimony:

Proponents: Doug Hurl, McMinnville resident, discussed other historic buildings that had been torn down. He thought the hotel was something they wanted in the downtown core. The applicant met all of the requirements. He was in favor of demolishing the old buildings and building something new.

Phil Frischmuth, McMinnville resident, owned the 619 NE Third Street building. He discussed Third Street and how in the area of his building the buildings were not charming and there was no vibrant atmosphere or foot traffic. This proposal would change that. He listed the many benefits to the hotel and discussed how the developer had tried to accommodate every request. The most important aspect was the hotel would bring people downtown and make it vibrant and fun. He explained the renovations he had done to the building, and how there were more issues that needed to be addressed. He did not think it could be preserved.

Jeb Bladine spoke on behalf of the owners of 609 and 611 Third Street. The applications for demolition met the criteria related to local land use code, historic resource criteria, complex environmental issues, economic benefits to the community, appropriate financial hardship to the owners in retaining the properties, and appropriate conditions for redevelopment. He noted for 611, half of the building's life had been in the newspaper industry, not just the auto industry.

There was discussion regarding other offers on these properties, and how investors had walked away after their investigations.

Opponents: Ernie Munch, architect for the Taylor Dale building restoration and addition, reviewed the information he submitted to the Commission including the definition of dangerous building from the Building Code, how the demolition of the building for his project was not a significant resource, and the purposes of the code for demolition. This was a historic district and the buildings should be preserved due to their history with the auto industry and significant families in the area. He discussed options for what else could be done. He thought there should be an agreement of what the City wanted to see there and then an RFP should be put out for developers who could build it.

Community Development Director Richards noted the City could not put an RFP on property it did not own.

Mr. Munch said it was something the owners could look at as an option.

Katherine Hewitt, McMinnville resident, discussed the importance of the historic district, which had already been drawing tourists before the other hotels came in. She gave a history of main street and the auto industry. McMenamins was an example of what historic preservation brought, not only to the downtown historic district, but new life to areas that weren't listed on the national register. It was a template to show how the stories of the community could contribute to the success and preservation of these three buildings.

Daniel Keizer, McMinnville resident, thought the project would be done by outside companies, and the hospitality company they were going to use was not local. He did not think there was enough space in the parking garage for the air conditioning units and any equipment on the roof would be visible. He did not think they were meeting code for the elevation and massing. There were a lot of background buildings on Third Street, including the ones being requested to demolish, and they added to the intangible quality of the cozy, cohesive architectural fabric of Third Street. The buildings had the potential to be restored and no photos in the lobby would make up for the loss if they were demolished.

Margaret Cross, McMinnville resident, said they had to base their decision on the legal criteria relative to historic preservation and restoration. The applicant's argument that the HLC's findings

were unreasonable was an opinion. She suggested the corner building be used as a tourist information center after restored to its original design. McMinnville was a living, organic town, not a fake town for tourists.

Marilyn Cozal, McMinnville resident, discussed and showed pictures of how she and her husband had renovated the old JC Penney building in McMinnville. The project showed that restoration could be done and there were a lot of creative uses for those buildings.

Nathan Coopridge, thought they should renovate the historic buildings. He was opposed to the demolitions because he did not believe alternatives had been closely studied. Consultants investigating the buildings had not been hired until after the designs were presented to the neighborhood and the alternative designs were not submitted until after the design proposal for the hotel were submitted. If historic preservation and this hotel could not co-exist on the site, it was a self-imposed problem which could easily be remedied by an alternative site selection. No reports were provided on the deals that fell through on the properties and there was no evidence as to why those sales did not happen.

Applicant's Rebuttal: Mr. Stephenson said a lot of people had looked at these buildings and walked away because these were difficult and expensive buildings to reuse. In the alternatives analysis that was done, it showed every scenario that involved a purchase price and a construction loan did not result in an economically viable project. The three buildings could not generate enough returns to justify a sale or a substantial renovation. The evidence in the record showed that these buildings did not resemble the purposes for which they were originally built. All the facades had been substantially replaced or modified. The historic integrity had been significantly changed and none of the upper floors were currently in use. They had a plan to adapt some of the interior historic characteristics to the hotel. There was no evidence that these buildings could remain profitable or retained enough of their historic characteristics to warrant preservation. It was not required that these buildings be deemed dangerous to justify their demolition. It was a balancing of different factors. They had demonstrated that the buildings required substantial investment that their continued use and configuration did not support. This hotel would be a great economic driver for the City. The adopted policy in the City was to focus on place based tourism and that was the fundamental basis for why this project complied with the Comprehensive Plan and why on balance was more supportive of the Comprehensive Plan policies than doing nothing. It would add to the tax base, underground parking would be added, more jobs would be added, and the contamination below the existing buildings would be removed. The January 5 staff report explained why the project met all the code requirements. He did not think the HLC's findings were based on the evidence and interpreted the code in a way that had not been done before. The question for the Commission was whether or not they met the criteria, and he believed all the criteria were met. Architects had different opinions on design and what should be done, and these were privately owned buildings that could not go through an RFP process. Regarding the massing, the Atticus and Chaos buildings were substantially taller than the existing single story buildings around them. He did not think the criteria meant no higher than one or two stories was allowed. He thought it meant making the massing consistent with the surrounding buildings. Their proposed building was broken up into three different sections with substantial step backs that deemphasized the height and the building on the corner was similar to a two story building. He encouraged the Commission to reverse the HLC's decision.

Mr. Clark noted the hospitality company they would be using was a local company. The land owners had been trying to sell these properties and looked for ways to have their properties be invested in through Urban Renewal or to be restored, and none of that had come to fruition.

Chair Winfield closed the public hearing.

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

Chair Winfield took a straw poll for the decision to demolish and decision on the new construction.

Commissioner Deppe was undecided. Commissioner Rankin was no to both demolition and the new construction. Commissioner Randall was also no to both. Commissioner Langenwaller was yes on demolish, but no on new construction. Commissioner Tucholsky was yes to both demolition and new construction. Commissioner Schanche was no on both. Commissioner Murray was yes on both. Chair Winfield was yes on both.

Commissioner Rankin did not think the hotel fit in this location. Alternatives should have been looked at.

Commissioner Randall said these buildings were approved on the national register based on the density, common scale, materials, and overall design elements providing a visual continuity conveying the evolution of the downtown core. These elements worked to reinforce the two story commercial storefront characteristics that signified the district. He thought that they should preserve the two story storefronts. He did not have an issue with the use as a hotel, but he had issues with the design. He thought there were other alternatives.

Chair Winfield agreed the buildings were part of the background. However, they had allowed other demolitions in the past. The condition of the buildings had changed over time to the point where the original design and intent of the buildings had completely changed. She was concerned about how much they allowed the owners to attempt to preserve buildings to the detriment of what they could be used for within the City and how much they had to keep paying out of pocket. There were no grants to preserve these buildings and the current owners had done what they could to preserve the buildings and find buyers. The value to the community had been diminished and it was a very sleepy corner right now. The new construction would bring more vitality to the downtown. She thought it met the criteria. The applicant had made three separate bays. The Atticus had iron balconies as did other buildings around downtown. She thought it tied in together. The new building had to stay within the height guidelines.

Commissioner Langenwaller thought it was time to let the buildings be demolished. However, he did not think the new construction's massing and configuration was similar to adjacent or nearby historic buildings on the same block.

Commissioner Tucholsky said it was the Commission's duty to apply the rules established by the City. He thought the rules had all been met by the applicant. Old buildings were expensive and difficult to maintain. He had walked by these three buildings many times and they were heavily underutilized. It was a dead spot on Third Street and their historic significance did not outweigh the opportunity in front of them. The hotel would provide jobs, tax revenue, and recreational opportunities. They should not miss this opportunity.

Commissioner Schanche thought the three buildings reflected the cultural history of downtown, specifically in regard to the auto industry. The new building did not reflect any historic elements. The removal of the buildings would create a gap in the historic district that would make this block an artificial downtown environment. The design of the new hotel did not reflect the current buildings or any other buildings on Third Street. It was six stories and would stick out as the largest building in downtown. It was not consistent with the current massing of the street, which were primarily two story buildings. It would have a negative effect on the historic Third Street from both directions.

Commissioner Murray valued the community and the historic significance of these buildings. However, that did not outweigh the opportunity they had. Based on staff's recommendation and the conditions of approval, moving forward was in the best interest of the community. They had good community partners at the table.

Commissioner Deppe was struggling with the massing and configuration. He questioned if they were to rule that something taller than two stories could not be built, how would that affect downtown. He appreciated the change in the design to accommodate a two story appearance from the foot of the hotel. He appreciated what the hotel would do for the downtown businesses and noted it was a vacuum at that location.

Chair Winfield said there was a precedent for demolishing older buildings and building something new that was not within the massing of the buildings that were originally around them. The step backs did provide a diminishing feel of the massing.

Commissioner Randall did not agree with replacing the buildings with the height on the street and the design that had been presented. He would be more in favor of the demolition if the design took into consideration what it was designated as in terms of the commercial feel and two story. He was also concerned about setting precedent.

There was discussion regarding the criteria and how not all of the criteria had to be met.

Commissioner Schanche MOVED to DENY AP 1-23 in support of the Historic Landmarks Committee's denial. SECONDED by Commissioner Langenwalter. The motion FAILED 3-5 with Commissioners Deppe, Winfield, Langenwalter, Tucholsky, and Murray opposed.

Commissioner Langenwalter MOVED to APPROVE AP 1-23 in support of the applicant based on the findings in the January 5 staff report with the amended conditions of approval. SECONDED by Commissioner Murray. The motion PASSED 5-3 with Commissioners Rankin, Randall, and Schanche opposed.

Commissioner Murray MOVED to APPROVE AP 2-23 in support of the applicant based on the findings in the January 5 staff report with the amended conditions of approval. SECONDED by Commissioner Tucholsky. The motion PASSED 5-3 with Commissioners Rankin, Randall, and Schanche opposed.

Commissioner Tucholsky MOVED to APPROVE AP 3-23 in support of the applicant based on the findings in the January 5 staff report with the amended conditions of approval. SECONDED by Commissioner Murray. The motion PASSED 5-3 with Commissioners Rankin, Randall, and Schanche opposed.

Commissioner Tucholsky MOVED to APPROVE AP 4-23 in support of the applicant based on the findings in the January 5 staff report with the amended conditions of approval. SECONDED by Commissioner Murray. The motion FAILED 4-4 with Commissioners Rankin, Randall, Langenwalter, and Schanche opposed.

Commissioner Langenwalter was not in favor of the building being over three stories.

Commissioner Tucholsky said this building was bigger than others downtown, however he thought the City would be better for it, especially future generations. They needed to be good ancestors for tomorrow.

Chair Winfield thought the applicant had demonstrated how they would use the historic ideas in the design process.

Commissioner Tucholsky MOVED to APPROVE AP 4-23 in support of the applicant based on the findings in the January 5 staff report with the amended conditions of approval. SECONDED by Commissioner Murray. The motion PASSED 5-3 with Commissioners Rankin, Langenwalter, and Schanche opposed.

The Commission took a break and reconvened at 6:45 p.m. Commissioner McClellan rejoined the meeting.

B. Quasi-Judicial Hearing (Docket ZC 3-22): Application for an amendment to the Zone Map to apply the Flood Area Zone (FP) to 28.25 acres and the 9000 Minimum Lot Size Residential Zone (R1) to 1.65 acres of tax lots R4421 00900 and R4421 01200 upon annexation into the city limits.

Request: Amend the Zone Map

Docket: ZC 3-22

Location: Tax Lots, R4421 00900 and 01200

Applicant: Steve Kay, Cascadia Planning, on behalf of Anders Johansen, property owner

****Recording started here, not at the opening of the hearing.**

Staff Report: Community Development Director Richards said this was a request for a zone map amendment for two tax lots that were not currently in the City. She discussed the subject site, Comprehensive Plan designation, flood area zone, R-1 after annexation, review criteria, annexation process, annexation agreement, future Yamhill River multi-purpose trail, conditions, and public testimony. Staff recommended approval with conditions.

There was discussion regarding the floodplain map and septic system.

Applicant's Testimony: Steve Kay, Cascadia Planning and Development Services, was representing the applicant. The applicant was planning to annex a 30 acre site and change the property zoning to R-1 and FP consistent with the Comprehensive Plan Map designations. The property paralleled the Yamhill River and was mostly encumbered by a 100 year flood plain and conservation easement along the waterway. Therefore, less than an acre was available for development. The site that could be developed was located at the end of Nehemiah Lane and the maximum development was three single family homes. They intended to only build one single family home on the site and it could be connected to all public utilities except sewer. They would be putting in a private septic system. The Council had approved the annexation agreement and the findings supported that all criteria have been met.

Public Testimony: None

Chair Winfield closed the public hearing.

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

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant and evidence in the record, Commissioner Tucholsky MOVED to RECOMMEND APPROVAL of ZC 3-22 to the City Council with the conditions of approval. SECONDED by Commissioner Langenwalter. The motion PASSED 9-0.

C. Legislative Hearing (Docket G 1-23): Proposed amendments to the McMinnville Zoning Ordinance, adopting amended standards for Short-Term Rentals

Request: The proposed amendment would amend the standards for Short-Term Rentals in the R-1, R-2, R-3, R-4, R-5, and O-R zones. Short-Term Rentals are listed as a permitted use in these zoning districts, subject to the standards provided in Section 17.12.010(P) of the Zoning Ordinance. The proposed amendment would amend the standards in Section 17.12.010(P). The proposed amendment would also amend the off-street parking provisions for Short-Term Rentals in Chapter 17.60 of the Zoning Ordinance to provide internal consistency with the amended standards.

Docket: G 1-23

Location: N/A. This is a proposed Zoning Ordinance Text Amendment

Applicant: City of McMinnville

Chair Winfield opened the public hearing and read the hearing statement. She 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.

Staff Report: Senior Planner Schauer gave a presentation on the amendments to the standards for short term rentals in the R-1, R-2, R-3, R-4, R-5, and O-R zones. He explained the background on this item, written testimony received, applicable criteria, principal changes from the current standards, maps showing existing short term rentals based on a 200 foot spacing standard and 500 foot spacing standard, and questions/comments from the last hearing. Staff recommended approval subject to minor punctuation/scrivener's corrections.

There were questions about City law superseding any HOA rules, registering with the Finance Department, and Alpine Avenue overlay district.

Public Testimony:

Opponent: Blake Lundstrom, McMinnville resident, said the proposed 500 foot spacing standard would take away the option for people to rent out rooms in their homes. These were not corporations but McMinnville residents who needed the source of income and if the standard was changed it would only benefit corporations. He thought the 500 feet was excessive for the less than 1% of available homes which were short term rentals. He did not think this was a problem in McMinnville, and the threshold should be higher before considering this change.

Senior Planner Schauer clarified there were two categories for short term rentals, one when the entire home was rented out and the other where the home was occupied but one room was being rented out. The second scenario was not subject to the spacing standard.

Mr. Lundstrom was speaking about both scenarios.

Proponents: Kenneth Yount, McMinnville resident, was in favor of the proposed changes as he had seen many homes go to short term rentals instead of being used to house families. It affected the younger generation who had to live with family members and were displaced from their homes. More homes available to families to live in made better students and citizens in the future.

Jim Kreutzbender, McMinnville resident, asked the Commission to consider including the two blocks of housing in the NE Gateway District in the spacing standard.

Community Development Director Richards explained because the district was intended to be a commercial use, short term rentals were required to get a condition use and would not be subject to the spacing standard.

Jim Kreutzbender said there was one short term rental in this area currently.

There was discussion regarding the process for including these two blocks in the spacing standard.

Mark Davis, McMinnville resident, thought the 500 feet was reasonable. He thought they should have included the commercial zones as well. Short term rentals had a big impact on residential in the commercial zones. There was a lack of affordable housing in the City and short term rentals impacted the amount of housing stock there was in the community.

Anna Barsotti, McMinnville resident, spoke about being a teacher and how difficult it was to afford housing in the City. She thought they needed to protect the housing that was hard to come by for the workforce. Neighborhoods changed when people did not live there and were no longer invested.

Pat Russell, McMinnville land owner, was in support of the changes to protect neighborhoods as residential neighborhoods and a sense of community. Short term rentals affected housing affordability and comfort level of neighbors knowing who was next door to them.

Janette Bailey, McMinnville resident, lived in a condo and her HOA did not allow rentals, which contributed to a high quality neighborhood. She also owned rentals in McMinnville and she thought long term rentals were important, especially for those who could not afford a home of their own. There should be homes for people who lived in McMinnville and people coming from out of state to buy vacation rentals degraded quality of life for those who lived here.

Chair Winfield closed the public hearing.

There was discussion regarding concerns in the letters that were received about advertising based on the number of bedrooms and how parking was tied to the number of bedrooms, posting key City ordinances in a prominent spot in the rental, and having more than one emergency contact. There was also discussion regarding the cons of including the Gateway District in the spacing standard.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Tucholsky MOVED to RECOMMEND APPROVAL of G 1-23 to the City Council and to include the underlying residential zone in Zone 3 of the NE Gateway District. SECONDED by Commissioner Langenwalter. The motion PASSED 9-0.

5. Commissioner Comments

None

6. Staff Comments

Community Development Director Richards discussed upcoming meeting agenda items.

7. Adjournment

Chair Winfield adjourned the meeting at 8:18 p.m.

EXHIBIT 3 - STAFF REPORT

DATE: April 20, 2023
TO: Planning Commission Members
FROM: Tom Schauer, Senior Planner
SUBJECT: Public Hearing - Comprehensive Plan Map Amendments and Zone Changes with Planned Development (PD) Overlays: CPA 2-20/ZC 3-20, CPA 1-21/ZC 2-21, and CPA 2-21/ZC 3-21

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 concurrently consider three applications for Comprehensive Plan Map amendments and Zone Changes with Planned Development (PD) overlays.

The requests are 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 concurrent submittal of a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the PD Overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance, the policies of the Three Mile Lane Area Plan and the Three Mile Lane Overlay District. This requires the application for the final development plan to be subject to the public hearing requirements at such time as the final development plans are submitted.

This would still allow for design and development standards to be adopted as a condition of approval in conjunction with the initial PD Overlay designation, and these design and development standards could also be updated or revised prior to or concurrent with a subsequent application for a PD Master Plan approval if necessary to better address public policy, as further discussed below.

The three applications are:

- **CPA 2-20/ZC 3-20. 3310 SE Three Mile Lane, Part of Tax Lot R4427 700. Applicant: Kimco McMinnville LLC.** Proposed Comprehensive Plan Map Amendment from Industrial to Commercial and proposed Zone Change 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 along the OR-18 frontage intended for future right-of-way dedication. The application also shows a portion of the area subject to the map amendment intended for a north-south extension of a portion of Cumulus Avenue and future east-west street connectivity.

- **CPA 1-21/ZC 2-21. 3330 SE Three Mile Lane, Tax Lot R4426 600. Applicant: Ken Sandblast, Westlake Consultants, Inc. representing property owner 3330 TML.** Proposed Comprehensive Plan Map Amendment from Industrial to Commercial and proposed Zone Change from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for a property of approximately 8 acres (identified in Assessor's records as 9.6 acres).
- **CPA 2-21/ZC 3-21. Unaddressed property on Three Mile Lane west of Cumulus Avenue, Part of Tax Lot R4427 100. Applicant: Ken Sandblast , Westlake Consulting, Inc. representing property owner DRS Land, LLC.** Proposed Comprehensive Plan Map Amendment from Industrial to Commercial and proposed Zone Change from M-L (Limited Light Industrial) and a portion of M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 22.6 acres of an 89.9-acre property. The 22.6 acres includes 1.5 acres intended for future right-of-way dedication.

See Aerial Photo/Vicinity Map (Figure 1), Existing Comprehensive Plan Map (Figure 2), Existing Zoning Map (Figure 3), Proposed Comprehensive Plan Map (Figure 4), and Proposed Zoning Map (Figure 5). See also Figure 6 for map submitted by Kimco for application CPA 2-20/ZC 3-20 that shows potential future right-of-way alignments.

In **Figures 1-5**, the heavy outlines on the maps show the full extents of each parcel, the dashed lines show the portion of each parcel proposed for amendment, and the light dotted lines show the portions proposed for future right-of-way.

The concurrent public hearing is recommended because much of the information and testimony will apply to all of the applications. While the public hearing will be conducted concurrently for all three applications, at the conclusion of the public hearing, the Planning Commission will still make three separate decisions and take three separate votes, one for each respective application.

The combined acreage within the area proposed for the amendments is approximately 68.3 acres, with approximately 5.75 proposed for dedication for future highway improvements. Less that amount, the total is approximately 62.6 acres proposed for amendment. An additional portion of the properties would still likely be needed for right-of-way for other public street connectivity. The Kimco map also shows potential future right-of-way for the extension of Cumulus Avenue and a street to the east. ***See Figure 6.***

Figure 1. Aerial Photo/Vicinity Map

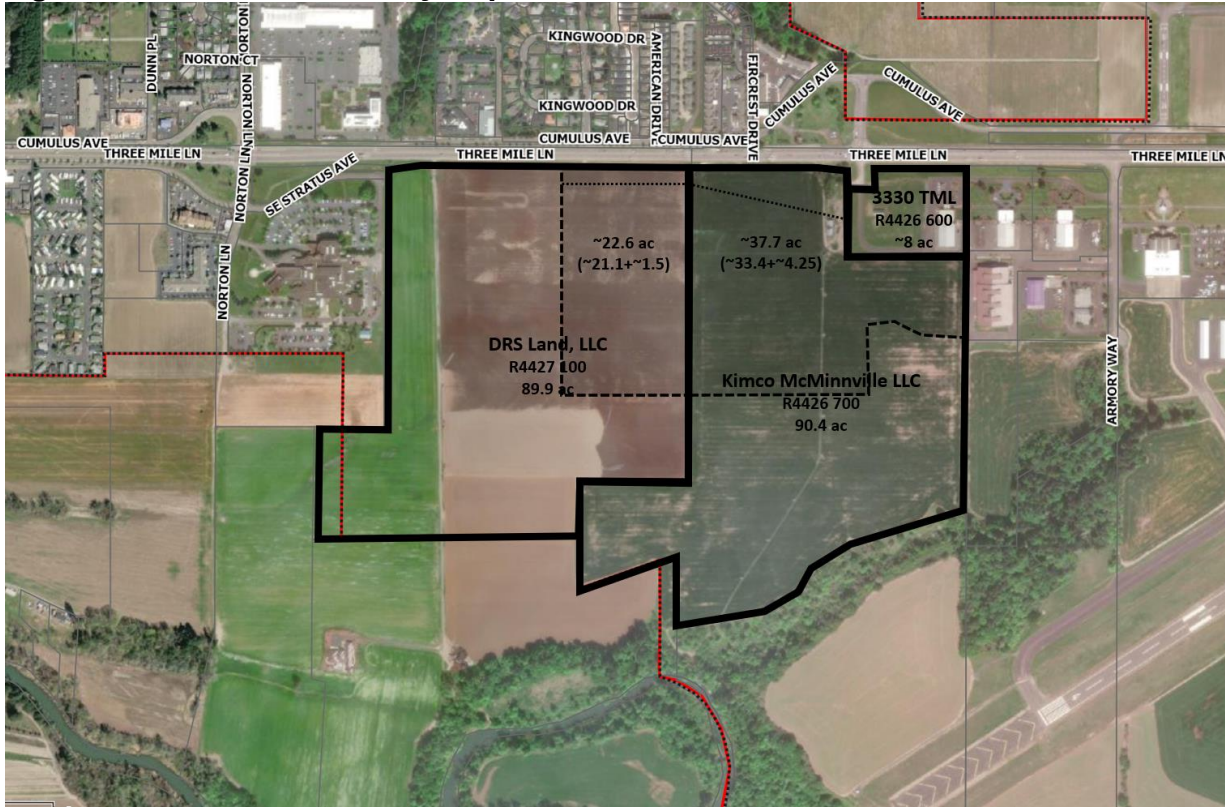


Figure 2. Existing Comprehensive Plan Map

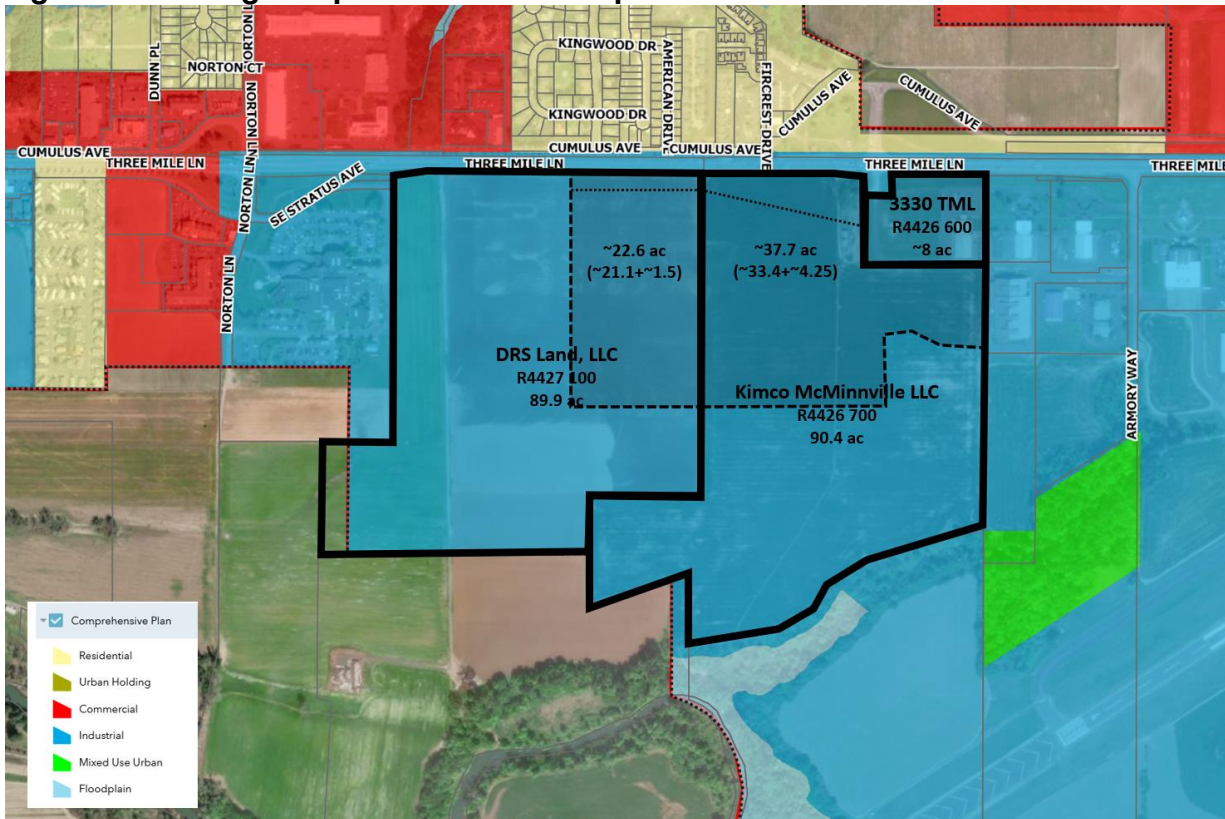


Figure 3. Existing Zoning Map

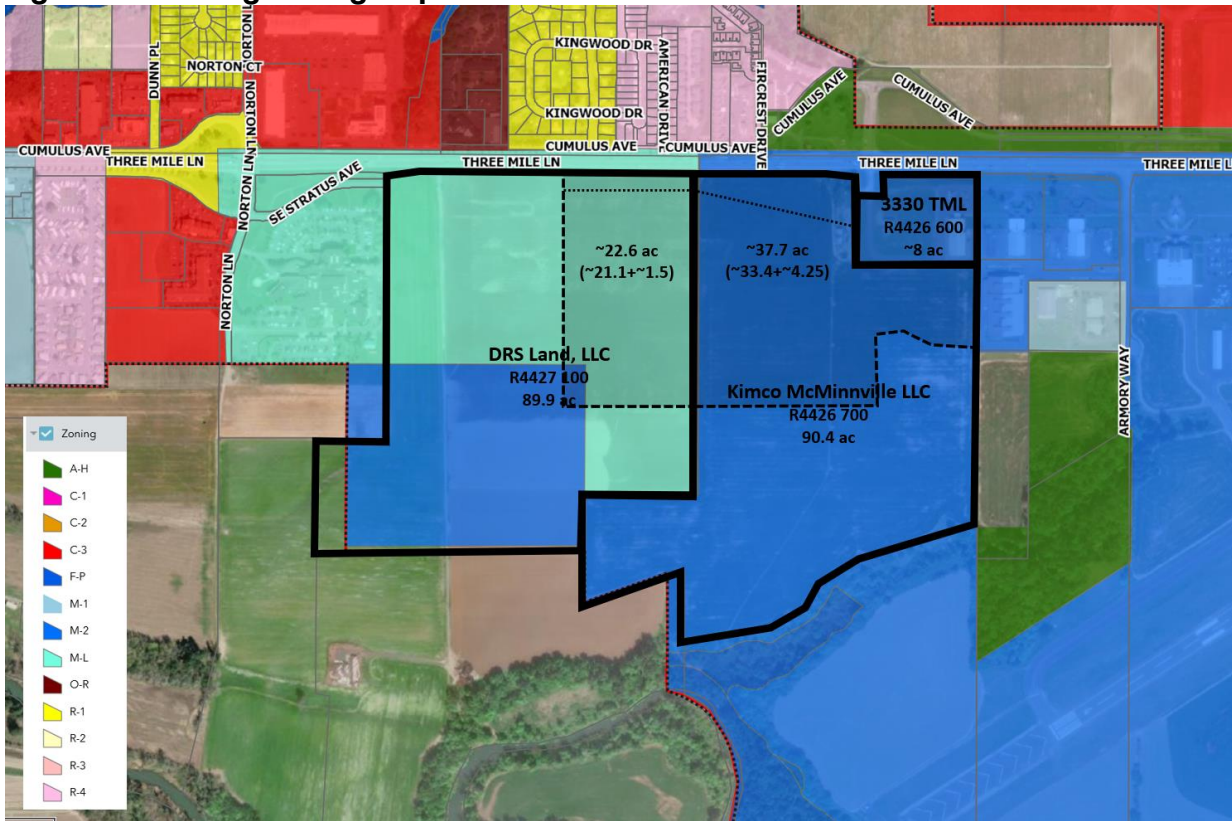


Figure 4. Proposed Comprehensive Plan Map

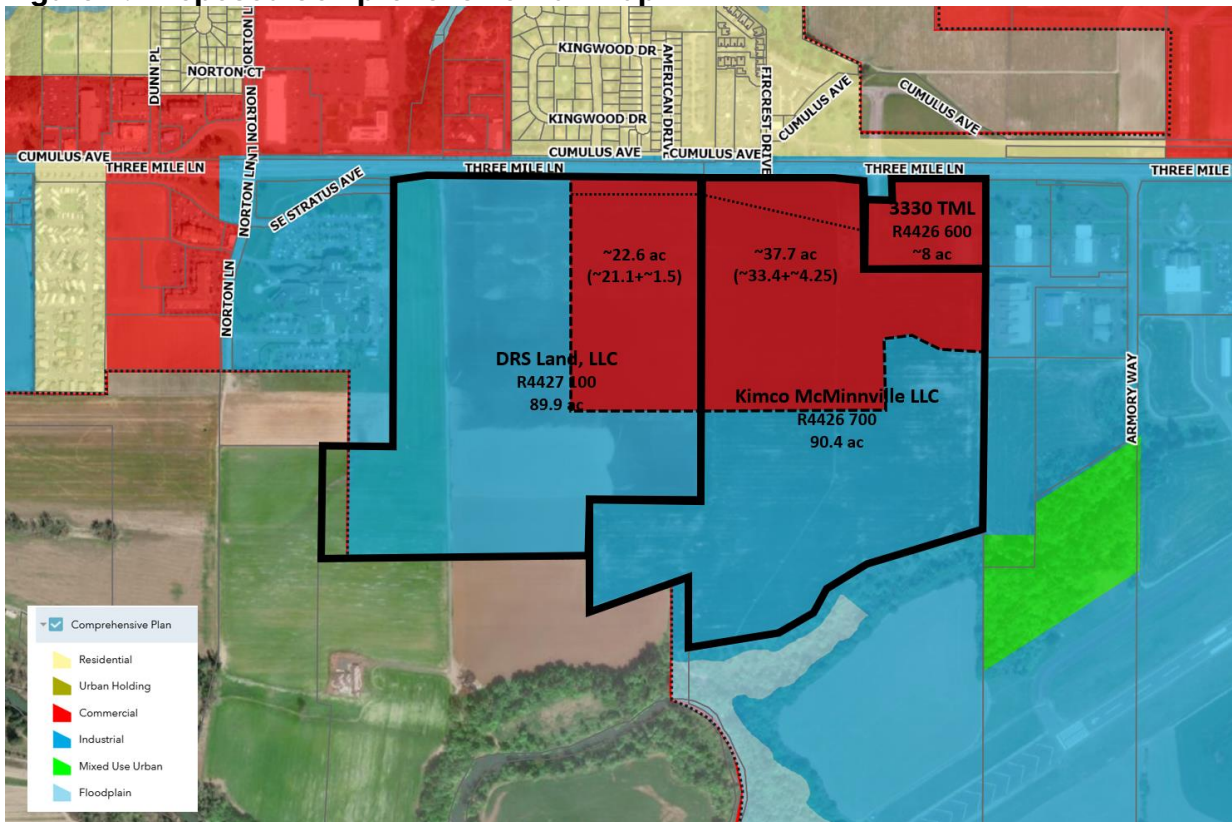


Figure 5. Proposed Zoning Map

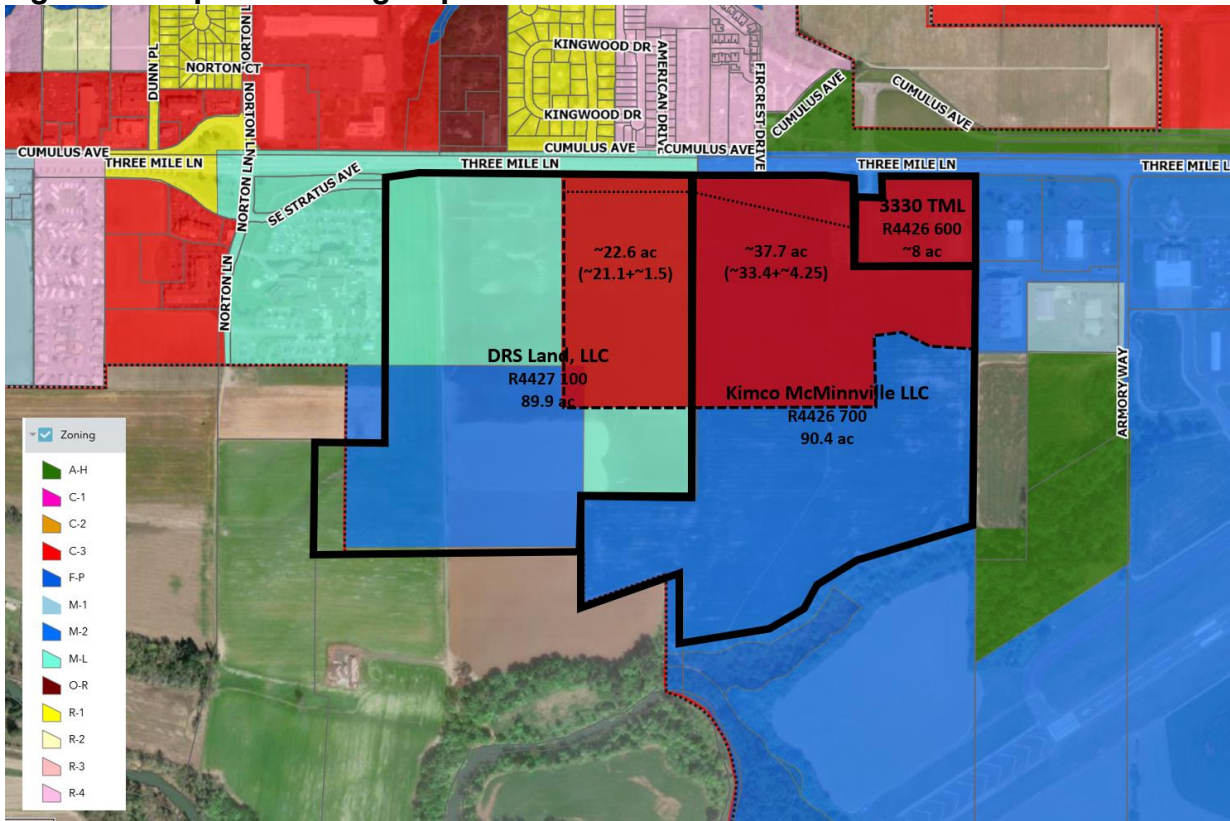
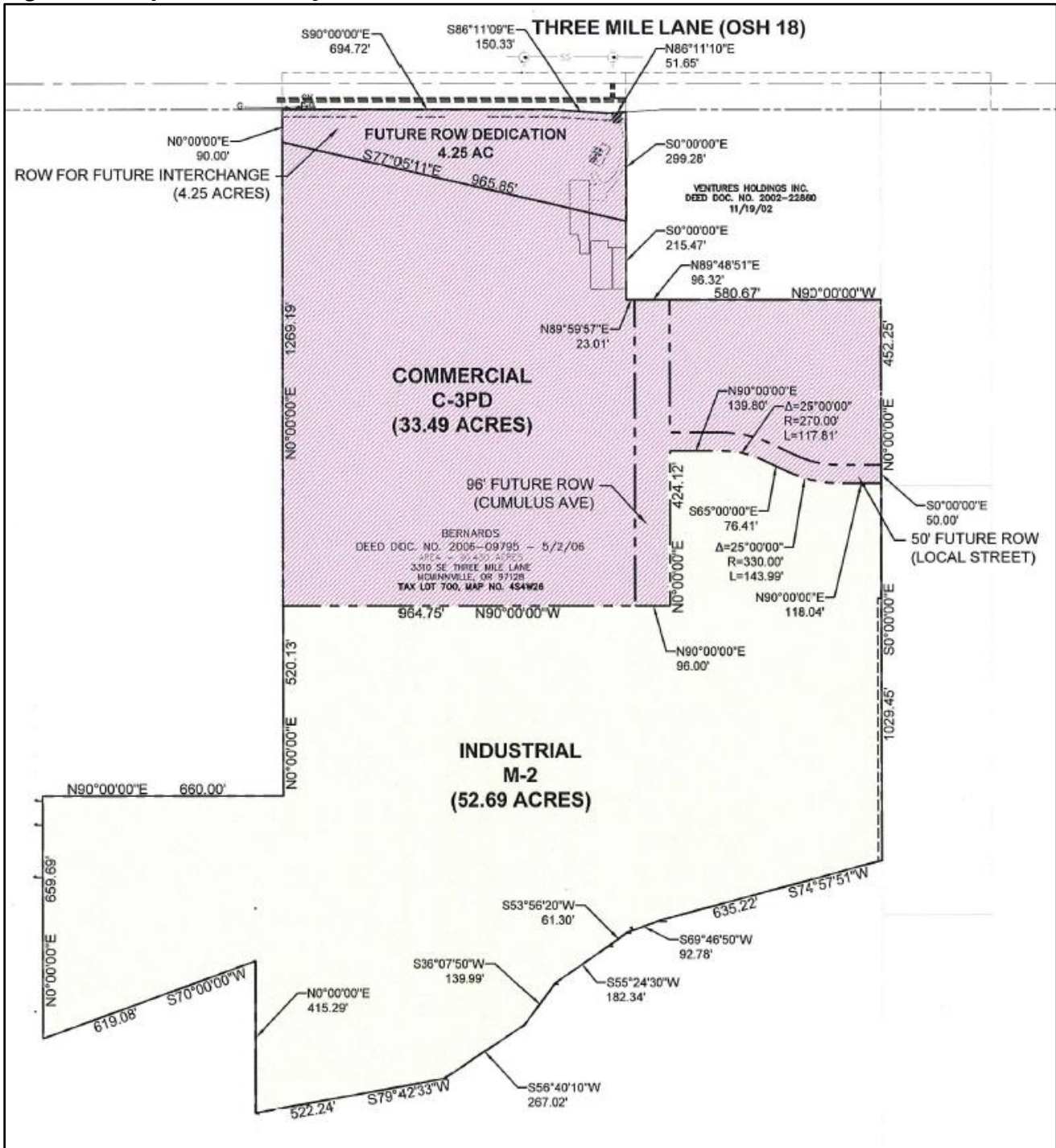


Figure 6. Map Submitted by Kimco for CPA 2-20/ZC3-20



Background:

The proposed amendments would redesignate land from Industrial to Commercial, and the properties are located within the area which is part of the Three Mile Lane Area Plan (3MLAP) area. The information below provides the plan and policy context for the proposed map amendments.

In 2014, the City adopted a 2013 Economic Opportunities Analysis (EOA) update, which was subsequently acknowledged (Ordinance 4976). The EOA identified a deficit of 35.8 acres of commercial land and a surplus of industrial land.

In December 2020, the City and County adopted an amendment to the McMinnville Urban Growth Boundary (UGB). Amendments to the McMinnville Comprehensive Plan and land use regulations were also adopted at that time (Ordinance 5098). The UGB Amendment, Comprehensive Plan Amendments, and amendments to land use regulations have been acknowledged by the state. The amendments to the Comprehensive Plan also included new “Proposals” in the Urbanization Element of the Comprehensive Plan, which has the following goals:

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.
GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN

The following proposals were included in the Comprehensive Plan amendments adopted by Ordinance 5098 in 2020:

Proposal 48.15:

- 48.15 The City of McMinnville should develop an Area Plan for the Three Mile Lane area that supports and enhances the district’s economic vitality and marketability, provides opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district, enhances multi-modal connections throughout the district, and creates an aesthetically pleasing gateway to the City of McMinnville. (Ord. 5098, December 8, 2020)

Proposal 48.70:

- 48.70 **Redesignation to Commercial.** As an identified efficiency measure necessary to reduce the needed size of the “Phase 2” UGB amendment to meet additional Commercial land needs, the City shall initiate a change to the Comprehensive Plan and Zone Map to redesignate and rezone 40 acres of property along the south side of the Highway 18 frontage from commercial to industrial, leaving the rear portions in an Industrial designation. This recognizes that the City will retain an Industrial surplus as a result of adding the Riverside North area to the UGB as part of the “Phase 2” UGB amendment. (Ord. 5098, December 8, 2020)

The following is excerpted from Volume II of the Comprehensive Plan regarding Goals, Policies, and Proposals, which explains the meaning of “Proposals.”

VOLUME II GOALS AND POLICIES

Volume II, Goals and Policies, contains the goal, policy, and proposal statements which shall be applied to all land use decisions. Goal, policy, and proposal statements each have different purposes: goal statements are the most general principles; policy statements are directed to specific areas to further define the goal statements; and proposals are possible courses of action open to the City which shall be examined to further implement the goal and policy requirements. Each of these statement types is further defined below:

GOALS: are the broadly-based statements intended to set forth the general principles on which all future land use decisions will be made. Goals carry the full force of the authority of the City of McMinnville and are therefore mandated.

POLICIES: are the more precise and limited statements intended to further define the goals. These statements also carry the full force of the authority of the City of McMinnville and are therefore mandated.

PROPOSALS: are the possible courses of action available to the City to implement the goals and policies. These proposals are not mandated; however, examination of the proposals shall be undertaken in relation to all applicable land use requests.

The implementation of these goal, policy, and proposal statements shall occur in one of two ways. First, the specific goal, policy, or proposal shall be applied to a land use decision as a criterion for approval, denial, or modification of the proposed request. In this case the goal, the policy, or the proposal is directly applied. The second method for implementing these statements is through the application of provisions and regulations in ordinances and measures created to carry out the goals and policies. This method involves the indirect application of the statements. These ordinances and measures are included in Volume III of the McMinnville Comprehensive Plan.

Three Mile Land Area Plan (3MLAP)

In 2017, the City of McMinnville applied for and received a Transportation and Growth Management (TGM) grant for a Three Mile Lane Area Plan (3MLAP) encompassing approximately 1,340 acres along Three Mile Lane. This followed previous work conducted for the City by the Community Planning Workshop at the University of Oregon through the 2017 Green Cities program, resulting in the *Three Mile Lane Regenerative Design Report* that started the work leading to the Three Mile Lane Area Plan.

A Project Advisory Committee was established for the 3MLAP, and the City initiated work on a Three Mile Lane Area Plan (3MLAP) in 2018. From 2018-2021 the plan was developed through an extensive public process.

In November 2021, the City initiated the formal land use process for the Three Mile Lane Area Plan (Docket G 7-21) public hearing/adoption process and provided the "PAPA" notice to DLCD for the draft proposal. The Planning Commission held a public hearing on March 17, 2022 and recommended adoption of the Three Mile Lane Area Plan as a supplemental document to the Comprehensive Plan. Following public hearings and deliberation, on November 8, 2022, the City Council adopted Ordinance 5126 adopting the Three Mile Lane Area Plan, incorporating specific revisions to the original draft. The ordinance had an effective date of December 8, 2022.

Note: Adoption of the 3MLAP didn't adopt Comprehensive Plan map amendments shown in Figure 20 of the 3MLAP or adopt specific design/development standards, but it did adopt a list of policies that development in the 3MLAP needed to follow on page 37 and page 38 and future actions to implement the 3MLAP. These are part of the Implementation Plan for the 3MLAP, provided on Pages 46 - 49 of the 3MLAP. Please see summary below and attached Three Mile Lane Area Plan.

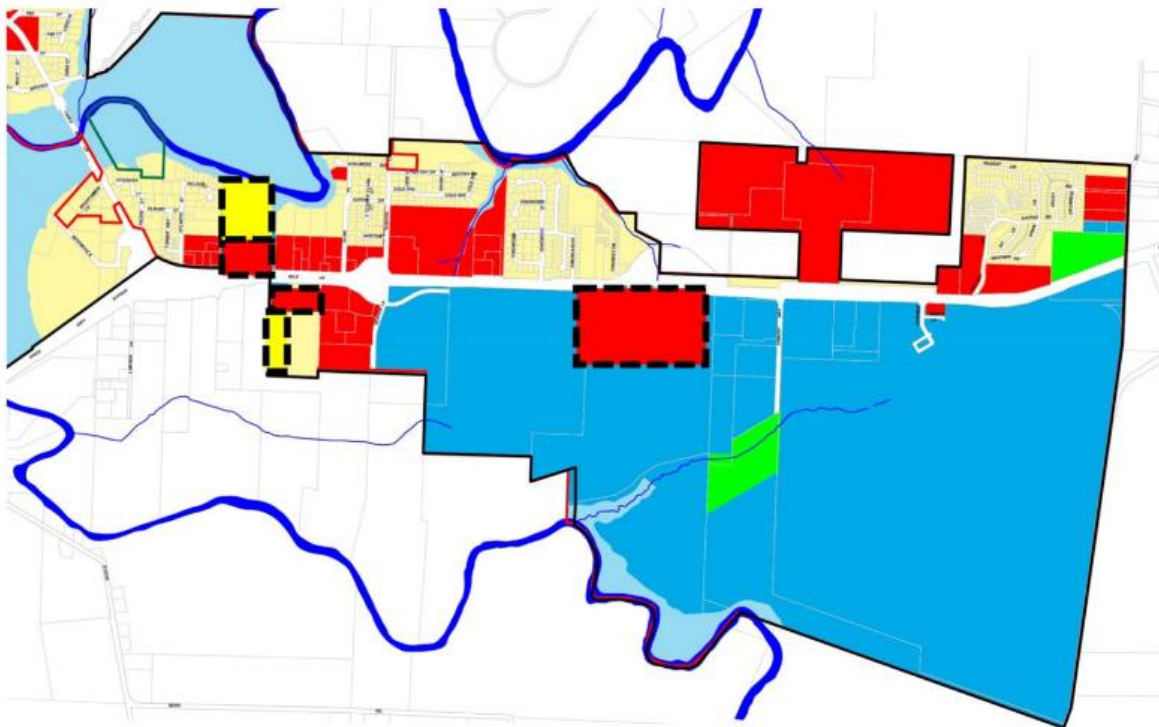
Proposal 20.05, adopted by Ordinance 5126 notes that "The comprehensive plan map amendments and any associated rezones consistent with the Three Mile Lane Area Plan can be initiated by the City or property owners through future map amendment applications..."

Comprehensive Plan Amendments

Comprehensive Plan Map

In addition to the Three Mile Lane Area Plan being adopted as an element of the Comprehensive Plan, a map amendment will be a necessary implementation action. As described in the previous section, the Area Plan envisions land uses that are different than what is currently planned for on the City's Comprehensive Plan map. To allow for the area to develop consistent with the vision for the Three Mile Lane Area, the City will need to change the Comprehensive Plan Land Use Map in the areas indicated by the dashed black line in Figure 20.

Figure 20. Comprehensive Plan Map Amendments



The predominant change is from an Industrial designation to a Commercial designation for approximately 40 – 60 acres south of OR 18 (not to exceed 33 net buildable acres, net being all acreage that is buildable and not encumbered in the public domain). The other change south of the highway, west of Norton Lane, is from Industrial to Commercial and Residential. The Industrial Comprehensive Plan amendment on the northern side shown in Figure 20, entails proposed Commercial and Residential Comprehensive Plan redesignations

Policies

Policies in the Three Mile Lane Area Plan are intended to supplement policies in the City's existing Comprehensive Plan and support implementation of the Area Plan. The policies were developed to implement the Three Mile Lane Area Plan goals and describe how Great Neighborhood Principals are expected to be expressed in the future growth and development of the Three Mile Lane Area.

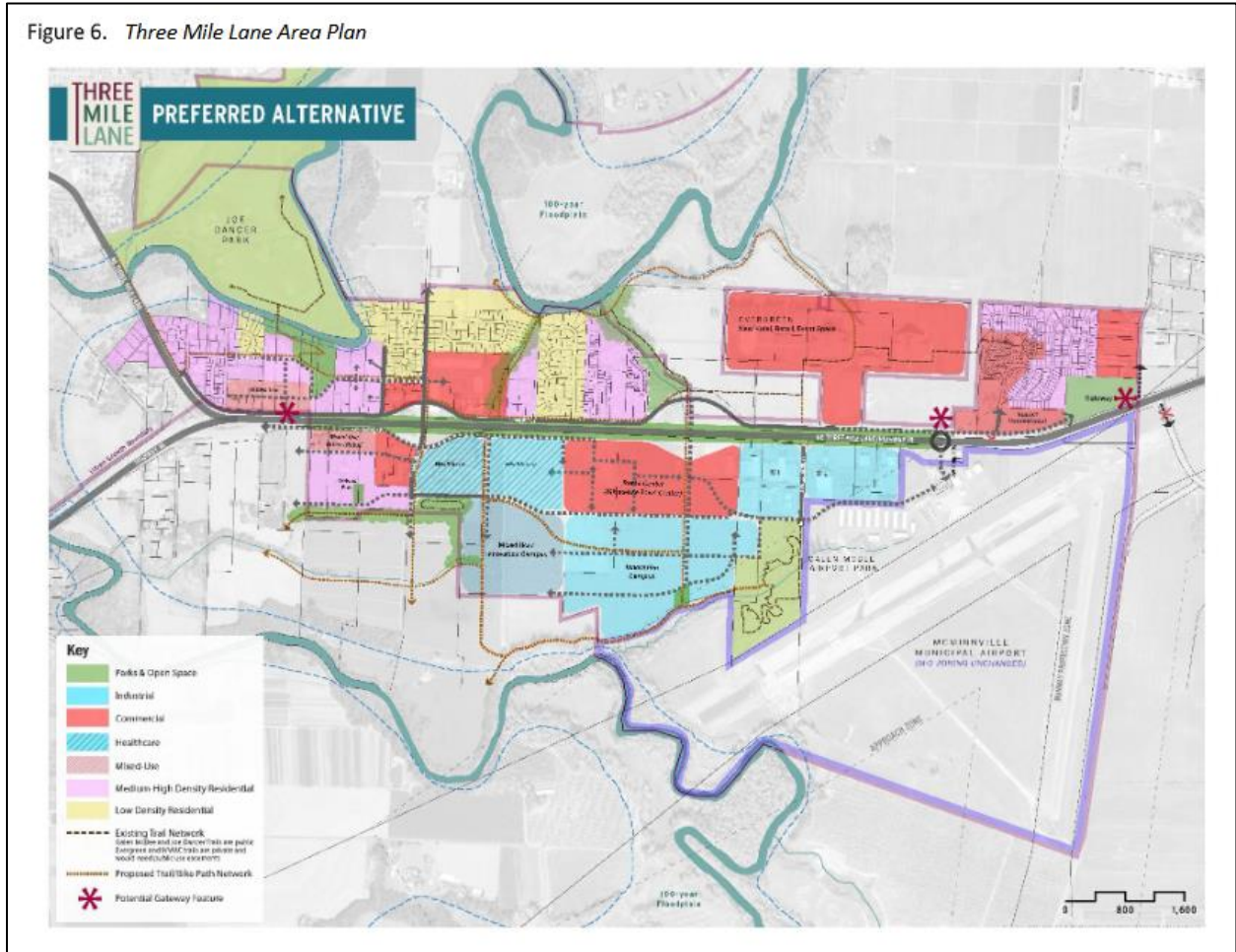
Among other provisions of the plan, the 3MLAP provides for a Mixed-Use Town Center on the south side of the highway near Cumulus Avenue. One of the key topics of the 3MLAP testimony, public hearings, and deliberations related to various aspects of the Mixed Use Town Center. The adopted 3MLAP included a provision limiting the net buildable acreage of the "Mixed-Use Town Center" to 33 net buildable acres.

The Land Use Summary on page 19 of the adopted 3MLAP states:

The Three Mile Lane Area Plan's land uses are shown in **Figure 6**. The defining characteristics south of the highway include a mixed-use high-density residential neighborhood with neighborhood serving commercial amenities west of the hospital, **a large (40 - 60-acres (not to exceed 33 net buildable acres, net being all acreage that is buildable and not encumbered in the public domain)) area envisioned as a future retail center ("Mixed-Use Town Center")**, and a large (140 – 160 acres) site for a potential corporate "Innovation Campus" to the south of this retail center, and a trail system connecting all of these developments to the existing Airport Park. To the west, in areas near SE Norton Lane and the Willamette Valley Medical Center, opportunities for an expanded health care campus and offices are envisioned...

The Mixed-Use Town Center is designated as a future commercial comprehensive plan map amendment and commercial rezone but it is clear from the policy language adopted in the 3MLAP that the City wants the site not-to-exceed 33 net buildable acres in total.

Figure 6 of the 3MLAP is shown below (this map is not drawn to scale):



Page 23 of the 3MLAP describes key urban design elements for key areas. Specific features and design considerations for the Three Mile Lane’s diverse areas are discussed in this section. Key urban design elements that are expected to be incorporated into future developments are listed in this section as well per the following:

The overall goal is for new developments in the Three Mile Lane Area is to echo the features of traditional, older retail districts like downtown McMinnville. Figures 9, 10, and 11 show examples from other Oregon communities, with similar common features that include:

- Human-scale development that is pedestrian friendly.
- Walkable, narrow main streets connecting through the center, with parallel or angled on-street parking in front of retail storefronts.
- Public gathering spaces, bordered by dining and entertainment attractions, featuring play areas and flexible space for programmed public events.
- Shared parking lots, generally located behind buildings, featuring wide pedestrian walkways, EV charging stations, bicycle parking, and transit stops. As well as integrated stormwater treatment and ample landscaping including shade trees.
- Sustainable high-quality architecture, themed in a regionally appropriate way, with buildings placed in prominent locations that contribute to the quality of the pedestrian experience, versus behind large surface parking lots.
- Building edges that create ‘frontage’ on walkable streets or pedestrian walks, with higher-quality materials, generous windows and pedestrian-scale signage in the first 20-30’ of elevation.
- Proximity and connection to a mix of other uses, to encourage walking from residential or office areas to the retail center.
- Generous landscape buffers between the retail center and roadways or parking lots while maintaining maximum visibility for retailers.
- A prominent entry to the site, with signage or a gateway feature.

Key Urban Design Elements

- **Local identity.** Maintaining the local identity through gateway design elements and development opportunities; establishing formal view protection corridors for Mt Hood, Mt Jefferson, and Amity Hills encouraging mixed uses whenever feasible; and mitigating the visual impact of development on the OR 18 edge.
- **Connectivity.** Transportation and connectivity have been major themes during the planning process. Connectivity—in terms of internal circulation to parks and recreational features and surrounding neighborhoods—is essential, including for pedestrians and cyclists.
- **Parks and open space.** The community has provided input on parks and open space opportunities, identifying the following: prioritizing connections to existing trails and open space (such as connections into Joe Dancer Park), creating a public greenway along South Yamhill River with trail and connections to the study area and McBee Park, and increasing open space opportunities in the study area adjacent to residential uses.

Any new development in this area will need to incorporate those features and design elements as well as meet the following policies that were adopted as part of the 3MLAP:

Policies

The following policies shall guide development and future planning decisions in the Three Mile Lane area. These policies implement the Three Mile Lane Area Plan goals and describe how Great Neighborhood Principles are expected to be expressed in the future growth and development of the Three Mile Lane Area.

1. *Require future development to be consistent with the design elements of the Three Mile Lane Area Plan.*
2. *Public improvements and private development shall strive to protect tree groves and mature individual trees.*
3. *Riparian corridors and adjacent native landscape shall be protected.*
4. *The built environment will be designed to provide and protect views to rolling hills and volcanoes and to enhance visual and physical access to the North Yamhill River. New streets and open spaces will be oriented to capture views.*
5. *Enhancing connections to existing trails and open space, such as connections into Joe Dancer Park and McBee Park, and creating a public greenway along South Yamhill River with trails and connections to the Three Mile Lane Area is a priority.*
6. *New gathering spaces will be designed to incorporate natural areas and views.*
7. *Require native landscape plantings with seasonal variation and tree plantings that include shade streets with mature tree canopy.*
8. *A network of sidewalks and trails will connect people to key locations within the Three Mile Lane Area.*
9. *The Three Mile Lane Area will have safe bicycle routes for residents and touring cyclists.*
10. *Proposed new streets will connect to the existing local street grid, consistent with the conceptual designs in the Three Mile Lane Area Plan and in compliance with Transportation System Plan standards.*
11. *New commercial developments should be designed to be at a walkable, human scale and for ease of use by all ages and abilities.*
12. *New commercial, office, mixed-use, and multi-family developments should be designed to reflect the micro-climate and enhance outdoor life through the incorporation of features such as porches, balconies, courtyards, plazas, etc.*
13. *New commercial, office, mixed-use, and industrial campus developments should promote inclusion and interaction within the right-of-way.*
14. *Encourage mixed-use development where feasible.*
15. *Proposed site landscape for new development should strive to reflect patterns of wine industry—eg, rows of vines, southern orientation, shelter belts of trees – and consider functional site planning of vineyard and farm complexes as conceptual models.*
16. *New development should consider adjacency to agricultural fields and respect this heritage through careful transitions.*
17. *Architectural building design that includes simple roof forms (industrial and agricultural) is encouraged in the Three Mile Lane Area.*
18. *Encourage a diversity of future housing forms, types, and design that respect the current character of the area.*
19. *Ensure that new commercial and industrial campus development creates a welcoming and visible interface with Three Mile Lane.*
20. *Encourage site design and architecture that visibly convey the historic or current industry on the site (e.g., aviation, winemaking).*

21. *New commercial, mixed-use, office, and industrial campus development should consider using local materials for cladding and building structure (timber, corrugated steel cladding, red brick), and incorporating vibrant color.*
22. *Public safety services shall be considered as part of master planning, including access, response times and opportunity for substations if needed.*
23. *Ensure that no incompatible heavy industrial uses are allowed along Highway 18 in the Three Mile Lane Area or as part of the Innovation Campus*
24. *Significant natural features shall be inventoried and protected as much as possible within new development plans.*

(Pages 37 and 38 of the 3MLAP)

Furthermore, the 3MLAP states that, *“Future development proposals shall address the special urban design elements described in this Area Plan - specifically in the mixed-use neighborhoods, retail center, and innovation campus areas - through the planned development approval process (Chapter 17.51 Planned Development Overlay).¹ This shall be a requirement of future development on those sites to ensure compliance with this Plan’s policies and guiding principles.”* (page 45 of the 3MLAP)

Map Amendment Applications

On December 21, 2020, prior to the adoption of the Three Mile Lane Area Plan, Kimco submitted application CPA 2-20/ZC 3-20. Additional information was submitted, and the application was deemed complete on April 8, 2021. A public hearing was held on May 20, 2021. As part of the staff review, staff recommended proposed design and development standards which would apply to the subject property. If new standards were subsequently adopted as part of the 3MLAP, the more restrictive standards would apply at the time of development. At the May 20, 2021 public hearing, representatives from the two adjacent properties testified that the Kimco application needed to be coordinated with them due to transportation access issues and the ongoing 3MLAP discussion that was underway.

The May 20, 2021 public hearing was continued, and a series of continuances followed as Kimco and the two adjoining property owners determined they would coordinate on submittal of coordinated applications for their three properties.

On November 18, 2021, property owner 3330 3ML to the east submitted application CPA 1-21/ZC 2-21 and property owner DRS Land to the west submitted application CPA 2-21/ZC 3-21. The applications were deemed complete on December 16, 2021.

A series of continuances followed, allowing for review, analysis, and communication on the applications and coordinated traffic analysis. The applicants subsequently submitted updated traffic analysis and proposed mitigation that was responsive to issues identified by the City. Staff was able to determine that the transportation issues for the map amendments could be addressed through conditions of approval for specific improvements and mitigation, including compliance with the “Transportation Planning Rule,” with findings of “no significant effect” on transportation facilities. The applicant would also be required to submit an “opening day” “development review”

¹ Currently, development proposals within the Three Mile Lane Planned Development Overlay do not have to go through a planned development process and the City cannot require a master plan. Master plans are defined in the Zoning Ordinance as the “maps, illustrations and supported text associated with a planned development which conveys the approved uses for the site along with any associated conditions, phasing schedules and other agreements.”

transportation analysis at the time of submittal of a specific PD development plan addressing the specific site plan, access configuration and connectivity, and uses.

In addition, prior to the adoption of the 3MLAP and the language amended into the 3MLAP by the City Council upon adoption which limits the commercial site to a not-to-exceed net 33 acres, the applicants asserted that the City had discretion to authorize a redesignation from industrial to commercial for more than the minimum commercial land need identified in the EOA, provided it didn't result in a deficit on other identified land use needs. This was confirmed by legal counsel and DLCDC, and this information was entered into the record. In this case, the analysis showed the proposed redesignation would allow for redesignation from industrial to commercial without creating a deficit in the identified industrial land needs.

Together, the three proposed map amendments comprise approximately 68.3 gross acres to be redesignated from industrial to commercial, with approximately 5.75 acres on two properties proposed for right-of-way dedication for future highway improvements, with the balance being approximately 62.6 acres. As part of a future development plan, there would still be a need for further dedication from this acreage for extension of Cumulus Avenue and other expected street connections. The traffic analysis related to the right-of-way for highway frontage improvements found that those improvements for a future interchange would not be required during the planning horizon, but are still expected to be needed at some time beyond the planning horizon. Those proposed dedications were proffered by the applicants.

Discussion:

To date, the three applicants have collaborated to move the applications for the three properties forward together in a manner in which the combined portions of the three properties proposed for redesignation would together comprise the area designated in the 3MLAP as the Mixed-Use Town Center commercial area.

Staff advised the applicants that there would be designation of a single C-3 PD Mixed-Use Planned Development Overlay encompassing this area, rather than three separate C-3 PD Planned Development overlays. Currently, the combined acreage of the proposed redesignations is approximately 68 gross acres.

Staff has also advised the applicants that any conditions for transportation improvements and mitigation associated with the proposed map amendments would apply as a whole to the Mixed-Use Town Center PD Overlay area, and the same conditions would be attached to each application. For those conditions related to transportation improvements and mitigation, the same conditions and timing would apply to all of the applications, with the allocation of those requirements among property owners being a decision to be made between the property owners. At this time, the transportation analysis and proposed mitigation submitted by the applicants are based on the combined area of approximately 68 acres.

With the exception of one key issue that relates to multiple criteria, staff found that, with conditions of approval, the applications would satisfy applicable criteria and demonstrate consistency with the Comprehensive Plan, Zoning Ordinance, and applicable state law. With conditions addressing (1) traffic impacts and transportation mitigation, and (2) design and development standards, staff found the proposed map amendments would be consistent with applicable criteria except for criteria pertaining to the key provision of the Three Mile Lane Area Plan, adopted in November, 2022, which includes ***“the area envisioned as a future retail center***

("Mixed-Use Town Center"), a large (40 - 60-acres (not to exceed 33 net buildable acres, net being all acreage that is buildable and not encumbered in the public domain))."

As of April 10, 2023, the applicants haven't submitted evidence to demonstrate how they would reconcile or otherwise address this issue and meet the burden of proof for how the proposed commercial acreage would be consistent with the provisions in the adopted Three Mile Lane Area Plan which limit the retail area not to exceed 33 net buildable acres.

Without evidence in the record from the applicants showing how the applications will meet the burden of proof for consistency with the 3MLAP and address the associated items above, staff is unable to make the necessary findings for consistency with the unresolved items above.

On April 10, 2023, the applicants requested a continuance to the June 15, 2023 Planning Commission meeting. (Note, that staff has informed the applicants that the earliest available date for a continued public hearing with the Planning Commission is July 20, 2023.) If the applicants should be granted a continuance and revise or include additional information in the applications to demonstrate the boundary and combined acreage proposed for redesignation for a Mixed-Use Town Center Planned Development (PD) Overlay is consistent with the 33 net buildable acre limit specified in the 3MLAP, it would also be necessary for them to address that in the context of the transportation analysis and proposed mitigation or provide updated transportation analysis and mitigation addressing any revised proposal, including any revisions to the boundary and/or acreage showing how transportation improvements and mitigation would be accomplished.

Regarding the current transportation analysis, it addresses the three applications in combination, identifying access, necessary transportation improvements, and required mitigation. At this time, it is not evident how a commercial center limited to 33 net buildable acres and the associated access (Cumulus intersection with OR-18 and transportation improvements (such as frontage roads connecting to Stratus Avenue) would be accomplished within the confines of any of the individual properties without the cooperation of others.

Most recently, the applications were previously continued from the January 19, 2023 Planning Commission meeting to April 20, 2023. On February 28, 2023, staff contacted the attorneys for the applicants to determine if the applicants were ready to proceed with the April 20 Planning Commission hearing, and whether they would be submitting any additional material for the record. Staff had previously notified the applicants that any additional materials would need to be received at least 30 days before a hearing in order for any supplemental information to be addressed in the staff report and findings.

On April 10, 2023, the three applicants requested a continuance to June 15, 2023. Due to other items scheduled for the June 15, 2023 Planning Commission meeting agenda, if the Planning Commission continues the hearing, staff would recommend the hearing be continued to the July 20, 2023 Planning Commission meeting.

No additional materials have been submitted by the applicant for the record at this time. At this time, the applicants have not provided information to demonstrate how the applications, either individually or collectively as part of a Mixed-Use Town Center Planned Development Overlay, would be consistent with the 3MLAP provisions for a Mixed Use Town Center not to exceed 33 net buildable acres.

The applicants have since indicated that the three parties are working on a modified proposal and supporting material to address this issues and indicated that they hope they wouldn't need any more continuance requests.

Attachments:

- 1a. CPA 2-20/ZC 3-20 Decision Document
- 1b. CPA 1-21/ZC 2-21 Decision Document
- 1c. CPA 2-21/ZC 3-21 Decision Document
- 2. Development and Design Principles and Standards for Conditions for PD Overlay, with Attachments
- 3. May 4, 2022 updated TIA/Sensitivity Analysis for 3 properties with attachments (supersedes previous materials)
- 4. May 23, 2022 TIA Comment Letter from ODOT
- 5. June 8, 2022 KAI response to May 23, 2023 ODOT TIA comments for 3 properties
- 6. October 6, 2022 TIA Comment Letter from DEA on Behalf of City
- 7. Final Adopted Three Mile Lane Area Plan, Adopted November 8, 2022

Planning Commission Options (for Quasi-Judicial Hearing):

This is the first evidentiary hearing for two of the applications, so the rights of parties to request that the Planning Commission continue the hearing or leave the record open are available.

- 1) **CONTINUE** the public hearing to the June 15, 2023 6:30pm Planning Commission meeting as requested by the applicants, or to another specific date and time, without a staff report or taking public testimony.
- 2) Conduct the public hearing, then close the public hearing and **DENY** the applications, based on the findings for denial in the Decision Document.
- 3) Conduct the public hearing, then close the public hearing and **APPROVE** the applications with the conditions identified in the attached Decision Document, making factual and conclusionary findings for how all of the applicable criteria are satisfied or satisfied with conditions in the motion to approve.
- 4) Conduct the public hearing, then **CONTINUE** the public hearing to the July 20, 2023 6:30pm Planning Commission meeting following a staff report and public testimony.
- 5) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.

Staff Recommendation:

If the Planning Commission decides to conduct the hearing with a staff report and public testimony, based on the information in the record, staff recommends denial of the applications CPA 2-20/ZC 3-20, CPA 1-21/ZC 2-21, and CPA 2-21/ZC 3-21, as the applicants have not met the burden of proof to demonstrate consistency with the Three Mile Lane Area Plan, which was adopted as a supplemental document to the McMinnville Comprehensive Plan by Ordinance 5126. Specifically, the applicants have not demonstrated how the aggregate area in the proposed map amendments is consistent with the provisions of the Mixed-Use Town Center outlined in the Three Mile Lane Area Plan, which is to be limited to 33 net buildable acres, and associated policies.

Note: Because the applications include proposed amendments to the Comprehensive Plan, the 120-day processing requirements do not apply per state law. Further, LUBA has concluded that the “fixed goal post” rule in ORS 227.178(3)(a) doesn’t apply to applications for changes to a Comprehensive Plan because it is not one of the three types of applications identified in ORS 227.178(1).

Potential Motion:

IF THE PLANNING COMMISSION GRANTS THE REQUESTED CONTINUANCES WITHOUT A STAFF REPORT AND TESTIMONY:

CPA 2-20/ZC 3-20: “I MOVE THAT THE PLANNING COMMISSION CONTINUE THE PUBLIC HEARING FOR DOCKET CPA 2-20/ZC 3-20 TO THE JULY 20, 2023 PLANNING COMMISSION MEETING.”

CPA 1-21/ZC 2-21: “I MOVE THAT THE PLANNING COMMISSION CONTINUE THE PUBLIC HEARING FOR DOCKET CPA 1-21/ZC 2-21 TO THE JULY 20, 2023 PLANNING COMMISSION MEETING.”

CPA 2-21/ZC 3-21: “I MOVE THAT THE PLANNING COMMISSION CONTINUE THE PUBLIC HEARING FOR DOCKET CPA 2-21/ZC 3-21 TO THE JULY 20, 2023 PLANNING COMMISSION MEETING.”

IF THE PLANNING COMMISSION DOESN’T GRANT THE REQUESTED CONTINUANCES (UNLESS THE HEARING IS CONTINUED OR RECORD LEFT OPEN DUE TO PROCEDURAL RIGHTS OF PARTIES) FOLLOWING A STAFF REPORT AND PUBLIC TESTIMONY:

CPA 2-20/ZC 3-20: “I MOVE THAT THE PLANNING COMMISSION ADOPT THE DECISION DOCUMENT FOR DOCKET CPA 2-20/ZC 3-20 AND DENY THE REQUESTED AMENDMENTS.”

CPA 1-21/ZC 2-21: “I MOVE THAT THE PLANNING COMMISSION ADOPT THE DECISION DOCUMENT FOR DOCKET CPA 1-21/ZC 2-21 AND DENY THE REQUESTED AMENDMENTS.”

CPA 2-21/ZC 3-21: “I MOVE THAT THE PLANNING COMMISSION ADOPT THE DECISION DOCUMENT FOR DOCKET CPA 2-21/ZC 3-21 AND DENY THE REQUESTED AMENDMENTS.”



Community Development Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

DECISION, POTENTIAL 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-2 (GENERAL INDUSTRIAL) to C-3 PD (GENERAL COMMERCIAL WITH A PLANNED DEVELOPMENT OVERLAY) FOR 37.7 ACRES OF A 90.4-ACRE PROPERTY LOCATED AT 3310 SE THREE MILE LANE, TAX LOT R4426 00700

DOCKET: CPA 2-20 (Comprehensive Plan Map Amendment), ZC 3-20 (Zone Change, including Planned Development Overlay Designation)

REQUEST: An application for an amendment to 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 transportation improvement. 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: Site Address: Part of 3310 SE Three Mile Lane
Map & Tax Lot: Part of R4426 00700

ZONING: M-2 (General Industrial), Three Mile Lane Overlay, Airport Overlay

APPLICANT: Kimco McMinnville LLC, c/o Michael Strahs

PROPERTY OWNER: Kimco McMinnville LLC

STAFF: Tom Schauer, Senior Planner

Attachments :

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

DATE DEEMED**COMPLETE:** April 8, 2021**HEARINGS BODY
& ACTION:**

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.

PLANNING COMMISSION**HEARING DATE****& LOCATION:**

Hybrid in-person and Zoom online meeting. In-person: April 20, 2023 at 6:30 P.M. at Kent Taylor Civic Hall, 200 NE 2nd Street and online via Zoom.

Zoom Online Meeting ID: 893 6863 4307 **Meeting Password:** 989853

DECISION-MAKING**BODY:**

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's recommendation goes to City Council for final decision.

Upon receipt of the decision of the Planning Commission to recommend approval the Council shall:

- a. Based on the material in the record and the findings adopted by 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) of the Zoning Ordinance.

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.

CITY COUNCIL**MEETING DATE****& LOCATION:**

To be determined.

PROCEDURE:

An application for a Comprehensive Plan Map Amendment and Zone Change, including a Planned Development Overlay, 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. The criteria for a Planned Development Overlay are specified in Chapter 17.51 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

Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Draft Design and Development Principles and Standards

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.

Applicable state law including applicable statewide planning goals must also be addressed.

APPEAL:

As specified in Section 17.72.180 of the Zoning Ordinance, a decision of the Planning Commission recommending denial may be appealed to the City Council within 15 (fifteen) calendar days of the date the written notice of the decision is mailed.

As specified in Section 17.72.190 of the Zoning Ordinance, 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; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of State Lands; and Oregon Department of Transportation. Their comments are provided in this document.

RECOMMENDATION

Based on the findings and conclusionary findings, the Planning Commission finds that, based on the evidence in the record, the applicant hasn't met the burden of proof and finds that the criteria are **NOT SATISFIED**. Therefore, the Planning Commission **DENIES THE APPLICATION**.

RECOMMENDATION/DECISION: DENIAL

Planning Commission: _____
Sidonie Winfield, Chair

Date: April 20, 2023

Planning Department: 
Heather Richards, Planning Director

Date: April 20, 2023

I. APPLICATION SUMMARY:

This is an application for an amendment to 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 proposed map amendment includes 4.25 acres intended for right-of-way dedication for future highway transportation improvements. The 37.7 acres less the 4.25 acres is approximately 33.5 acres. The application also shows an additional portion of the area subject to the map amendment intended for future right-of-way 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 designation to be applied without a concurrent development plan; however, 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. This requires the application for the final development plan to be subject to the public hearing requirements at such time as the final development plans are submitted.

After the initial application submittal, the applicant decided to collaborate with two adjoining property owners for three applications to amend the Comprehensive Plan Map to Commercial and the Zoning to C-3 PD for portions of the three properties, which together would comprise a C-3 PD overlay district corresponding to the general location of a Mixed-Use Town Center identified in the Three Mile Lane Area Plan adopted by Ordinance 5126 on November 8, 2023.

This is one of three applications for contiguous properties concurrently being reviewed for redesignation as part of what would be a single 3MLAP C-3 Mixed-Use Town Center subarea Planned Development Overlay. Together, these applications propose 68.3 gross acres for redesignation from Industrial to Commercial with a Planned Development Overlay.

See Aerial Photo/Vicinity Map (Figure 1), Existing Comprehensive Plan Map (Figure 2), Existing Zoning Map (Figure 3), Proposed Comprehensive Plan Map (Figure 4), and Proposed Zoning Map (Figure 5). See also Figure 6 for map submitted by Kimco for application CPA 2-20/ZC 3-20 that shows potential future right-of-way alignments.

Attachments :

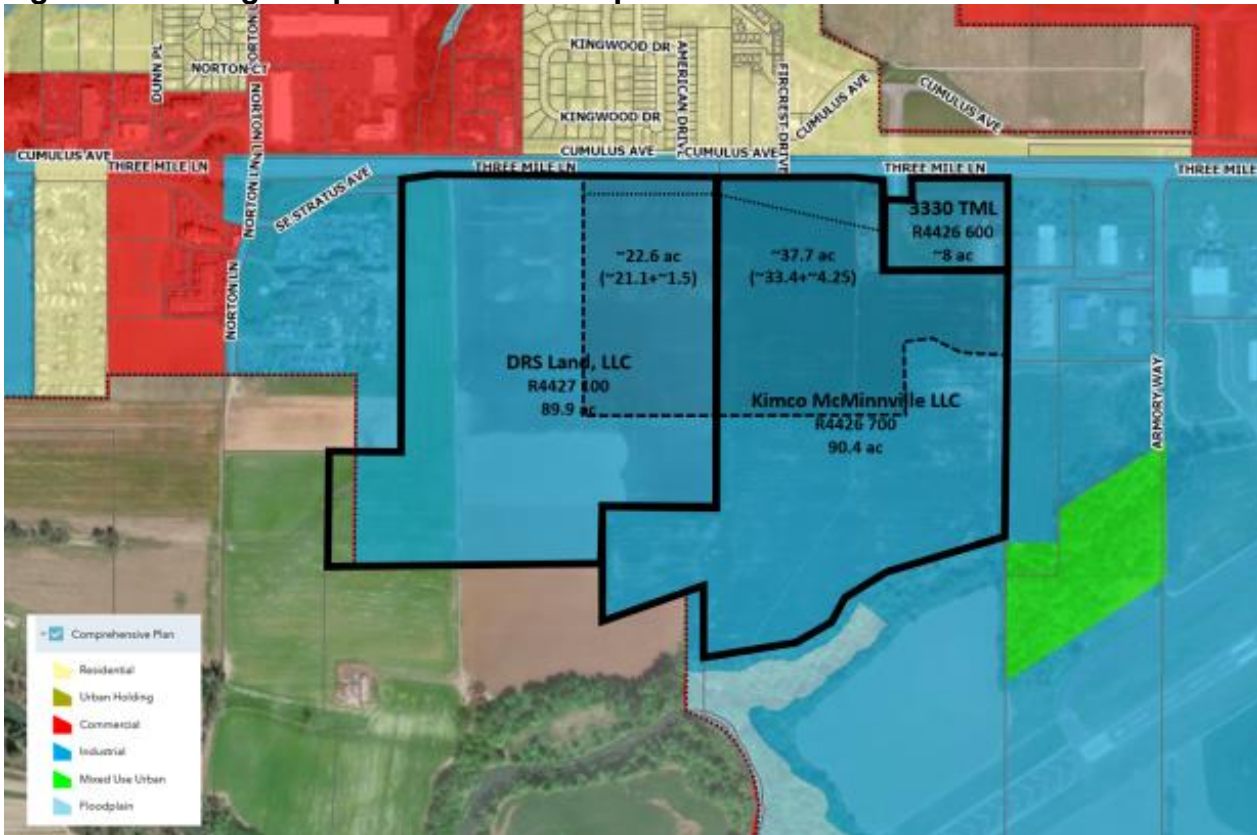
Attachment 1 – Application and Attachments

Attachment 2 – Draft Design and Development Principles and Standards

Figure 1. Aerial Photo/Vicinity Map



Figure 2. Existing Comprehensive Plan Map



Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Draft Design and Development Principles and Standards

Figure 3. Existing Zoning Map

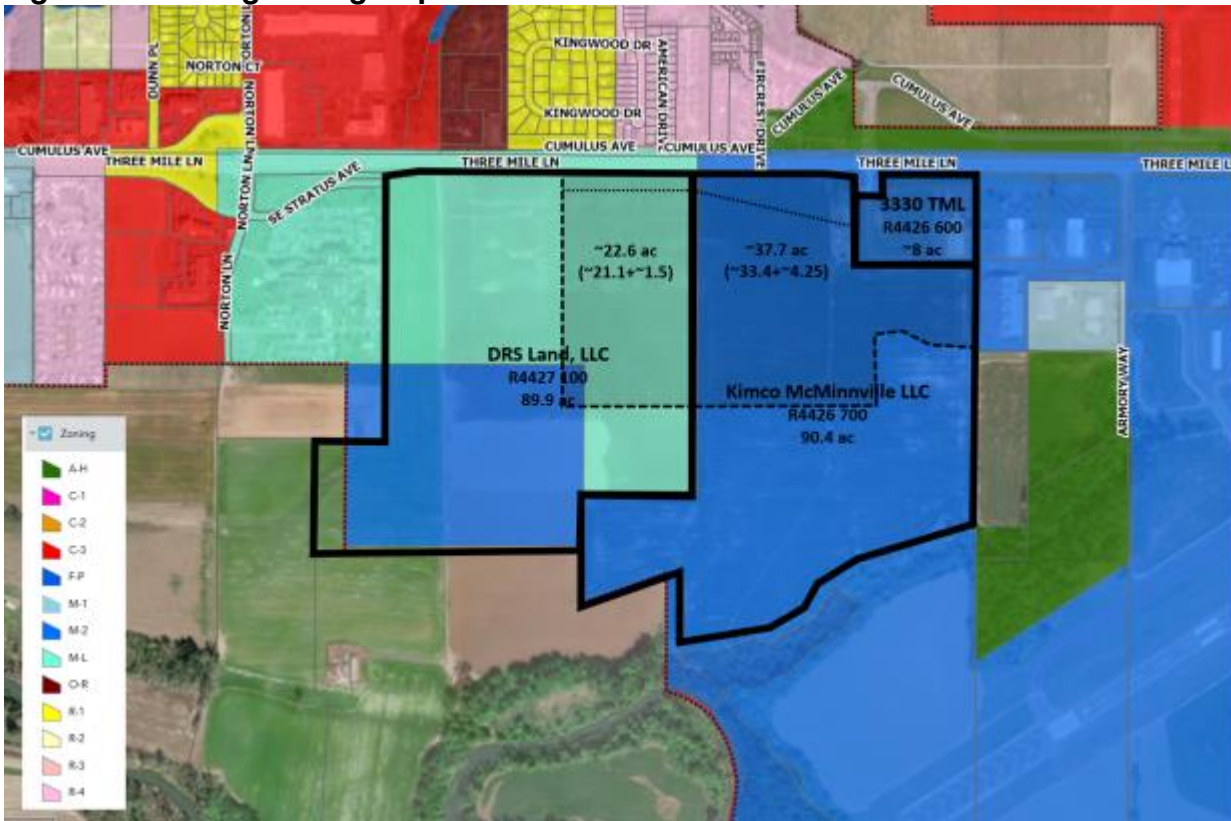
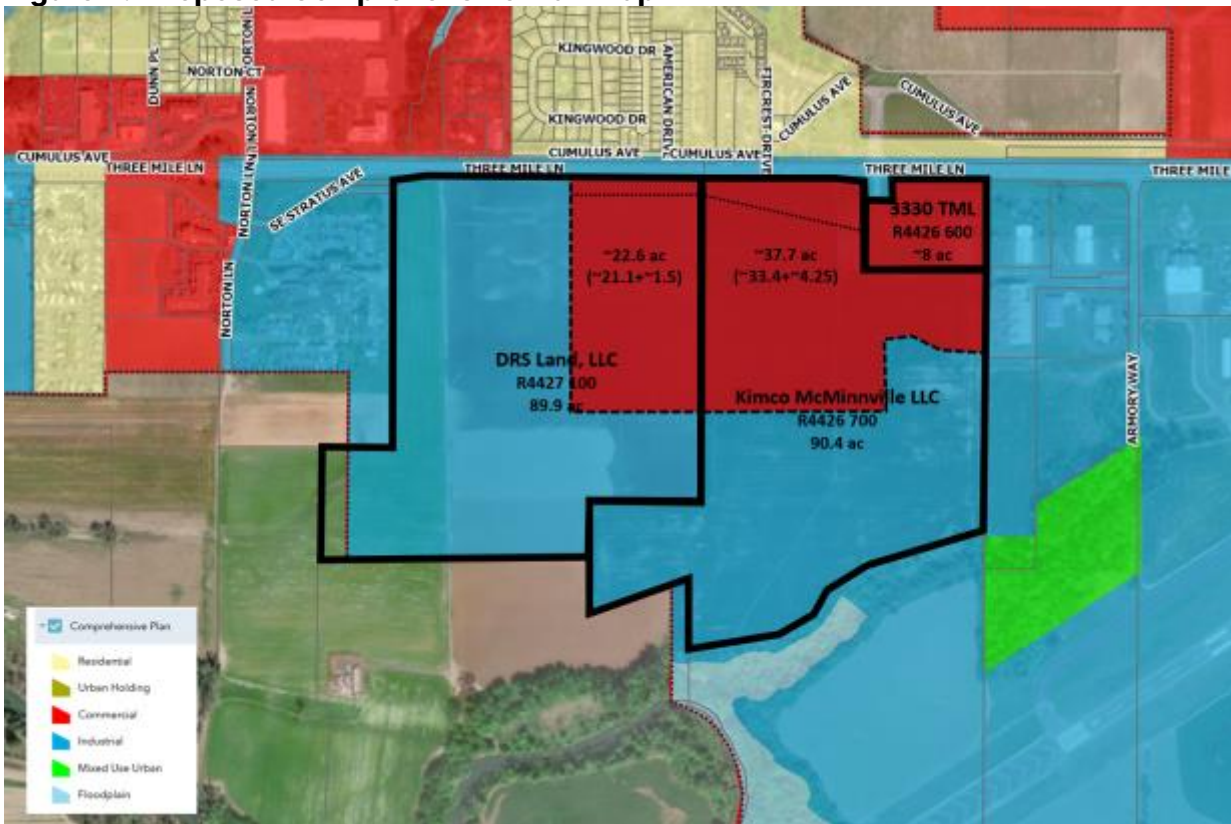


Figure 4. Proposed Comprehensive Plan Map

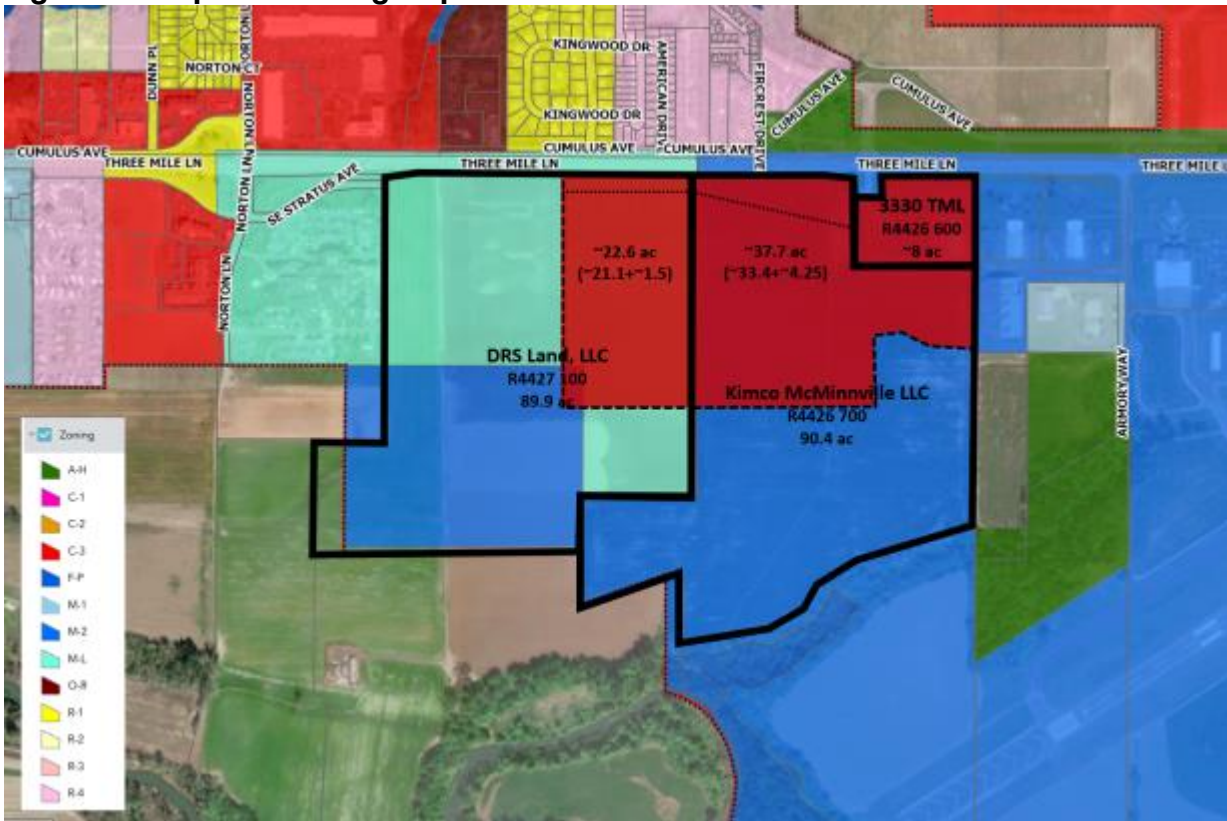


Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Draft Design and Development Principles and Standards

Figure 5. Proposed Zoning Map

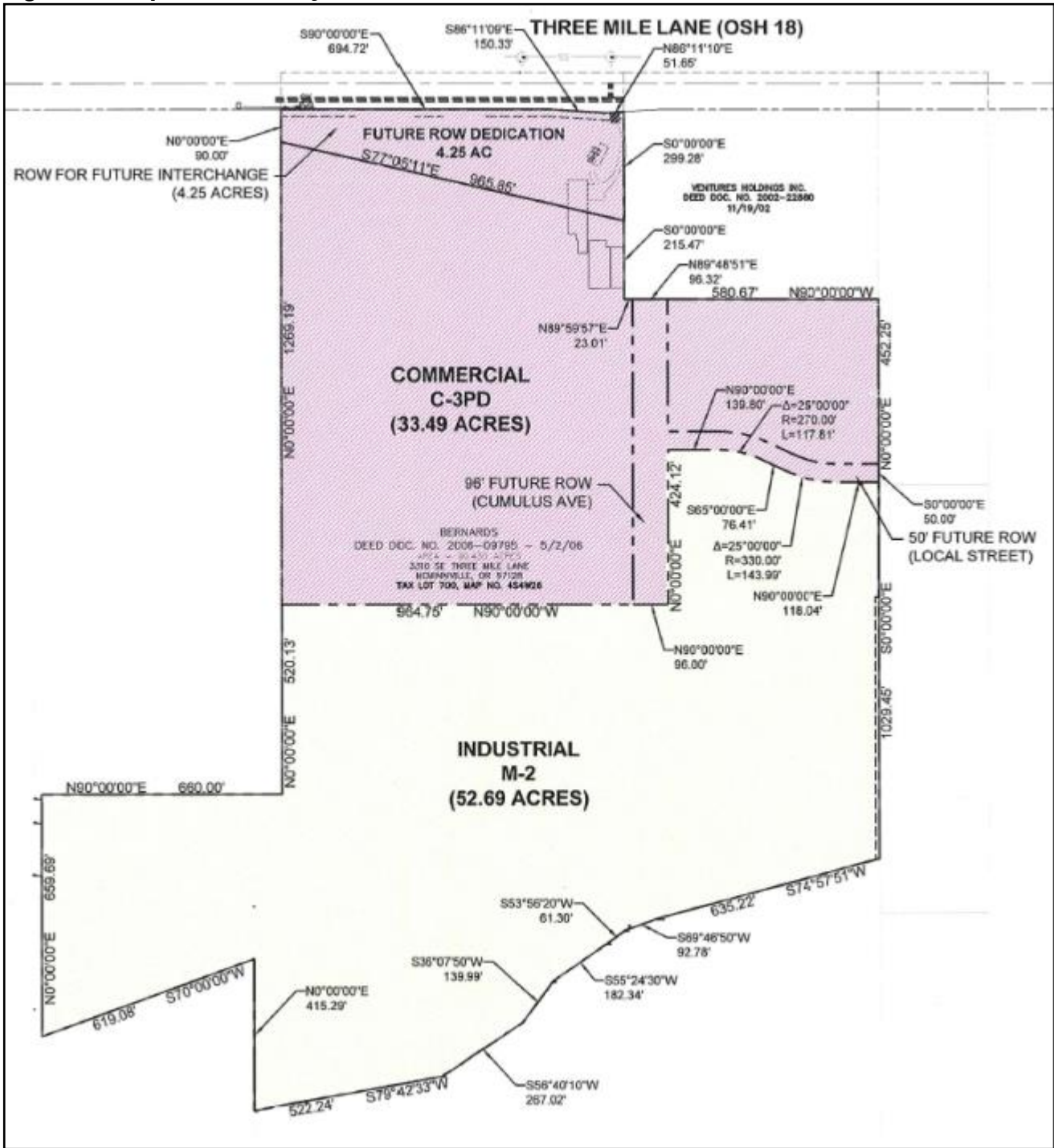


Attachments :

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Figure 6. Map Submitted by Kimco for CPA 2-20/ZC 3-20



Attachments :

Attachment 1 – Application and Attachments

Attachment 2 – Draft Design and Development Principles and Standards

II. CONDITIONS OF APPROVAL:

NOT APPLICABLE. The recommendation is denial of the application since the application, together with the two adjoining properties together exceed the 33 net buildable acres specified for the Mixed Use Town Center specified in the Three Mile Lane Area Plan. If that issue is resolved, then the other criteria can be satisfied, with some being satisfied subject to conditions of approval. Those potential conditions of approval are provided below.

NOTE: *The conditions below are based on approval of applications for three properties, with each sharing in the conditions as part of a single larger C-3 PD Planned Development overlay boundary which encompasses parts of two properties and all of the third property.*

If the applications are modified so they do not in aggregate exceed the 33 net buildable acres specified for the Mixed Use Town Center specified in the Three Mile Lane Area Plan, these potential conditions may need to be modified prior to adoption of a decision if any of the applications is not approved as proposed, such that the cumulative boundary configuration or size of the C-3 PD Planned Development overlay differs from what was proposed in the applications.

Planned Development Overlay

1. The C-3 Planned Development designation applicable to the subject portions of the three subject properties shall be a single Planned Development Overlay Zone, to be designated as the 3MLAP Mixed-Use Town Center subarea.
2. All general provisions of the adopted Three Mile Lane Area Plan shall apply to the subject properties. In addition, any and all provisions of the Three Mile Lane Area Plan which are specific to the 3MLAP Mixed-Use Town Center subarea shall apply to the portions of the subject properties within this boundary. These include but are not limited to the Vision, Goals, Policies, Urban Design Elements, Concept Plan, Implementation Recommendations, Design Booklet, and Draft Implementation provisions of Appendix E.

At the time the Planned Development development plan is submitted, these provisions shall be used to review the development plan.

3. If the Planned Development development plan is submitted prior to adoption of final Implementation provisions of the 3MLAP, the development plan shall be subject to the Design and Development Principles and Standards attached as **Attachment 2**. If the Planned Development development plan is submitted after adoption of final Implementation provisions of the 3MLAP, the properties within the 3MLAP Mixed-Use Town Center subarea shall also be subject to those implementing provisions. The most restrictive provisions shall apply.
4. Any proposed map amendment or development plan for a property of five or more acres shall be subject to the Planned Development review process. This shall apply based on the size of the property, whether a map amendment or development plan would apply to a portion of the property or the full property.
5. A single Planned Development development plan shall be submitted for all properties within the 3MLAP Mixed-Use Town Center subarea. The development plan shall be limited to 33 net buildable acres.
6. Upon designation of the “3MLAP Mixed-Use Town Center subarea” Planned Development Overlay Zone, no development, including any land division or property line adjustment, shall

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occur on the properties within the PD boundary as specified in Chapter 17.51 of the Zoning Ordinance.

7. No existing structure or feature which may serve as a cultural or interpretive feature shall be removed or demolished on any of the property within the 3MLAP Mixed-Use Town Center subarea boundary, unless subsequently approved as part of the Planned Development development plan.
8. For any properties which are partially within the Planned Development Overlay zone, no land division or property line adjustment shall occur for any portion of the property until a preliminary plan has been approved for the portion of the property within the 3MLAP Mixed-Use Town Center subarea and the proposed land division or property line adjustment includes provision for transportation facilities consistent with the necessary connections to and through the subject properties, including the portion of the property which is not within the 3MLAP Mixed-Use Town Center subarea.
9. Prior to site work or issuance of building permits, the owners of Tax Lots 700 and 100 shall dedicate easements for the portions of those properties for future interchange improvements as identified and proffered in the applications. The easements shall provide terms for continued maintenance of the property until such time as the land is dedicated. The area within the easement may be used for purposes such as landscaping consistent with the thematic intent described in the Three Mile Lane Area Plan.

(Note: The applications for these two properties propose dedication of these areas as right-of-way. The interchange at Cumulus and Highway 18 is not required during the planning horizon for compliance with the TPR. Therefore, these were presented as part of the application on a voluntary basis. The application for Tax Lot 600 did not similarly propose right-of-way dedication for that property for future interchange improvements beyond the planning horizon. Staff is recommending dedication of easements at this time rather than right-of-way dedication. Staff anticipates the Planned Development development plan will need to include a more intensive level of landscaping and landscape maintenance than would occur if the property was dedicated at this time and maintained by ODOT.)

10. As part of the review of the Planned Development development plan, the portion of the plan for Tax Lot 600 shall minimize structural encroachment into the area identified in the Highway 18 Corridor Plan identified for future interchange improvements, and the City may apply setbacks associated with that issue as part of the development plan review.

Design and Development

11. Prior to any development, the applicant shall submit a preliminary development plan for the site to be reviewed in the same manner as a planned development amendment per Section 17.72 of McMinnville Municipal Code. The applicant will need to submit a development plan that meets all of the criteria of Section 17.51.030 (except that they only need to submit twelve (12) copies of the preliminary development plan and one electronic file).

(Note: The Zoning Ordinance also requires the applicant to hold a neighborhood meeting regarding the proposed development plan prior to submittal of the application for the Planned Development development plan).

12. The preliminary development plan to be submitted shall comply with all of the conditions of this decision.

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13. The preliminary development plan shall address extension of streets through the property and beyond the subject property to address connectivity of streets to and through adjacent properties to the point of connection with existing transportation facilities. The review will be coordinated between the City and ODOT, including the east-west frontage road/collector road system.

Transportation

14. At the time of submittal of the Planned Development development plan, the applicant shall submit a “Development Review” traffic impact analysis (TIA) which addresses the specific uses, site plan, and access configuration for the entire area and all properties within the 3MLAP Mixed-Use Town Center subarea. If the TIA indicates the proposed development would cause any transportation facilities to fail to meet applicable standards of the TSP or ODOT standards, the applicants shall identify proposed mitigation to mitigate the impacts back to the applicable standard.

At a minimum, the TIA shall address opening day traffic and mitigation and may be required to address beyond opening day consistent with guidelines and direction provided by the City of McMinnville.

(Note: This analysis has different requirements than the “TPR” traffic analysis conducted for the proposed map amendments).

15. The preliminary development plan shall address extension of streets through the property and beyond the subject property to address connectivity of streets to and through adjacent properties to the point of connection with existing transportation facilities. The review shall be coordinated between the City and ODOT, including the east-west frontage road/collector road system.
16. The following shall be addressed in order to address adequacy of transportation facilities, comply with the Transportation Planning Rule, the Comprehensive Plan, and to incorporate additional voluntary conditions proffered by the applicants.

The applicant shall provide sufficiently detailed plans showing the proposed transportation improvements and any impacts to on-street parking and bicycle facilities to determine whether the mitigation will involve pavement re-striping or whether any widening would be required.

The design shall be provided at the time of submittal of the PD master plan to be submitted for all properties within the 3MLAP Mixed-Use Town Center subarea. Detailed civil drawings shall be submitted and approved prior to issuance of any site work or building permits for any of the properties within the 3MLAP Mixed-Use Town Center subarea.

Construction of these transportation improvements shall be complete prior to occupancy of any building within the 3MLAP Mixed-Use Town Center subarea.

- a. **NE 3rd Street and NE Johnson Street.** Install a north-bound left-turn lane (with a minimum of 75 feet of storage) at the NE 3rd Street/NE Johnson Street intersection.
- b. **NE Three Mile Lane/NE 1st Street.** Install a traffic signal at the NE Three Mile Lane/NE 1st Street intersection. Install an eastbound right turn lane (with a minimum of 125 feet of storage). If right-of-way dedication would be required, at its discretion, the City could acquire the right-of-way and the applicant shall incur any costs associated with the City’s right-of-way acquisition. The City may elect to require an agreement for future right-of-way acquisition and construction by the applicant.

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- c. **Highway 39 (OR-18)/SE Norton Lane.** Install a southbound turn lane (with a minimum of 100 feet of storage), modify the traffic signal, and update the signal timing and phasing at the Highway 18/SE Norton Lane intersection subject to approval by ODOT. With the installation of the southbound right-turn lane, the transition at the southwest corner of Cumulus and Norton shall be reduced to improve channelization of the eastbound right-turn lane and to reduce the pedestrian crossing distance of Cumulus.
- d. **Highway 39 (OR-18)/NE Cumulus Avenue.** Install two northbound left-turn lanes (with a minimum of 250 feet of storage), northbound right-turn lane (with a minimum of 175 feet of storage), eastbound right-turn lane (with a minimum of 400 feet of storage), modify the traffic signal, and update the signal phasing at the Highway 39 (OR-18)/NE Cumulus Avenue intersection. NOTE: Installation of the two northbound left-turn lanes might require construction of a “shadow” on the north leg of the intersection to meet applicable standards for lane offsets through the intersection. This need will be determined during design of the intersection and, if it is required, shall be part of this condition.
- e. **North Side Frontage Road.** Construct the portion of the frontage road on the north side of Highway 39 (OR-18) to be located on the City-owned Tax Lot R4424C 00800, between the Loop Road right-of-way and the west property line of the subject property, approximately 1,020 lineal feet.
- f. **NE Three Mile Lane/SE Nehemiah Lane-NE Cumulus Avenue-NE Pacific Street.** At the City’s discretion and prior to occupancy, install northbound and southbound left-turn pockets on NE Three Mile Lane (each with a minimum of 50 feet of storage), OR contribute a fee-in-lieu payment toward future relocation and signalization of the NE Three Mile Lane/SE Nehemiah Lane-NE Cumulus Avenue-NE Pacific Street intersection.
- g. **Highway 39 (OR-18)/Lafayette Highway.** Submit a proportional share calculation for the proposed developments’ impacts to the Highway 39 (OR-18)/Lafayette Highway intersection for review by City and ODOT staff. Prior to occupancy, contribute a proportional share fee-in-lieu payment toward the planned multi-lane roundabout at Highway 39 (OR-18)/Lafayette Highway.

If the project becomes entirely ODOT-funded through the STIP, the proportional share funds may be allocated to other transportation projects in the Three Mile Lane corridor.

Note: *The applicant currently estimates their proportional share, based on traffic volumes associated with the development vs. total traffic volumes, to be approximately \$307,000 in 2022 dollars. However, this is not a determination or final approval by the City or ODOT, and the final proportional share and resulting cost will need to be reviewed and agreed upon by the City and ODOT.*

General

- 17. Use and development of the property shall be subject to any overlays which may continue to apply to the property, including the Three Mile Lane Overlay and the Airport Overlay Zone.
- 18. Disposition of any wetlands on the property at the time of submittal of the development plan shall be subject to the design and development principles and standards, and the Great Neighborhood Principles, and will also be subject to any applicable state and/or federal review and approval, including any requirements of the Oregon Department of State Lands and the US Army Corp of Engineers.

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19. The applicant shall record a copy of the approving ordinance, disclosing these conditions of approval.

III. ATTACHMENTS:

See attached list for the full record.

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 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 Engineering Department
- McMinnville Building Department
- McMinnville Fire Department
- McMinnville Water & Light
- Oregon Department of State Lands
- Oregon Department of Transportation

- McMinnville Engineering Department:
No concerns from Engineering

- McMinnville Building Department
No identified building code issues at this time.

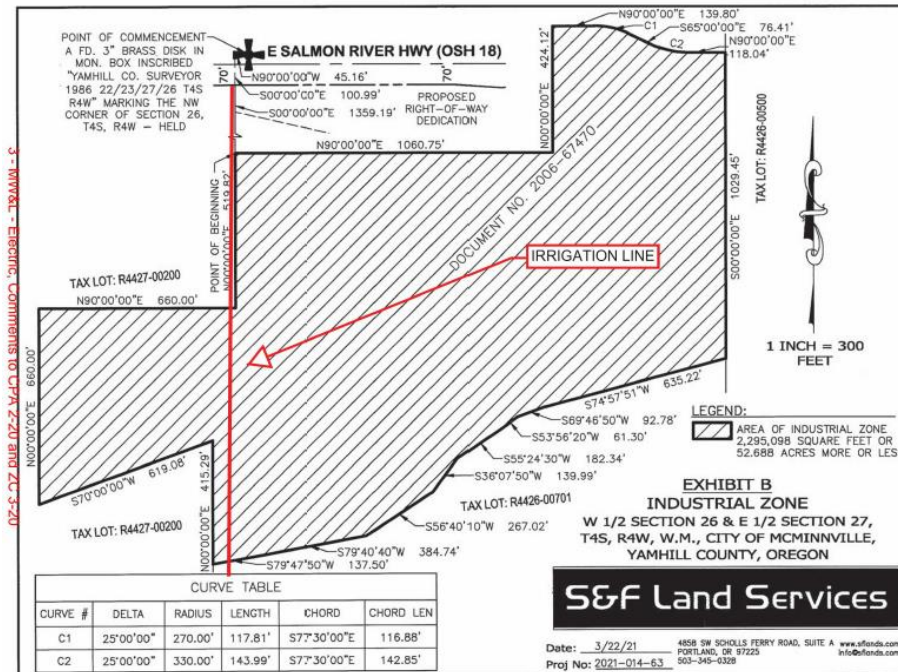
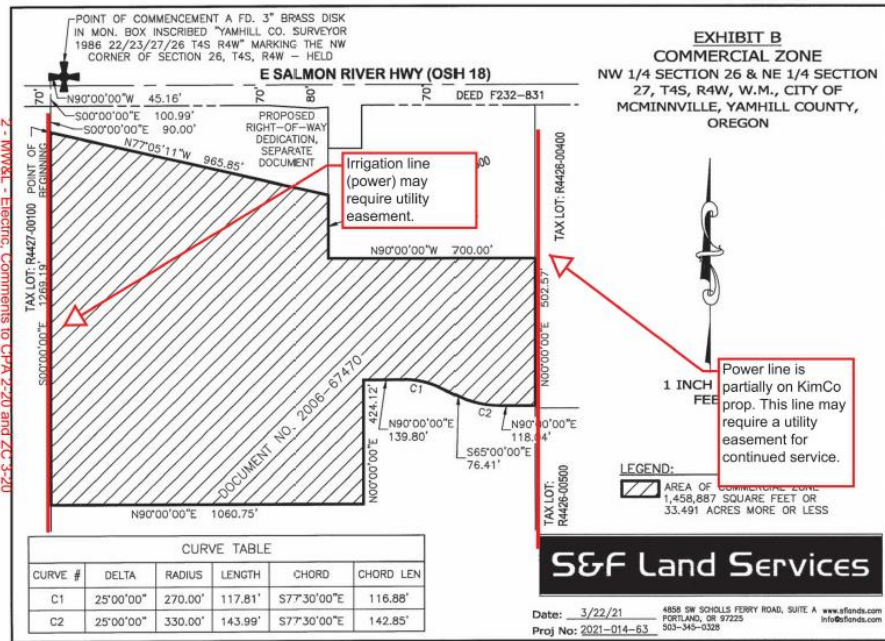
- McMinnville Fire Department
No issues from the Fire Department for the development. Note: required access and water supply must be approved prior to development.

- McMinnville Water & Light
McMinnville Water & Light provided comments in mark-up text call-out boxes on pages excerpted from the application, summarized and shown below. (Some issues will apply at time of development, and not in conjunction with the map amendment).

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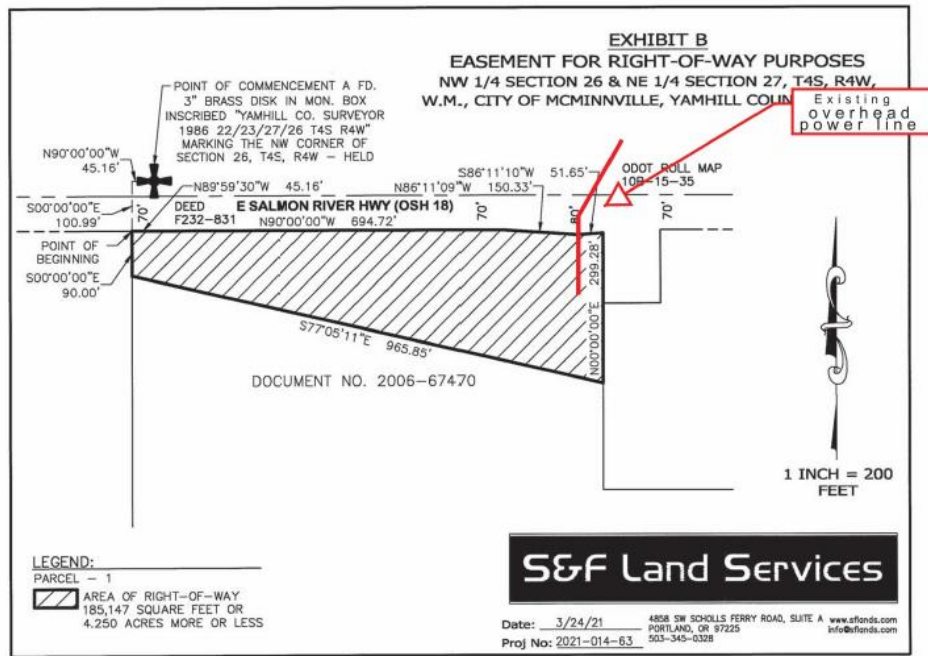
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- Note provided on Page 9 of Applicant’s Narrative: “MWL’s ability to provide adequate electric service to the commercial and/or remaining industrial property is predicated upon the intensity of the development’s requirements. Additional infrastructure may be required to serve all or some of the site.”
- Note provided on Page 31 of Applicant’s Narrative: “In previous inquiries involving this parcel, MW&L has communicated that it may not have sufficient feeder/distribution capacity to serve a full development of the 90 acres. Significant upgrades to the existing electric system, or construction of a new feeder may be necessary.”
- Oregon Department of Transportation
 ODOT provided initial comments followed by a letter from ODOT Region 2 Traffic. This was followed by subsequent comments based on revised traffic analysis.

Initial Comments:

The following are provided as ODOT comments on the proposal:

1. The City and ODOT, working with the public and area stakeholders, have spent a great deal of time and effort developing the Three Mile Lane Area Plan which is close to completion. To respect those efforts, any mitigation required for this development should be consistent with the agreed upon recommendations of the city’s area plan.
2. No funding has been identified for any remaining improvements recommended in the original Three Mile Lane Refinement Plan or recommended improvements in the current plan discussed above. Therefore, any improvements necessary as a result of this project are considered development mitigation.
3. Region 2 Traffic staff are completing their review of the transportation impact analysis (TIA) and comments will be available tomorrow (May 4). I will forward those comments as soon as they are received.

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Thank you again for the opportunity to comment on this proposal. These are ODOT's comments on the proposed CPA/ZC and should be included in the record of the project proceedings. You can contact me if you have any questions or need additional information.

Letter from ODOT Region 2 Traffic:

ODOT has provided comments which are provided in separate letters, attached.

The most current comments from ODOT, based review of the May 4, 2022 memo and sensitivity analysis from Kittelson and Associates, are dated May 23, 2022 and are included in the record.

- Oregon Department of State Lands
We have an OLD determination, WD2004-0629, and an old, now expired, delineation WD 2009-0013 showing wetlands on this property. We have no other records regarding this property. A new delineation will be needed. A WLUN submittal to verify this is appropriate. The proprietary program will review and comment separately if needed.

Public Comments

See attached list for the full record, including a list of written and oral testimony.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The application was submitted on December 21, 2020. 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 initially deemed incomplete on January 20, 2021, and additional information was requested, which was submitted on March 29, 2021.
3. The application was deemed complete on April 8, 2021.
4. On April 8, 2021, notice of the application was provided to the Oregon Department of Land Conservation and Development (DLCD).
5. On April 13, 2021, 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; Ziplly 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.

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

6. On April 29, 2021, notice of the application and May 20, 2021 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.
7. On May 11, 2021, notice of the application and Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.

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8. The Planning Commission held a public hearing on May 20, 2021 to consider the request. The Planning Commission took public testimony and continued the hearing to July 15, 2021. Several continuances were subsequently requested and approved without additional testimony: from July 15, 2021 to September 16, 2021 from September 16, 2021 to October 21, 2021, from October 21, 2021 to November 18, 2021, and from November 18, 2021 to December 16, 2021. Additional testimony was taken at the December 16, 2021 hearing, and the hearing was continued to January 20, 2022. Several continuances were subsequently requested and approved without additional testimony: from January 20, 2022 to February 17, 2022, from February 17, 2022 to March 17, 2022, from March 17, 2022 to April 21, 2022, from April 21, 2022 to June 2, 2022, from June 2, 2022 to September 1, 2022, from September 1, 2022 to October 20, 2022, from October 20, 2022 to January 19, 2023, and from January 19, 2023 to April 20, 2023. On April 10, 2023, the applicants requested a continuance from April 20, 2023 to June 15, 2023.
9. Supplemental information was submitted corresponding to the combined applications for this property and the two adjoining properties.
10. The Planning Commission held a public hearing on _____ to consider the request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:**
 - o **Site Address:** Part of 3310 SE Three Mile Lane
 - o **Map & Tax Lot:** Part of R4426 00700
2. **Size:** The map amendment applies to 37.7 acres of a 90.4-acre property. The 37.7 acres includes 4.25 acres intended for right-of-way dedication for future highway improvements. 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.
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:**
 - a. **Subject Property:** M-2 (General Industrial)
 - b. **Surrounding Properties:**
 - i. **North:** Across OR-18: Public right-of-way and R-4; M-2 south of the Highway to the north and east of the portion of the property proposed for amendment.
 - ii. **West:** M-L to the west of the portion of the property proposed for amendment. Part of the adjacent Tax Lot 100 is also currently subject to an application for a proposed map amendment.
 - iii. **South:** To the south of the portion of the property proposed for amendment is the remainder of the property proposed to be retained with M-2 zoning.
 - iv. **East:** The property to the east of the portion of the property proposed for is zoned M-2. Tax lot 600 is also currently subject to an application for a proposed map amendment. There is also an area of county AF-20 zoning within City limits to the southeasterly extent of the area proposed for amendment.
5. **Overlay Zones/Special Districts:**
 - a. Three Mile Lane Overlay (Ordinance 4131 as subsequently amended)
 - b. Airport Overlay

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6. **Current Development:** The property is predominantly unimproved. There is an agricultural building on the northerly portion of the property to the east of NE Cumulus Avenue.
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** Wetlands See comments from DSL. Also, the Statewide Wetland identifies possible wetlands near the west property line (PEM1A)
8. **Other Features:**
 - a. **Slopes:** The property is generally level.
 - b. **Easements:** There are no public easements identified on the property.
 - c. **Trees:** There is a stand of trees near the OR-18 Highway frontage.
 - d. **Irrigation:** There is an irrigation line along the westerly portion of the property.
9. **Utilities:**
 - a. **Water:** A 24-inch distribution line is present along the OR-18 Highway frontage.
 - b. **Sewer:** 12" sanitary sewer is present along the north side of Highway OR-18, with an 8" crossing to the south side on the west side of NE Cumulus Avenue
 - c. **Stormwater:** There are storm drainage lines along OR-18 and along the southeast side of the property
 - d. **Power:** Overhead power is present near the NE corner of the property west of NE Cumulus Avenue and along the east side of the property.
10. **Transportation and Access:** The property has frontage along Highway 39 (OR-18) and along the east side of the frontage of the NE Cumulus Avenue right-of-way which extends approximately 140' south of the OR-18 right-of-way. That right-of-way terminates on the adjacent property, with private access on that property continuing from the terminus of the right-of-way, extending to the south and east.

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. The additional criteria for a Planned Development Overlay designation, including with a deferred development plan, are found in Chapter 17.51 of the Zoning Ordinance.

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

Applicable statewide planning goals and administrative rules also apply, including Goal 2 (Land Use Planning, Goal 9 (Economic Development), Goal 12 (Transportation), and OAR 660-012-0060, the portion of the Transportation Plan Rule that applies to plan and land use regulation amendments.

Summary of Conclusionary Findings

The application was reviewed for consistency with the applicable criteria, including:

- The provisions of the Comprehensive Plan, including the Goals and Policies in Volume II of the Comprehensive Plan and Supplemental Documents to the Comprehensive Plan, including the Three Mile Land Area Plan.

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- The provisions of the Zoning Ordinance
- Applicable State Law.

With the exception of one key issue: the size of the commercial area to be designated as the Mixed Use Town Center that relates to multiple criteria, staff found that, with conditions of approval, the three applications in aggregate would otherwise satisfy applicable criteria and demonstrate consistency with the Comprehensive Plan, Zoning Ordinance, and applicable state law. With conditions addressing (1) traffic impacts and transportation mitigation, and (2) design and development standards, staff found the proposed map amendments would otherwise be consistent with applicable criteria except for criteria pertaining to the key provision of the Three Mile Lane Area Plan which includes ***“the area envisioned as a future retail center (“Mixed-Use Town Center”), a large (40 - 60-acres (not to exceed 33 net buildable acres, net being all acreage that is buildable and not encumbered in the public domain)).”***

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 (Planned Development)

FINDING: SATISFIED. 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: *The analysis provided in Section 3 of this attachment demonstrates the application’s compliance with the City’s Comprehensive Plan and other adopted policies.*

FINDING: NOT SATISFIED. After the initial application submittal, this application has been coordinated with two other applications, which would together comprise a single 3MLAP C-3 Mixed-Use Town Center Planned Development Overlay subarea. Together, the three applications include 68.3 gross acres. The Comprehensive Plan identifies a need for 40 acres of land redesignated from Industrial to Commercial in this vicinity. The City has discretion to redesignate more than the minimum commercial land need, but is not required to do so. The 3MLAP was adopted on November 8, 2022, and includes a provision limiting the Mixed Use Town Center to not exceed 33 net buildable acres.

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The applicants for the three map amendment applications on contiguous properties have agreed to move the applications forward in a concurrent manner, understanding that there would be a single 3MLAP C-3 Mixed-Use Town Center Planned Development Overlay subarea that would apply to the entire area to be re-designated. The submittal of the Planned Development master plan would also need to be for a single master plan for this entire Planned Development overlay area. In addition, The traffic analysis was prepared for all three applications and the applicants have understood that the transportation conditions would apply to the entire PD Overlay area, with the same conditions attached to each application, and the decision about allocating the requirements to be made between the applicants.

As submitted, the proposed area of the combined applications is inconsistent with a Mixed-Use Town Center subarea not to exceed 33 net buildable acres, and there is no proposal that addresses the transportation analysis, mitigation, and conditions that would be needed for a 33 net acre Mixed-Use Town Center Planned Development Overlay subarea.

See also findings under the Comprehensive Plan Goals and Policies section.

- 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: Criterion B is supported by the 2013 EOA, which found that the City could benefit from a regional retail center, that recapture of retail sales leakage could be achieved by concentrating retail along major highways, and that excess industrial land should be re-designated to commercial use when opportunities arise. While consistent with the Three Mile Line Area Plan currently moving through the legislative process, the timing on adoption of this larger policy document is unknown. The current application seeks to address the current deficit in available commercial land in a more directed and expedient manner.

FINDING: NOT SATISFIED. The City initiated work on the Three Mile Lane Area Plan (3MLAP) in 2018 to develop an area-wide plan for the Three Mile Lane area through a public process. In December 2020, the City and County adopted an amendment to the UGB, and McMinnville adopted amendments to the Comprehensive Plan and Zoning Ordinance.

On December 21, 2020, prior to adoption of the 3MLAP, Kimco submitted the application for the proposed map amendment with the PD overlay. Subsequently, the two adjacent property owners to the east and west submitted applications for map amendments.

The public hearing process was initiated for the Three Mile Lane Area Plan. The Planning Commission held public hearings and made a recommendation to City Council. City Council held public hearings and deliberations. On November 8, 2022, City Council adopted the 3MLAP, incorporating five revisions. One of the adopted revisions is that the Mixed-Use Town Center subarea be limited to 33 net buildable acres.

To date, the three applicants have collaborated to move their applications forward together in a manner in which the combined portions of the three properties proposed for redesignation would together comprise the 3MLAP Mixed-Use Town Center commercial area. There would be designation of a single C-3 Mixed-Use Town Center Planned Development Overlay encompassing this area. Currently, the combined acreage proposed for redesignation is approximately 68 gross acres, inconsistent with the

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adopted provisions of the 3MLAP for a commercial center not to exceed 33 net buildable acres. As submitted, the applicants haven't met the burden of proof to demonstrate consistency with the final adopted 3MLAP and its limitation on the net buildable acres of the Mixed-Use Town Center

Also, as previously discussed and requested by the applicants, the conditions for transportation improvements and mitigation associated with the proposed map amendments would apply as a whole to the Mixed-Use Town Center PD overlay area, and the same conditions would be attached to each application, with the allocation of those requirements among property owners being a decision to be made among the property owners. At this time, the analysis and mitigation are based on the combined area of approximately 68 acres.

Without a proposal that is consistent with the 33 net buildable acre requirement, it would be inappropriate to approve transportation analysis and mitigation based on amendments comprising a 68 gross acre Planned Development Overlay. Therefore, it is not orderly and timely to approve a 68 gross acre Planned Development Overlay.

- 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: There are no known utility or service deficiencies. No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned Development overlay, it will be subject to the Planned Development Ordinance and Zoning Ordinance. The project application will be reviewed in a public process, which will demonstrate the improvements required for City utilities and services to efficiently serve the site.

FINDING: NOT SATISFIED. There is no proposal for a 33 net buildable acre Planned Development Overlay that would include the area necessary to provide the transportation facilities and utilities fully within the property under control of the applicant. The applicant would need to demonstrate the ability to provide the necessary transportation improvements and mitigation necessary for the Planned Development Overlay. Updated transportation analysis for a 33 net buildable acre subarea has not been provided, and the associated transportation improvements and mitigation haven't been identified. It is possible that a different boundary configuration than was submitted for any of the three individual applications to achieve the optimal 33 net acre area configuration would be necessary to address the buildable land needs together with the transportation improvements. Such a proposal is not currently before the Planning Commission for consideration. The applicant hasn't met the burden of proof to demonstrate services can be efficiently provided to serve the proposed uses and other uses in the area for a configuration that meets the 33 net acre requirement.

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

FINDING: 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.

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

FINDING: 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.

Section 17.74.070. Planned Development Amendment – Review Criteria

APPLICANT’S RESPONSE: No response.

FINDING: NOT APPLICABLE. The criteria in this section only apply to amendment of an existing Planned Development.

Chapter 17.51. Planned Development Overlay

17.51.010. Purpose. *The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a 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 common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.*

In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission.

The purposes in Section 17.030.020 are as follows:

17.03.020. Purpose. *The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.*

FINDING: NOT SATISFIED. The Planned Development designation and review process is appropriate and necessary to this application to ensure there are appropriate conditions and design and development standards attached to the application to ensure the issues above in Section 17.030.010 and 020 are addressed upon submittal of the development plan, which would not necessarily apply to development of properties in the C-3 zone without a PD overlay.

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Further, the Planned Development process provides for greater public engagement in the review of the master plan.

While some of the issues are addressed through design and development standards and review of the Planned Development development plan prior to development, the applicant hasn't met the burden of proof to demonstrate a proposed 33 net buildable acre subarea with workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources. The access, circulation, and proposed transportation improvements and mitigation are not under the control of any of the individual properties.

For purposes of implementing these objectives, two means are available:

- A. *The property owner or his representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances it will be carried out in accordance with Section 17.51.030. Such plan should accomplish substantially the same general objectives as proposed by the comprehensive plan and zoning ordinance for the area; (The fee charged for processing such an application shall be equal to the one charged for zone changes.)*

FINDING: NOT APPLICABLE. The applicant submitted the application under Subsection B, below.

- B. *The Council, the Commission, or the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. (The Planning Director shall note such properties and direct that no building permit be issued in respect thereto.)*

FINDING: SATISFIED WITH CONDITIONS. The application is submitted under this Subsection. As a condition of approval, no development of any kind may occur on the portion of the property subject to the PD overlay until a final plan has been submitted and approved as specified in this ordinance.

1. *A planned development overlay may be approved under these circumstances for a property which has unique characteristics (e.g., geological, ecological, location, or the nature of the surrounding property) and the development of which may have an impact upon the surrounding area or the city as a whole. A planned development overlay initiated by the Council or the Planning Commission shall address itself to the purposes set forth herein.*

APPLICANT'S RESPONSE: Comprehensive Plan Policy 6.00 recommends placing a Planned Development overlay on large cluster commercial development areas, and other polices encourage heightened review of proposed development to ensure compatibility with nearby uses. These policies provide a basis for imposing a planned development overlay on the Property, which has the unique characteristics of accommodating needed retail uses to accommodate retail leakage and growth related demand.

FINDING: SATISFIED WITH CONDITIONS. The proposal qualifies for a Planned Development submittal as authorized under Subsection (B) because of the unique characteristics of the property and surrounding area which are recognized in the Comprehensive Plan policies specifying unique areas within the UGB where PD

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overlays should be applied. This property and the Three Mile Lane area are unique relative to their character, gateway entry location to the community, and the new 3MLAP for this area.

Review and any approval under this section would be subject to a condition of approval for development and design principles and standards that address themselves to the unique characteristics of this area and the planning objectives of the 3MLAP.

In addition, to ensure the master plan addresses the unique issues, a condition shall require that properties within the Mixed Use Town Center PD overlay shall be part of a single overlay and shall submit a coordinated master plan for the properties within the PD overlay at the time of applying for the specific development plan.

2. *The Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plan are submitted;*

FINDING: NOT SATISFIED.

Reasons for Approval: The City finds that the three applications submitted which would together comprise the 3MLAP Mixed Use Town Center Planned Development Overlay subarea together exceed the acreage per the policy consideration for a 33 net acre subarea. This issue must be addressed at the time of Planned Development overlay designation, and isn't something that can be addressed when the final plans are submitted. Therefore, the City cannot set forth reasons for approval.

Areas of Concern:

1. Development of the site should be consistent with the broader 3MLAP and its objectives. Specific areas of concern, and how to address those, are addressed in the conditions of approval, including articulation of issues addressed in the development and design principles and standards attached that were identified in the potential conditions of approval.
 2. Because the applications were submitted prior to the adoption of the 3MLAP and associated implementation actions, including TSP amendments and design and development standards, this creates a timing issue which requires the development of interim design and development standards to apply until the final 3MLAP standards are adopted, with the more restrictive provisions then applying.
- C. *The Council and Planning Commission, with the assistance of the Planning Director, shall ensure that no planned development overlay granted under Section A or B above which is merely a guise to circumvent the intent of the zoning ordinance shall be approved. A denial of such a zone request based upon this principle shall be enunciated in the findings of fact adopted by the Planning Commission;*

APPLICANT'S RESPONSE: No specific development is proposed at this time, so the requested Planned Development overlay is not an effort to circumvent the intent of the zoning ordinance. Instead, as noted above, the imposition of the Planned Development overlay is consistent with applicable Comprehensive Plan Policies.

FINDING: SATISFIED WITH CONDITIONS. The PD overlay designation concurrent with the Comprehensive Plan map amendments and zone changes is intended to provide greater oversight over the future development of the properties in the Three Mile Lane

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Mixed Use Town Center area. The conditions of approval, including the development and design principles and standards, clearly demonstrate a means to ensure the intent of the zoning ordinance is not circumvented. Instead, there are specific provisions to address areas of concern and ensure the PD development addresses the objectives and areas of concern. Further, the development and design principles and standards establish expectations up-front regarding what the future PD development plan will need to address. Further, there is a condition for a coordinated master for the properties within a single combined Mixed-Use Town Center PD overlay.

- D. *A planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.72 (Applications and Review Process) of this ordinance. (A planned development overlay and change of the underlying zone may be processed simultaneously.)*

APPLICANT’S RESPONSE: The Planned Development overlay request is being considered concurrent with the Comprehensive Plan designation and Zoning Map designating amendment requests, in compliance with the application and review processes in Chapter 17.72.

FINDING: SATISFIED. The application is being processed in accordance with the applicable public hearing procedures, and the applications are being processed simultaneously.

- E. *A planned development overlay proposed by the Council, the Planning Commission, or the property owner under subsection B above shall be subject to all of the hearing requirements again at such time as the final plans under Section 17.51.030 are submitted, unless those requirements have been specifically changed in the planned development approval;*

APPLICANT’S RESPONSE: The property owner will comply with these requirements at the time final plans for development of the Property are submitted.

FINDING: SATISFIED. This procedure will be required at the time of submittal of the final plans, and this PD overlay approval does not change those requirements.

McMinnville Comprehensive Plan

Three Mile Lane Area Plan (3MLAP)

FINDINGS: NOT SATISFIED. On November 8, 2022 the McMinnville City Council approved Ordinance 5126 which adopted the Three Mile Lane Area Plan (3MLAP) as a supplemental document to the McMinnville Comprehensive Plan. The 3MLAP specified that the Mixed Use Town Center is not to exceed 33 net buildable acres. The applicant hasn’t met the burden of proof to demonstrate the proposed map amendments, in combination, are consistent with the 33 net buildable acre limitation.

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

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and master plans, which are sufficient to adequately address applicable goals, polices, and proposals as they apply certain applications, and are not addressed below.

GENERAL FINDINGS: NOT SATISFIED. The Comprehensive Plan includes Proposal 48.70, adopted in December 2020 concurrent with the UGB amendment:

48.70 **Redesignation to Commercial.** As an identified efficiency measure necessary to reduce the needed size of the “Phase 2” UGB amendment to meet additional Commercial land needs, the City shall initiate a change to the Comprehensive Plan and Zone Map to redesignate and rezone 40 acres of property along the south side of the Highway 18 frontage from commercial to industrial, leaving the rear portions in an Industrial designation. This recognizes that the City will retain an Industrial surplus as a result of adding the Riverside North area to the UGB as part of the “Phase 2” UGB amendment. (Ord. 5098, December 8, 2020)

The City has discretion to establish a subarea which is larger than the minimum 40-acre (gross) need identified in Proposal 48.70, but has no obligation to designate a larger subarea than the minimum need.

The subject property is within the boundaries of the Three Mile Lane Area Plan. The Three Mile Lane Area Plan addresses the intent for a Mixed-Use Town Center subarea Planned Development overlay that would meet the identified commercial needs as part of the larger area plan.

The 3MLAP refines Proposal 48.70 with more specific policy direction. The 3MLAP limits the Mixed Use Town Center to 33 net buildable acres. The Comprehensive Plan is interpreted through this refinement.

The map amendment applications need to be consistent with this limitation. The applicants have not demonstrated that a 68.3 acre subarea is consistent with this limitation. Therefore, the applications in combination are inconsistent with this aspect of the Comprehensive Plan to be addressed as part of the 3MLAP.

The following additional 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: No response.

FINDING: NOT APPLICABLE. The 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 site. 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.

CHAPTER III. CULTURAL, HISTORICAL, AND EDUCATION RESOURCES

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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 3: INCREASE PUBLIC AWARENESS AND UNDERSTANDING OF McMINNVILLE’S HISTORY AND ITS HISTORIC PRESERVATION PROGRAM

Policies:

17.04. *Increase interpretation efforts of the City’s historic resources.*

Proposals:

3.11. *Support character and place identity of neighborhoods within the City through survey and historic context research to understand the unique history and their role relative to the growth and development of McMinnville. This can help support a connection between residents and their neighborhoods’ history, the preservation of buildings, and education through walking tours.*

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

GOAL III 5: DOCUMENT AND PROTECT HISTORIC RESOURCES

Proposals:

3.39. *Evaluate a MPD (Multiple Property Designation) for “Historic Granaries of McMinnville.”*

GOAL III 6: INCREASE HERITAGE TOURISM

Policies

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

APPLICANT’S RESPONSE REGARDING CHAPTER III GOALS, POLICIES, AND PROPOSALS: No response.

FINDING REGARDING CHAPTER III GOALS, POLICIES, AND PROPOSALS: SATISFIED WITH CONDITIONS. The Goals, Policies, and Proposals of this Chapter of the Comprehensive Plan reflect the community’s desire to see its history and heritage reflected in the built environment and including increased interpretive efforts of its history and heritage. This theme is integral in the planning goals for the Three Mile Lane Area Plan (3MLAP).

In addition, this chapter reflects an understanding of the economic development benefits of heritage tourism as a competitive advantage when the built form differentiates itself from other communities by incorporating its heritage into new development as growth occurs. In the Three Mile Lane area, this is reflected in the agricultural and aviation traditions. Retaining, interpreting, and incorporating elements of the heritage into the development of the property provide an authenticity which provides a competitive advantage.

As specified in Section 17.51.010(B)(2), the Council and Planning Commission shall set forth reasons for approval and the areas of concern that must be addressed when final plans are

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submitted. Reflecting McMinnville’s heritage and history in the built environment is an area of concern per Section 17.51.010(B)(2) that must be addressed when final plans are submitted.

As a condition of approval, design and development principles and standards are attached to the PD overlay designation, specifying that this issue is to be addressed in the development plan, in order to address an area of concern that McMinnville retain its unique identify and that consistency with the Comprehensive Plan requires that this issue be addressed as part of a Planned Development. Specifically, development should address use of the existing agricultural building on the property and provide for landscape elements consistent with the agricultural character of the area.

This heritage is distinctly different from the history and heritage-based characteristics of the historic downtown area. The development plan should complement the downtown, and not duplicate or mimic the experience provided downtown.

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.

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

21.00 Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the City. Such uses shall locate according to the goals and policies in the comprehensive plan.

APPLICANT’S RESPONSE: The 2013 EOA’s conclusion about retail leakage, which is supported by the 2020 EOA and 3MLAP, is quoted above. The application summary findings in the “Property Description” and “Project Background” sections and these findings describe the Property’s suitability for capturing retail leakage and accommodate population-growth related retail demand. The proposed rezone will allow (upon subsequent land use reviews) which are not presently available or are underserved, to locate on the Property.

FINDING: SATISFIED WITH CONDITIONS. The application notes that retail leakage is occurring in part due to a lack of product offerings available in McMinnville. As a condition of approval, the development plan should include businesses that represent a mix of offerings, including those categories not already present in McMinnville to address retail leakage, expanding the mix of offerings rather than only duplicating those which are already available elsewhere in McMinnville, and which would not help address the retail leakage. This is reflected in the recommended development standards. However, it is included as a recommendation only, since tenant selection is outside the scope of the land use decision.

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

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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: In support of the requested land use change designation, the adopted 2013 EOA stated:

“As with the prior 2001/03 EOA projections, an anticipated surplus is indicated for industrial lands versus a shortfall associated with commercial lands:

- Commercial land demand is expected to exceed supply – resulting in a forecast shortfall of an estimated 36 acres through 2033.
- Industrial land demand is anticipated to come in well under the BLI supply – resulting in a surplus forecast at close to 236 acres over the 20-year planning horizon.

In summary, this (2013) EOA update indicates that industrial land needs can be more than amply met over the next 20 years while commercial land supply will fall short of meeting anticipated demand.” (2013 EOA, Pg 56)

The proposal to rezone 33.5 excess industrial acres to commercial is consistent with Policy 21.01 and the 2013 EOA. The Property is suitable for commercial zoning, as described in the “Suitability of the Property for Conversion from Industrial to Commercial” section of the application findings and detailed throughout these findings, the Property includes site characteristics which are conducive to capturing retail leakage and accommodating population growth-related retail, such as visibility from and access to Highway 18 and proximity to retail leakage markets.

FINDING: SATISFIED. As demonstrated by the EOA, McMinnville has a deficit of commercial land within the UGB, and redesignation of a portion of the industrial surplus to commercial consistent with the identified need is a corrective action that addresses the identified deficit with site characteristics which are suitable to meet the identified need. However, the City is not obligated to redesignate more than the required need.

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

1. *The City shall coordinate economic efforts with the Greater McMinnville Area Chamber of Commerce, McMinnville Industrial Promotions, McMinnville Downtown Association, Yamhill County, Oregon Economic and Community Development Department, and other appropriate groups.*
2. *Economic development efforts shall identify specific high-wage target industries and ensure that adequately sized, serviced, and located sites exist within the McMinnville urban area for such industries.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. This policy is included under the “**COMMERCIAL DEVELOPMENT**” section of Chapter IV of the Comprehensive Plan, so its

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references to “high-wage businesses” and “high-wage target industries” are not limited to industrial use “industries.” The design and development principles and standards document attached as a condition of approval includes some “recommendations” which are advisory only. One of the “recommendations” in the document is that, where there are multiple options to select businesses that will meet the same or similar need, including the need to offset retail leakage on the property, the applicant is **encouraged** to select businesses which offer comparatively higher than average wages and/or benefits.

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

APPLICANT’S RESPONSE: The 2013 EOA indicates that there is an annual leakage of \$192 million in consumer spending in Yamhill County to areas outside its boundaries (Pg 32) along with a shortfall of 36 commercially designated acres through 2033 (Pg 56). Furthermore, the 2013 EOA states local businesses suffer from “Limited duration of tourism visitation & low expenditure capture. While the McMinnville area and Yamhill County can now boast some of the state’s top tourism attractions, visitor spending does not appear to match visitation. This is because visitors tend not to stay overnight (but are often day visitors) and do not appear to be making substantial expenditures while in the area. A key challenge for the future is to provide more and better value-added opportunities for visitors to spend more time and money while visiting the McMinnville area.” (2013 EOA Pg 32-33)

The Property is suitable for capturing retail leakage documented in the 2013 EOA and further supported by the 2020 EOA and 3MLAP, as quoted above. Because the leakage sales are not being met in the market, existing businesses do not rely upon those sales, which means that satisfying the leakage will not impact existing business. Instead, existing businesses could be supported by retail development of the Property because consumers will stay within and be drawn to the market area.

FINDING: SATISFIED WITH CONDITIONS.

Note: *The 2013 EOA was completed prior to the formation of Visit McMinnville, McMinnville’s Destination Marketing Organization (DMO), and Visit McMinnville’s reports subsequent reports provided updated trends and visitor surveys regarding visitation and overnight stays.*

While direct conditions regarding specific tenants are beyond the scope of this quasi-judicial land use application, the development and design principles and standards attached as a condition of approval includes “recommendations” which are advisory only. Consistent with the objectives of the 3MLAP, it is **recommended** that the applicant seek out and market to local businesses consistent with the 3MLAP principles and seek to maximize the local multiplier effect. This may include (a) supporting existing local businesses, and (b) considering the needs of locally owned, managed, and controlled small businesses that may seek a location in the Three Mile Lane Area consistent with the vision of the Three Mile Lane Area Plan. This can be in seeking to provide a mix of retail, entertainment, and hospitality uses that serve as a destination that complements the downtown and existing local businesses, serving to increase day trips and also providing additional reasons for visitors to make overnight trips and stay longer. This includes providing a development and mix of uses that support and complement local businesses and purchase of locally made products, and the planned innovation campus, providing an experiential concept that is uniquely McMinnville. The mix of uses should also be supportive of the needs of the neighborhoods planned in the surrounding area.

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While it is beneficial to reduce retail leakage, it is also beneficial to maximize the Local Multiplier Effect. In effect, it is beneficial for money to be spent in McMinnville to reduce leakage; however, it is also important that dollars spent in McMinnville stay and in McMinnville and be “recycled” in the local economy.

The applicant is encouraged to give preference to tenants that maximize the positive economic impact to McMinnville and the region, including through the “Local Multiplier Effect”

For example:

- Businesses that offer comparatively higher wages and benefits to employees
- Locally and/or regionally-owned businesses
- Businesses that use locally-based services, such as banking, accounting, marketing, printing, etc.
- Businesses that source local raw materials or products and/or sell local products
- Businesses that support community causes

21.05 *Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan. (Ord.4796, October 14, 2003)*

APPLICANT’S RESPONSE: See response to Policy 21.00.

FINDING: SATISFIED WITH CONDITIONS. While some businesses may seek to maximize their saturation with multiple locations within a community, that doesn’t necessarily reduce retail leakage if that strategy doesn’t offer the diversified offerings of commercial uses and services which are not presently available to McMinnville residents. In marketing to tenants, the applicant has control over whether the mix of uses and services provides increased saturation of uses that are already present in the community, or whether the mix of uses and services offers a diversified mix and choice, more effectively reducing leakage. That is not intended to be mutually exclusive from encouraging clusters of similar or complementary uses that offer choice, may attract a greater breadth of consumers, and may help McMinnville be recognized as a destination for a cluster. As a “recommendation” in the development and design standards attached a condition of approval, the applicant is encouraged to seek and market to these uses consistent with the intent of this policy and the 3MLAP.

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.

APPLICANT’S RESPONSE: The 2013 EOA concluded that utilizing existing commercially designated lands are not sufficient to accommodate the demonstrated commercial land need, and that re-designating excess industrial land is the solution.

No specific development is proposed with this application. Once a formal project application is submitted to the City, the requested Planned Development overlay designation means that the development will be subject to the Planned Development Ordinance. The project application will be open to public comment, be reviewed by the Planning Commission, and approved at the discretion of the City Council. The project layout and design elements shall be assessed at that time.

FINDING: SATISFIED WITH CONDITIONS. As addressed in the 2020 UGB amendment and Comprehensive Plan amendments, the Comprehensive Plan provisions specify that part of the commercial land need is to be met by the redesignation of surplus industrial acreage to

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commercial acreage. Otherwise, a larger industrial surplus would remain, and the City would have needed to increase the size of the UGB by about 40 acres to meet the identified commercial land need.

The Three Mile Lane Area Plan identifies the need and suitability for commercially-designated land at this general location. The 3MLAP goals are also consistent with the Goal to discourage strip development. That is achieved through a master planned development which has good circulation and connectivity to the surrounding area, while limiting piecemeal development and uncoordinated access to major streets. With the development plan subject to the development and design standards attached to the PD overlay as a condition of approval addressing site design issues, this criterion is satisfied with conditions.

There shall be a single Mixed-Use Town Center planned development overlay, and properties within this overlay shall be subject to a single coordinated master planning process as a condition.

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.*

APPLICANT’S RESPONSE: The types of retail that is leaking from the City requires parcels that range from 5 to 20+ acres. The City’s inventory of vacant and partially vacant commercially designated properties in that size range are very limited: the 2013 EOA, Figure 27 indicates there is one vacant commercially designated parcel that is 11 acres, and 2 over 20 acres, one of which is the Evergreen Aviation & Space Museum, which is encumbered with a tourism-related PUD; 2020 EOA, Exhibit 39 shows that there are zero vacant or partially vacant C-3 lots. This lack of inventory led the s, and a single 12.1 acre partially vacant C-3 lot the 2013 EOA concluded that utilizing existing commercially designated lands was not sufficient to accommodate the demonstrated commercial land need, and that re-designating excess industrial land is the solution. Therefore, the ability of existing commercial lands to be revitalized and reused will not be impacted by this amendment, because the needed retail uses that will be facilitated by this amendment cannot be accommodated on existing commercially zoned parcels.

FINDING: SATISFIED. The designation or redesignation of lands to meet identified needs does not conflict with policies to encourage the most efficient use of existing commercially designated lands and/or the revitalization and reuse of existing commercial properties. Different commercial needs can be met through a balanced approach.

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

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. There is an identified need in the Comprehensive Plan for redesignation of industrial land to commercial designation. It is appropriate to redesignate land needed for commercial use, rather than leave it in an industrial designation if that is not the intended use.

Further, the Three Mile Lane Area Plan evaluated the broader area and identified appropriate designations and compatible mix of uses for a variety of types of residential, commercial, and industrial uses within the Three Mile Lane Plan area.

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- 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: No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned Development overlay, it will be subject to the Planned Development Ordinance which will discourage auto-oriented strip development. The project application will be open to public comment, be reviewed by the Planning Commission, and approved at the discretion of the City Council. The project layout and design elements shall be assessed at that time.

FINDING: SATISFIED WITH CONDITIONS. The provisions of Section 17.51.010(B)(2), regarding an initial PD overlay designation without an initial specific development plan provide that the Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plans are submitted.

As a condition of approval of the PD overlay, the accompanying development and design principles and standards attached as a condition of approval specify that the development plan shall not be auto-oriented strip development, and they provide guidance on what that means for site 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: The 2013 EOA identified a deficit of at least 36 acres of commercial land, which should be accommodated by redesignating excess industrial land. The 2013 EOA Conversion Suitability Factors (detailed above), as well as the 3MLAP and 2020 EOA, support the conclusion that the Property is suitable to accommodate retail leakage and growth-related retail uses. Among the Property’s key site characteristics are site size, proximity to retail leakage markets, and visibility and access to Highway 18.

FINDING: NOT SATISFIED. The acreage in this application together with two adjacent properties exceeds the minimum commercial need identified in the Comprehensive Plan and EOA, and exceeds the limitation of 33 net buildable acres for a Mixed Use Town Center identified in the 3MLAP.

As addressed in the Goal 9 findings, a City has discretion, but not an obligation, to redesignate land of more than the minimum identified need provided it doesn’t result in a deficit of other land needs, and provided it is consistent with policy.

While the proposed map amendments are consistent with the type of commercial land needs and provide opportunities for site design consistent with the site sizes for a mix of commercial uses, the amount of commercial land would exceed the identified need and the limits specified in the 3MLAP.

- 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.*

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APPLICANT’S RESPONSE: The only existing adjacent uses south of Highway 18 are the Jackson Family Winery and the US Army National Guard Armory and Recruiting Office, which are located on M-2 and M-1 land east of the Property, farming activity on the M-L zoned land to the west, and farming activity on the land zoned M-2 to the south. Given the width of Highway 18, land north of the highway is not “adjacent” to the Property. Nevertheless, the uses north and north east of the Property include a senior housing development and single family development (R1 and R-4 zoning) and to the northwest is the Evergreen Aviation & Space Museum (C-3PD zoning).

The Property is within the City’s Three Mile Lane Plan area updating 1981 Three Mile Lane Overlay District (amended in 1994) and the 1996 Highway 18 Corridor Refinement Plan. The area contains approximately 1,340 acres of land with a variety of existing land uses and several large vacant parcels. Though the timeline for the adoption of this plan is unknown, the current draft “includes a significant retail center south of Three Mile Lane at Cumulus Avenue. This could take the form of a large-format retail anchor that would take advantage of traffic on OR SH 18 with additional smaller retail uses. While serving as a regional retail attractor, it would also function as an important local amenity, providing convenient access to shopping and services for adjacent office and residential development.” (3MLAP Memorandum 6, pg 10-13)

For the development of larger scale retail like the Project is expected to include, the Property’s location is superior to other potential properties because of the minimal impact on surrounding neighborhoods. The only potential offsite impact is traffic. As detailed in the TIA, rezoning the Property would allow for the scale of retail development associated with capturing retail leakage with minor upgrades to surrounding streets and a new intersection. There would minimal impacts to the overall urban fabric of the more established and densely developed areas of McMinnville. In comparison, any proposed development at the intersection of SH-18 and SH-99W (Linfield Property) would raise serious traffic infrastructure problems if it is to be developed with intense retail uses. This would include reconstruction of the Old Sheridan Road intersection and a reconfiguration and widening of the interchange between the two state highways. In that immediate vicinity, SH 99W is an interior arterial in McMinnville, and the regional traffic generated by major retail at this location would be disruptive to the internal city traffic patterns and the McMinnville “feel.”

Specifically for the Property, Kittelson & Associates, Inc. prepared a transportation impact analysis (TIA) and Transportation Planning Rule (TPR) analysis for the proposed project. The OR 18 corridor has the capacity to accommodate trips to the proposed site without widening to six (6) lanes. The traffic impact analysis (TIA) supports this finding and recommends some access modifications to existing roadways intersecting OR 18 to improve the safety and flow of traffic in the vicinity of the site with the proposed rezoning and subsequent commercial development. These modifications are consistent with the future improvements identified in the adopted 1996 McMinnville (OR-18) Corridor Refinement Plan.

No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned Development overlay, it will be subject to the Planned Development Ordinance and Zoning Ordinance. The project application will be reviewed in a public process, which will address and minimize potential conflicts, if any, through revisions or conditions of approval, and any deficiencies in city services can be addressed through conditions of approval.

FINDING: NOT SATISFIED. The applicants for the three properties have not met the burden of proof to demonstrate that a Mixed-Use Town Center not to exceed 33 net acres would be

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configured in a boundary that would enable city services commensurate with the scale of development to be made available prior to development. Specifically, the area needed for transportation improvements and mitigation isn't within control of any of the individual applications.

- 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.*

APPLICANT'S RESPONSE: As detailed in response to Policy 25.00 the Property is an appropriate location for commercial development. No specific development is proposed with this application. However, the type of retail that could be developed on the property that is intended to capture retail leakage would likely be considered large-scale or a regional shopping facility by Policy 26.00. The Property is a suitable location for these commercial uses based upon Policy 25.00's and 26.00's considerations. The Property is located on OR 18, which McMinnville's TSP classifies as a Major Arterial and a State Highway. The 33.5 acre Property is adequately sized to accommodate internal traffic circulation and parking. For example, the site plan at Exhibit XX includes an internal road system.

FINDING: SATISFIED WITH CONDITIONS. The general location of the proposed commercial designation is suitable for a commercial site of approximately 33 net buildable acres, including characteristics described by this policy. The Applicant's response and the additional information provided under their response to the Goal 9 regarding site suitability characteristics, effectively support the findings for this policy. Conditions of approval address coordinated master transportation and site planning, circulation, and connectivity for the three properties.

Design Policies:

- 29.00 *New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.*
- 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.*
- 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)*
- 32.00 *Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.*
- 33.00 *Encourage efficient use of land for parking; small parking lots and/or parking lots that are broken up with landscaping and pervious surfaces for water quality filtration areas. Large parking lots shall be minimized where possible. All parking lots shall be interspersed with landscaping islands to provide a visual break and to provide energy savings by lowering the*

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air temperature outside commercial structures on hot days, thereby lessening the need for inside cooling. (Ord.4796, October 14, 2003)

APPLICANT’S RESPONSE (Policies 29-33): No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned Development overlay, it will be subject to the Planned Development Ordinance and Zoning Ordinance. The project application will be reviewed in a public process, which will address the Project’s access, bicycle/pedestrian connections, landscaping/screening, parking, layout and design elements shall be assessed at that time.

FINDING (Policies 29-33): SATISFIED WITH CONDITIONS. The issues identified in these design policies are considered to be areas of concern identified by the Council and Planning Commission to be addressed as part of the Planned Development Overlay designation, which are included in development and design principles and standards attached as a condition of approval, and which are to be addressed during review of the specific PD development plan.

34.00 *The City of McMinnville shall develop and maintain guidelines concerning the size, placement, and type of signs in commercial areas.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. This issue is an area of concern identified per Section 17.51.010(B)(2) to be addressed as part of the Planned Development Overlay designation, which is included in development and design principles and standards attached as a condition of approval, and to be addressed during review of the specific PD development plan, in addition to the sign standards of the Zoning Ordinance and Three Mile Lane overlay.

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 for designating additional land as “Commercial” in Comprehensive Plan under a C-3 zoning district would potentially permit additional retail development within the City that cannot be accommodated in the format of downtown merchant spaces. One fundamental goal of this land use change application is to maintain consumer spending within the City limits and will contribute to the overall vibrancy and well-being of residents. Rather than cannibalizing retail dollars from the downtown district,

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alleviating the shortage of commercial acreage that is attributable to retail leakage could draw shoppers to McMinnville for a spectrum of needs that currently cannot be found within the City limits.

FINDING: SATISFIED. This policy addresses an overall land use pattern. Comprehensive Plan Proposal 48.70 identifies a commercial land need of 40 acres in this vicinity, which would be addressed through the Mixed-Use Town Center subarea as specified in the 3MLAP, not to exceed 33 net buildable acres. The Downtown Development policies provide strategies for the vibrancy of the Downtown core area.

- 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: The area included in the Downtown Improvement Plan adopted in 2000 focused on a targeted collection of parcels on the eastside of McMinnville’s commercial business district. Despite this land being designated “Commercial” land use and within the C-3 zoning district, the 2013 EOA indicates there remains a shortage of available commercial acreage within the City limits. The proposed amendment is targeted at satisfying the existing land need, which includes retail leakage. The amendment has no impact on the development potential of the area east of the railroad tracks and north and south of Third Street.

FINDING: SATISFIED. The Comprehensive Plan identifies a deficit of commercial land to be met in this vicinity, which the proposed amendment would address if the property were included as part of a master planned Mixed Use Town Center planned development overlay, subject to the provisions and limitations of the 3MLAP. The Downtown Development policies provide strategies for the vibrancy of the Downtown core area, including the area immediately east of the railroad tracks and north and south of Third Street.

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

APPLICANT’S RESPONSE: The area included in the Downtown Improvement Plan adopted in 2000 focused on a targeted collection of parcels on the eastside of McMinnville’s commercial business district. Despite this land being designated “Commercial” land use and within the C-3 zoning district, the 2013 EOA indicates there remains a shortage of available commercial acreage within the City limits. The proposed amendment is targeted at satisfying the existing land need, which includes retail leakage. The amendment has no impact on the development potential of the McMinnville Downtown Improvement area.

FINDING: NOT APPLICABLE. The Downtown Development policies provide strategies for the vibrancy of the Downtown core area. The subject property is not within the area addressed within the McMinnville Downtown Improvement Plan and doesn’t affect the implementation of the recommendations in the improvement plan.

Proposals:

- 6.00 *A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.*

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APPLICANT’S RESPONSE: The application requests a Planned Development overlay, consistent with Policy 6.00. No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned Development overlay, it will be subject to the Planned Development Ordinance and Zoning Ordinance. The project application will be reviewed in a public process, which will address the Project’s site design, on-site and off-site circulation, parking, and landscaping, shall be assessed at that time.

FINDING: SATISFIED WITH CONDITIONS. As specified in Section 17.51.010(B)(2), the Council and Planning Commission shall set forth reasons for approval and the areas of concern that must be addressed when final plans are submitted. An area of concern per Section 17.51.010(B)(2) that must be addressed is that re-designation for a Mixed-Use Town Center should be coordinated such that properties shall be part of a single planned development overlay to be master planned together with a coordinated access plan and cumulative analysis of transportation impacts and mitigation together as a unit. The master plan shall be subject to proposed design and development standards.

The adopted Three Mile Lane Area Plan addresses the overall development of the area, including large commercial development areas. As a condition of approval of the PD overlay, development and design principles and standards specify issues that will need to be addressed at the time of submittal of a specific development plan. Those standards include provisions addressing site design, circulation, parking, and landscaping. Those issues are also “areas of concern” that must be addressed when final development plans are submitted.

8.00 *The City of McMinnville should encourage the development of a commercial planned development center in the southwestern portion of the city large enough in scale to serve the needs of the area’s population. The center should be in proximity of the intersection of Old Sheridan Road, U.S. Highway 99W, and Oregon Highway 18.*

APPLICANT’S RESPONSE: This area is already zoned C-3, which allows large scale commercial development, and is currently undeveloped. The 2013 EOA included this area as a part of the City’s inventory of available commercial land and concluded that there is nevertheless a 35.8 acre deficit. The proposed amendment is targeted at satisfying the existing land need, which includes retail leakage. The amendment has no impact on the development potential of the southwestern portion of the city.

FINDING: NOT APPLICABLE. Proposal 8.00 is separate from, and in addition to, the need to designate an additional 40 acres of commercial land (33 net buildable acres) in this vicinity south of Highway 18 to address the identified deficit.

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: In support of the requested land use change designation, the adopted 2013 EOA stated:

“As with the prior 2001/03 EOA projections, an anticipated surplus is indicated for industrial lands versus a shortfall associated with commercial lands:

- Commercial land demand is expected to exceed supply – resulting in a

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forecast shortfall of an estimated 36 acres through 2033.

- Industrial land demand is anticipated to come in well under the BLI supply – resulting in a surplus forecast at close to 236 acres over the 20-year planning horizon.

In summary, this (2013) EOA update indicates that industrial land needs can be more than amply met over the next 20 years while commercial land supply will fall short of meeting anticipated demand.” (2013 EOA, Pg 56). Figure 27 of the 2013 EOA indicates that there are 5 industrial parcels that are 20+ acres in size, so the City will continue to have an adequate supply of larger industrial parcels if the Property is converted from Industrial to Commercial.

FINDING: SATISFIED. The Comprehensive Plan and EOA identify a surplus of industrially-designated land. There is sufficient industrial acreage to redesignate the proposed area, together with adjacent properties, to a commercial designation while retaining a surplus of industrially designated land.

GOAL IV 6: TO ENSURE 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: The 2013 EOA concluded that there is an excess amount of industrial land. Converting some of that surplus land to commercial will have no impact on the uses permitted in the remaining industrial land. Further, 3MLAP that is currently moving through the community and legislative review process recommends a mix of commercial and industrial uses within this area, specifically focusing commercial districts along the OR-18 frontage.

FINDING: SATISFIED WITH CONDITIONS. The adopted 3MLAP is consistent with this policy, and redesignation of land for a Mixed Use Town Center per the 3MLAP at this location is consistent with this policy. In addition, through inclusion of the property within a single master-planned PD overlay, the City would be able to prevent incompatible encroachments.

49.01 *The City shall designate an adequate supply of suitable sites to meet identified needs for a variety of different parcel sizes at locations which have direct access to an arterial or collector street without having to pass through residential neighborhoods. (Ord. 4961, January 8, 2013)*

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.*

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APPLICANT’S RESPONSE: Policies 49.01, 49.02 and 50.00 are directed at the suitability of sites for industrial development. The 2013 EOA has “recommended to better match the commercial inventory to current and anticipated needs include re-designating a portion of the excess industrial inventory to commercial use including focus on needs for commercial sites across a range of size classes, increasing emphasis on redevelopment and density of development, and greater flexibility of use for mixed commercial/industrial areas. Also needed may be parcelization of some larger 20+ acre industrial sites for which there is no readily apparent demand to meet demonstrated needs for smaller industrial sites, especially in the 1-9- acre size ranges.” (2013 EOA, Pg 67).

The 2013 EOA Conversion Suitability Factors (detailed above) confirm that the Property has site characteristics that are more appropriate for commercial development than industrial development. Redesignating the Property from Industrial to Commercial will not impact the adequacy of the supply of suitable industrial sites; the City will continue to have a surplus of over 200 acres of industrial land, including four parcels that are 20+ acres. 2013 EOA, Figure 27.

The Property is within the City’s Three Mile Lane Plan area updating 1981 Three Mile Lane Overlay District (amended in 1994) and the 1996 Highway 18 Corridor Refinement Plan. The area contains approximately 1,340 acres of land with a variety of existing land uses and several large vacant parcels. Though the timeline for the adoption of this plan is unknown, the current draft “includes a significant retail center south of Three Mile Lane at Cumulus Avenue. This could take the form of a large-format retail anchor that would take advantage of traffic on OR SH 18 with additional smaller retail uses. While serving as a regional retail attractor, it would also function as an important local amenity, providing convenient access to shopping and services for adjacent office and residential development.” (3MLAP Memorandum 6, pg 10-13)

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 providing at least an adequate supply of suitable sites identified in the Comprehensive Plan, and retains an industrial surplus.

- 51.00 *The City of McMinnville shall encourage the location of airport-related industrial uses only on the industrial land which is adjacent to the airport. Those lands so reserved shall be designated in the planned development overlay covering this area.*

APPLICANT’S RESPONSE: The Property is near the airport, but does not abut it, and is separated from the airport by a public park (Galen McBee Airport Park), the South Yamhill River, a military base and the Jackson Family Winery. The portion of the Property closest to the airport is the southerly 52.5 acres that will retain an Industrial land use designation.

FINDING: SATISFIED. The proposed amendment doesn’t redesignate industrial land adjacent to the airport. The 3MLAP identifies retention of industrial designations for those lands as well as industrial designation to remain on other lands for uses permitted in industrial plan designations and zones, including the innovation center identified in the 3MLAP.

- 52.00 *The City of McMinnville shall create a new "limited light industrial" zone which shall be placed on the industrial areas on the south side of Three Mile Lane in those areas where residential development is expected on the north side of the road. The new zone will allow only those types of industrial uses that will not conflict with the residential uses.*

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APPLICANT’S RESPONSE: Policy 52.00 is directed at the City pursuing a legislatively created new zoning designation. Policy 52.00 reflects the City’s desire to minimize conflicts with residential uses north of Three Mile Lane. As detailed elsewhere in these findings, the uses allowed by the proposed C-3PD designation are more compatible with residential uses than those uses permitted allowed by the current M-3 zoning, which is consistent with Policy 52.00. Further, the City is in the process of re-evaluating the Three Mile Lane Area through the 3MLAP. That city-led long range planning process is the forum for addressing Policy 52.00.

FINDING: NOT APPLICABLE. The proposed amendment is to redesignate land from industrial to commercial. A limited light industrial zone wouldn’t be applicable to commercial land.

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

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.

As discussed in the 3MLAP, residential use and development is not proposed in the vicinity of the airport in order to avoid conflicting uses.

CHAPTER VI. TRANSPORTATION SYSTEM

Note: The following Comprehensive Plan Proposal was adopted by Ordinance 5126 on November 8, 2022.

2) Amend the Comprehensive Plan, Volume II, Chapter VI, Transportation System, to add a proposal after policy 132.23.00 (below) that reads as follows (on the next page):

132.23.00 The McMinnville Transportation System Plan shall be updated as necessary to remain consistent with: (a) the city’s land use plan; (b) regional and statewide plans; and (c) the applicable local, State, and federal law. Ord. 4922, February 23, 2010)

20.05 The comprehensive plan map amendments and any associated rezones consistent with the Three Mile Lane Area Plan can be initiated by the City or property owners through future map amendment applications, at which time any necessary changes to the McMinnville Transportation System Plan would need to be made. Until the comprehensive plan map amendments are adopted for individual properties, the properties would continue to be subject to the use provisions of current Comprehensive Plan map and zoning map designations and provisions of any property-specific planned development overlay zones.

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.

MASS TRANSPORTATION

Policies:

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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.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. As a condition of the Planned Development overlay designation, the development and design principles and standards provide for coordination with the transit provider and provision of a conveniently located transit stop as part of the final PD development plan.

Inclusion of the property as part of a single master planned Mixed Use Town Center planned development overlay would provide for coordinated planning of facilities (such as suitable locations and facilities for bus stops and shelters) for transit service at the 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 WITH CONDITIONS. As a condition of the Planned Development overlay designation, development and design principles and standards will provide for coordination and provision of a conveniently located transit stop as part of the final PD development plan. Additional provisions address convenient and comfortable transportation facilities for other modes for all ages and abilities.

AIR

115.00 *The City of McMinnville shall encourage the development of compatible land uses in the vicinity of the airport as identified in current and future airport and comprehensive plans.*

APPLICANT’S RESPONSE: The Property is within .5 miles of the McMinnville Municipal Airport. While the Airport Layout Plan completed in 2004 discourages the expansion of residential use near the airport and encourages agricultural and manufacturing areas, it does not explicitly address commercial use (McMinnville Municipal Airport Layout Plan Study – December 2004, 1-9). The request to add a commercial element through the land use designation and zoning change would not run incongruent to the future sustainability and potential expansion of the airport.

FINDING: SATISFIED. The Three Mile Lane Area Plan addresses properties in the vicinity of the airport to ensure land use compatibility. This property is within the vicinity identified for a Mixed-Use Town Center in the 3MLAP, after evaluating land uses, relationships, and compatibility, including relationship and proximity to the airport. Current comprehensive plan policies also address industrial use of properties adjacent to the airport. Some of these policies focus on the economic development aspect of compatible uses adjacent to the airport. The Airport Overlay zone also addresses safety and compatibility issues in the vicinity of the airport. Any development will be required to comply with the provisions of the different sub-areas of the Airport Overlay Zone, which include use, height, radio interference, and other safety considerations.

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STREETS

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

APPLICANT’S RESPONSE: The OR 18 corridor has the capacity to accommodate trips to the proposed site without widening to six (6) lanes. The traffic impact analysis (TIA) supports this finding and recommends some access modifications to existing roadways intersecting OR 18 to improve the safety and flow of traffic in the vicinity of the site with the proposed rezoning and subsequent commercial development. These modifications are consistent with the future improvements identified in the adopted 1996 McMinnville (OR-18) Corridor Refinement Plan.

FINDING: SATISFIED WITH CONDITIONS. The proposed commercial designation is located where it would be served by existing and planned major transportation corridors identified in the Transportation System Plan. Additional streets will be needed for local connectivity, to be addressed at time of submittal of a final development plan, and to address connectivity needs to be consistent with those identified in the Three Mile Lane Area Plan.

123.00 *The City of McMinnville shall cooperate with other governmental agencies and private interest to insure the proper development and maintenance of the road network within the urban growth boundary.*

APPLICANT’S RESPONSE: Kittelson & Associates, Inc. prepared a transportation impact analysis (TIA) and Transportation Planning Rule (TPR) analysis for the proposed project. The scope, methodology, findings and recommendations have been coordinated with the City of McMinnville and the Oregon Department of Transportation (ODOT). In addition, at the time development is proposed on the Property in the future, the City of McMinnville will notice the ODOT, surrounding project owners, and the city at-large, issue a staff report and conduct planning commission and city council hearings to assess that proper development and maintenance of the road network is ensured.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

BIKE PATHS**Policies:**

131.00 *The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.*

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

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The final development plan will need to address connectivity for all modes, including potential bicycle and footpath connections to amenities and neighborhoods, consistent with the 3MLAP, and consistent with the development and design principles and standards attached as a condition of approval.

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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 Complete 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: No response.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

MULTI-MODAL TRANSPORTATION SYSTEM

132.25.00 *The transportation system for the McMinnville planning area shall consist of an integrated network of facilities and services for a variety of motorized and non-motorized travel modes. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

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FINDING: NOT SATISFIED. While McMinnville has adopted provisions in the TSP for a multi-modal transportation plan, the applicant hasn't met the burden of proof to demonstrate the necessary transportation improvements are within control of the applicant for a redesignation consistent with a 33 net buildable acre subarea.

CONNECTIVITY AND CIRCULATION

132.26.00 *The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville's parks and schools.*

APPLICANT'S RESPONSE: No response.

FINDING: NOT SATISFIED. While McMinnville has adopted provisions in the TSP for a multi-modal transportation plan, the applicant hasn't met the burden of proof to demonstrate the necessary transportation improvements are within control of the applicant for a redesignation consistent with a 33 net buildable acre subarea.

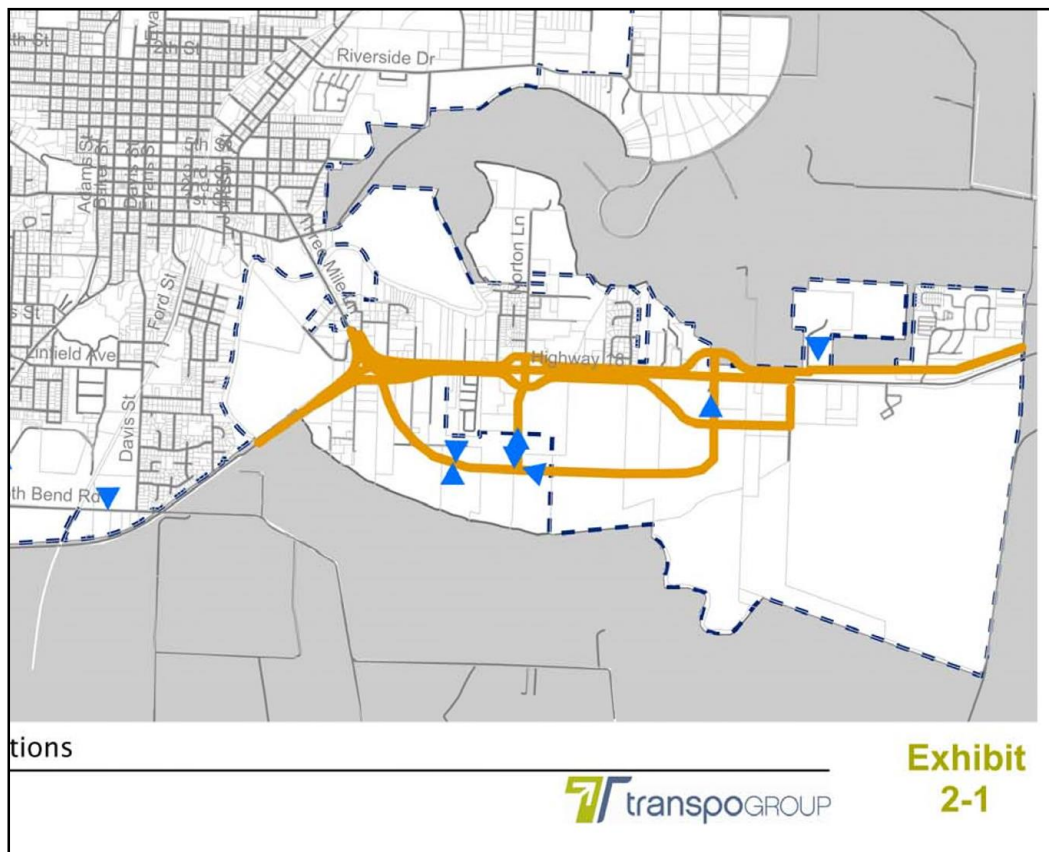
132.26.05 *New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.*

APPLICANT'S RESPONSE: The Local Street Connectivity (Exhibit 2-1 of the TSP) map identifies future east/west frontage road and back road connections south of OR 18, as shown in the figure below. The subsequent development of the Property under the proposed zoning will require the development of collector streets consistent with the transportation system plan and McMinnville (OR-18) Corridor Refinement Plan which require sidewalks and bicycle lane. The proposed development plan will need to show these connections as well as how pedestrians and bicyclists access the buildings on-site.

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FINDING: NOT SATISFIED. While McMinnville has adopted provisions in the TSP for a multi-modal transportation plan, the applicant hasn’t met the burden of proof to demonstrate the necessary transportation improvements are within control of the applicant for a redesignation consistent with a 33 net buildable acre subarea.

Note: The Local Street Connectivity Map shows critical points of local street connectivity where specific points of local street connectivity are critical for continuation of a street connection, but where the connection isn’t classified as a higher order street such as a collector or arterial and shown in the map of collectors and arterials. The Local Street Connectivity Map does not show all local street connections that may be needed to address other connectivity requirements to and within the subject property and surrounding areas and properties.

Supportive of General Land Use Plan Designations and Development Patterns

132.27.00 *The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: The TIA provided a short-term (2022) and long-term (2037) operational analysis of the roadway network surrounding the site, finding that the proposed rezone can be approved assuming implementation of the recommended mitigation measures. With the proposed improvements, the proposed rezone results in no significant impacts under Oregon Administrative Rule (OAR) 660-012-0060. Additionally, the proposed transportation facility modifications are consistent with the future improvements identified in the adopted 1996 McMinnville (OR-18) Corridor Refinement Plan. Development will include construction

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of the collector streets identified in the TSP Exhibit 2-1 (frontage and back roads). As part of the design of these roadways, sidewalks and bicycle lanes will be provided.

FINDING: NOT SATISFIED. The applicants haven't met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

GROWTH MANAGEMENT

132.29.00 *The construction of transportation facilities in the McMinnville planning area shall be timed to coincide with community needs, and shall be implemented so as to minimize impacts on existing development. Prioritization of improvements should consider the City's level of service standards.*

132.29.05 *Off-site improvements to streets or the provision of enhanced pedestrian and bicycle facilities in the McMinnville planning area may be required as a condition of approval for land divisions or other development permits.*

APPLICANT'S RESPONSE: No response.

FINDING: NOT SATISFIED. The applicants haven't met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

(Note: Off-site improvements have been identified in potential conditions of approval for the proposed 68.3 gross acres proposed for redesignation in the three applications).

AESTHETICS AND STREETSCAPING

132.38.00 *Aesthetics and streetscaping shall be a part of the design of McMinnville's transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project. (Ord. 4922, February 23, 2010)*

APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. At the time of submittal of a final development plan, the proposal will be reviewed for consistency with the policies of the Comprehensive Plan discussed above. In addition, the intent of the Three Mile Lane Area Plan is to provide a unique identity of the Three Mile Lane area that reflects McMinnville's heritage within the context of the area. As a result, streetscape and on-site areas will be reviewed to incorporate thematic treatments consistent with the objectives of the Three Mile Lane Area plan to reflect this heritage through public art, landscaping and streetscaping treatments, interpretive information, and incorporation of existing agricultural features into the design of the streetscape and property. The development and design principles and standards adopted as conditions of approval address this issue.

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)*

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APPLICANT’S RESPONSE: The TIA study intersections within the City’s jurisdiction and ODOT’s jurisdiction and applied each jurisdiction’s applicable mobility standard as a basis for recommending mitigation measures. See, for example, TIA Table 2 and 18.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

Note: *Mitigation has been identified in potential conditions of approval for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

Note: *Prior to development, a “Development Review” TIA would also be required for the specific master plan for the Mixed Use Town Center planned development overlay area.*

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: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn’t include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: *Mitigation has been identified in potential conditions of approval for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

Note: *Prior to development, a “Development Review” TIA would also be required for the specific master plan for the Mixed Use Town Center planned development overlay area.*

CIRCULATION

132.41.30 *Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.*

APPLICANT’S RESPONSE: No response.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn’t include analysis or proposed mitigation for a 33 net buildable acre subarea.

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Note: Connectivity is addressed in potential conditions of approval for the proposed 68.3 gross acres proposed for redesignation in the three applications.

SYSTEMS DEVELOPMENT

132.51.15 *Connecting Shared-Use Paths – The City will continue to encourage the development of a connecting, shared-use path network, expanding facilities along parks and other rights-of-way. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The final development plan would need to be reviewed for convenient connectivity with shared use path system facilities identified through the Three Mile Lane Area Plan. The site will be a key destination and attractor, and it should be well-connected to such a system, and nearby neighborhoods, and nearby parks and recreational destinations connected to that system. The connection to the system will need to consider the desirability of the system on-site, and it should be treated as an amenity connected to pedestrian gathering places on the property. It should be more than an isolated circulation route through vehicular parking lots and vehicular circulation areas. This issue is addressed in the development and design principles and standards.

TRANSIT SYSTEM PLAN

132.57.05 *Transit-supportive Urban Design – Through its zoning and development regulations, the City will facilitate accessibility to transit services through transit-supportive streetscape, subdivision, and site design requirements that promote pedestrian connectivity, convenience, and safety. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The final development plan will be reviewed for provision of transit facility location and design, coordinated to support the current and planned transit service routes, that will support safe, convenient pedestrian access from the transit stop to on-site destinations for all ages and abilities. This issue is addressed in the development and design principles and standards and the requirement for a single-coordinated master plan for the PD overlay area.

FREIGHT MOBILITY, AIR, RAIL AND PIPELINE PLANS

132.59.10 *Airport area land use – Do not permit land uses within airport noise corridors that are not noise compatible, and avoid the establishment of uses that are physical hazards to air traffic at the McMinnville Airport. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. This policy is addressed through the Airport Overlay Zone and its sub-areas. Specific use and development will be required to comply with the standards of the Airport Overlay Zone. In addition, the planning process for the 3MLAP took into account compatibility with the airport to avoid noise impacts and physical hazards.

McMinnville TSP Implementation

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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: The proposed rezone and subsequent development of the subject property is consistent with the goals, objectives, policies, implementation strategies, principles, maps, and recommended projects within the McMinnville TSP as shown below:

Goal: To encourage development of a transportation system that provides for the coordinated movement of people and freight in a safe and efficient manner.

The proposed rezone and subsequent commercial development work in the direction of achieving this goal by providing intersection improvements to increase the safety and traffic flow of the surrounding roadway network for all users. The proposed modifications are consistent with the implementation strategies (McMinnville (OR-18) Corridor Refinement Plan) as shown in Exhibit 4-6 (Projects and Programs) in the TSP, as well as the Street System, Pedestrian, Bicycle, Public Transportation, Freight, Rail, Air and Pipeline Plan maps set forth in the TSP.

Policies:

1. Transportation System Plan

The proposed site plan will be developed consistent with the Street System, Pedestrian, Bicycle, Public Transportation, Freight, Rail, Air and Pipeline Plans set forth in the TSP. The proposed rezoning and subsequent commercial development will fund transportation improvements which will work toward implementing the TSP.

2. Complete Streets

The traffic signals and intersection improvements identified in the TIA will be designed and constructed in compliance with the Americans with Disabilities (ADA) guidelines. Site development will aim to create a pedestrian and bicycle friendly environment.

3. Multi-Modal Transportation System

The site plan review process will ensure that the proposed site is consistent with the Local Street Connectivity map and provides connections for pedestrians and bicycles.

4. Connectivity and Circulation

The Local Street Connectivity map identifies a future east/west connection south of OR 18. The site plan will be developed consistent with this plan and providing this connection.

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Pedestrian and bicycle facilities will be provided as appropriate for each roadway classification. Site development will preserve right-of-way for design of a future interchange at OR 18 and Cumulus Avenue.

5. Supportive of General Land Use Plan Designations and Development Patterns

The TIA provided a short-term (2022) and long-term (2037) operational analysis of the roadway network surrounding the site, finding that the proposed rezone can be approved assuming implementation of the recommended mitigation measures. With the proposed improvements, the proposed rezone results in no significant impacts under Oregon Administrative Rule (OAR) 660-012-0060. Additionally, the proposed modifications are consistent with the future improvements identified in the adopted 1996 McMinnville (OR-18) Corridor Refinement Plan.

6. Regional Mobility

The location of the proposed site along OR 18 provides ease of access to regional centers such as downtown McMinnville, Lafayette, and Newberg. It is also anticipated that some people will stop at the site on their way to or from the coast. In addition, the proposed uses may reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today.

7. Growth Management

The proposed rezone meets the needs of the surrounding community. A recent market study indicated an over-abundance of industrial land and high demand for commercial uses in the area. Additionally, the improvements recommended in the TIA bring local intersections (some of which do not meet level of service standards under existing conditions) up to standard. The proposed uses may also reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today.

8. Transportation System and Energy Efficiency

The location of the proposed site along OR 18 provides opportunity for transportation system and energy efficiency with easy access to residents and employees of downtown McMinnville on their way to or from work, in some cases eliminating the need for out-of- direction travel. In addition, the proposed uses may also reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today.

9. Transportation Safety

The traffic impact analysis (TIA) recommends modifications to improve the safety of the OR 18 corridor and other intersections within the study area.

10. Public Safety

The site plan review process will ensure that emergency vehicle access is provided on the proposed site. In addition, the safety improvements identified in the TIA

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should result in crash reductions as a number of intersections within the study area.

11. Accessibility for Persons with Disabilities

On-site connections, as well as traffic signal and intersection improvements identified in the TIA, will be designed and constructed in compliance with the Americans with Disabilities (ADA) guidelines.

12. Economic Development

The proposed rezone meets the needs of the surrounding community. A recent market study indicated an over-abundance of industrial land and high demand for commercial uses in the area.

13. Livability

The site plan review process will incorporate multi-modal facilities to increase the livability of the greater McMinnville area.

14. Health and Welfare

The proposed site will be accessible via many modes of transportation, including transit and active transportation (by bicycle and by foot).

15. Transportation Sustainability

The location of the proposed site along OR 18 provides easy access to residents and employees of downtown McMinnville on their way to or from work, in some cases eliminating the need for out-of-direction travel. It is also anticipated that some people will stop at the site on their way to or from the coast. In addition, the proposed uses may also reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today. The traffic impact analysis (TIA) recommends some modifications to existing roadways intersecting OR 18 to improve the safety and flow of traffic in the vicinity of the site.

16. Aesthetics and Streetscaping

The site plan review process will incorporate aesthetics and streetscaping to enhance visitor experience and livability of the greater McMinnville area.

17. Intergovernmental Coordination and Consistency

Kittelson & Associates, Inc., prepared a transportation impact analysis (TIA) and Transportation Planning Rule (TPR) analysis for the proposed project. The methodology, findings and recommendations have been coordinated with the City of McMinnville and ODOT Region 2.

FINDING: NOT SATISFIED. The applicants haven't met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

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The application doesn't include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

At the time of submittal of a specific development plan for the PD overlay, a development Review TIA will be required, and conditions will be attached to the development as necessary to address the level of impact.

- 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: NOT SATISFIED. The applicants haven't met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn't include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

At the time of submittal of a specific development plan for the PD overlay, a development Review TIA will be required, and conditions will be attached to the development as necessary to address the level of impact.

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: This Goal is targeted primarily at rural land that is included in the UGB and is transitioning to urbanizable and urban land, and directs the City to plan utilities for that transition. The Property is in the UGB, so this Goal is not applicable. Nevertheless, when development is proposed and evaluated through a public process in the future, the adequacy of public and private facilities for the development will be determined.

FINDING: NOT SATISFIED. The applicants haven't met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn't include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

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Sanitary Sewer System

- 136.00 *The City of McMinnville shall insure that urban developments are connected to the municipal sewage system pursuant to applicable city, state, and federal regulations.*
- 138.00 *The City of McMinnville shall develop, or require development of, sewer system facilities capable of servicing the maximum levels of development envisioned in the McMinnville Comprehensive Plan.*

APPLICANT’S RESPONSE: This Goal is targeted primarily at the City’s facility planning. There are no known sanitary sewer deficiencies in the vicinity of the Property. No development is proposed as a part of this application. When development is proposed and evaluated through a public process in the future, the adequacy of sewer system facilities will be confirmed, and if necessary, conditions of approval will be imposed to address any deficiencies.

FINDING: SATISFIED. No development is proposed at this time. Service providers were notified of the proposed map amendment and no concerns were noted regarding the ability to serve the property with the sanitary sewer conveyance system. At the time of development, construction and connection to the municipal sanitary sewer system will be required.

Storm Drainage

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

APPLICANT’S RESPONSE: No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned Development overlay, it will be subject to the Planned Development Ordinance and Zoning Ordinance. The project application will be reviewed in a public process, which will address the Project’s storm drainage shall be assessed at that time.

FINDING: SATISFIED. No development is proposed at this time. Service providers were notified of the proposed map amendment and no concerns were noted regarding the capacity of the municipal storm drainage system. At the time of development, the applicant will be required to comply with all federal, state, and local storm drainage permitting requirements, and comply with any requirements for detention and stormwater runoff quality.

WATER SYSTEM

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

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. No development is proposed at this time. Service providers were notified of the proposed map amendment and no concerns were noted regarding the ability to serve the property with municipal water. At the time of development, the applicant will be required to construct and connect to the municipal water system to serve the property.

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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: There are no known water or sewage deficiencies in the vicinity of the Property. No development is proposed as a part of this application. When development is proposed and evaluated through a public process in the future, the adequacy of water and sewer system facilities will be confirmed, and if necessary, conditions of approval will be imposed to address any deficiencies.

FINDING: SATISFIED. Notice of the application 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.

Police and Fire Protection

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

APPLICANT’S RESPONSE: There are no known police or fire facility or service deficiencies in the vicinity of the Property. No development is proposed as a part of this application. When development is proposed and evaluated through a public process in the future, the adequacy of these facilities and services will be confirmed, and if necessary, conditions of approval will be imposed to address any deficiencies.

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FINDING: SATISFIED. Notice of the application was provided to service providers. No issues were identified with the ability of existing police and fire facilities and services to meet the needs of the property as a result of the proposed map amendment. At the time of development adequate water facilities will be required in order to meet applicable fire flow requirements of the applicable structural codes.

PARKS AND RECREATION

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

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

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

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. As a condition of approval, the amendment will be subject to development and design principles and standards applicable to the PD development plan that address incorporation of natural features, open space elements, and scenic view considerations into the site design. This is considered an “area of concern” per Section 17.51.010(B)(2) for the Planned Development.

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

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

ENERGY CONSERVATION

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

APPLICANT’S RESPONSE: One of the fundamental policies backing the rationale for this land use change request is the consumer spending leakage highlighted in the 2013 EOA. By allowing more potential retail development within the City, residents will no longer be required to drive longer distances to destinations such as Salem or southwest Portland for their needs, which conserves energy.

FINDING: SATISFIED WITH CONDITIONS. Subject to design and development standards as a condition of approval that will need to be addressed at submittal of the development plan, the amendment is consistent with provisions of the Comprehensive Plan, Economic Opportunities Analysis, as well as the Three Mile Lane Area Plan that identifies commercial land at this location. It would be part of an overall area plan to reduce vehicle miles travelled associated with shopping outside of the McMinnville area and to provide commercial uses in this area to meet needs of surrounding neighborhoods existing and being planned for this

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area. The design and development standards include provisions to ensure good connectivity to the surrounding lands to reduce out of direction travel and encourage biking, walking, and transit.

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: Statewide Planning Goal 14 and its implementing statutes and rules require a jurisdiction to first determine whether an identified land need can be accommodated within the UGB prior to expanding the UGB to accommodate the need. The 2013 EOA demonstrates a need for retail and an excess of industrial land, and the proposed comp plan designation and zoning map amendments satisfy a portion of this need. Accommodating the identified land need within the UGB is consistent with Goal 14 and encourages a compact urban development pattern.

FINDING: SATISFIED. The commercial designation of 40 acres of land in this area was identified as an efficiency measure to as part of the December 2020 UGB amendment and Comprehensive Plan amendment by reducing a portion of the industrial land surplus to meet commercial land needs rather than adopting a large UGB amendment to address commercial land needs. This is addressed as 33 net buildable acres in the 3MLAP.

The commercial designation of this property is a key component of the 3MLAP work, which is intended to provide for a mix of land uses in a compact development pattern, form, and connectivity that is supportive and encouraging of all transportation modes, including walking, biking, and transit.

The designation of additional commercial land to meet identified needs is also intended in part to reduce identified retail leakage, which is leading residents to travel to other communities for shopping needs that could be met in McMinnville. Accordingly, the designation is expected to help reduce out of town trips and promote energy conservation by reducing vehicle miles traveled.

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: The 2013 EOA quantifies the industrial and commercial land needs for the projected population and concludes that there is a need for retail and an excess of industrial land. The proposed Comprehensive Plan land use designation and zoning map amendments accommodate a portion of the commercial land need. Converting excess industrial land to needed commercial land is consistent with Statewide Planning Goal 14 and its implementing statutes and rules, which require a jurisdiction to first determine whether an identified land need can be accommodated within the UGB prior to expanding the UGB to accommodate the need.

FINDING: NOT SATISFIED. The proposed commercial map designations would provide more than the minimum identified commercial land needs specified in the Comprehensive Plan and EOA, but would exceed the 33 net buildable acre limit specified in the 3MLAP. The applicants haven’t met the burden of proof to address the necessary transportation improvements

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commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn't include analysis or proposed mitigation for a combined 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN

LAND USE DEVELOPMENT TOOLS

186.00 *The City of McMinnville shall place planned development overlays on areas of special significance identified in Volume I of the McMinnville Comprehensive Plan. Those overlays shall set forth the specific conditions for development of the affected properties. Areas of significance identified in the plan shall include but not be limited to:*

1. *Three Mile Lane (north and south)...*

APPLICANT'S RESPONSE: The application requests a Planned Development overlay, consistent with Policy 186.00.1. No specific development is proposed with this application. Once a formal project application is submitted to the City, pursuant to the requested Planned Development overlay, it will be subject to the Planned Development Ordinance and Zoning Ordinance. Those ordinances require specific conditions for development of the Property, and will be reviewed in a public process.

FINDING: NOT SATISFIED. A new Comprehensive Plan Proposal was adopted in December 2020 that provides:

Proposal 48.15. The City of McMinnville should develop an Area Plan for the Three Mile Lane area that supports and enhances the district's economic vitality and marketability, provides opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district enhances multi-modal connections throughout the district, and creates an aesthetically pleasing gateway to the city of McMinnville.

The City Council adopted the 3MLAP, which identifies a Mixed-Use Town Center Planned Development Overlay in this vicinity, specified to be limited to 33 net buildable acres. The applicants haven't demonstrated consistency with this provision of the 3MLAP. The applicants haven't met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn't include analysis or proposed mitigation for a 33 net buildable acre subarea.

For a proposed redesignation consistent with the adopted 3MLAP, the City will apply a planned development overlay, but the current proposal isn't consistent with the adopted 3MLAP.

Note: Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.

GREAT NEIGHBORHOOD PRINCIPLES

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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 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.*

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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.*

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- 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.

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FINDING – GREAT NEIGHBORHOOD PRINCIPLES: SATISFIED WITH CONDITIONS.

Subject to a single coordinated master plan for the PD overlay, and subject to development and design principles and standards to be applied as a condition of approval that will need to be addressed at submittal of the development plan, the amendment is consistent with applicable provisions of the Great Neighborhood Principles.

The development and design principles and standards recognize the type of uses that address retail leakage, but include provisions to ensure the property also meets commercial needs of surrounding neighborhoods identified in the 3MLAP. Accordingly, the development and design principles and standards address key critical aspects of the Great Neighborhood Principles which apply to commercial use and development and its relationship to surrounding uses and neighborhoods.

NEIGHBORHOOD ACTIVITY CENTERS

GOAL: NEIGHBORHOOD ACTIVITY CENTERS PROVIDE SHOPPING, SERVICES, RECREATION, HIGH-DENSITY HOUSING, OFFICE AND INSTITUTIONAL FACILITIES NEEDED TO SUPPORT A SURROUNDING NEIGHBORHOOD OR URBAN AREA.

Proposals:

- 48.15 The City of McMinnville should develop an Area Plan for the Three Mile Lane area that supports and enhances the district's economic vitality and marketability, provides opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district, enhances multi-modal connections throughout the district, and creates an aesthetically pleasing gateway to the City of McMinnville.

APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The City has adopted the Three Mile Lane Area Plan. As a condition of approval, at the time of submittal of the PD development plan, the plan shall comply with the development and design principles and standards attached as a condition of approval. If the PD development plan submittal is submitted after adoption of the implementing 3MLAP standards, the development shall comply with those development and design principles and standards, and the most restrictive provisions shall apply.

- 48.70 **Redesignation to Commercial.** As an identified efficiency measure necessary to reduce the needed size of the "Phase 2" UGB amendment to meet additional Commercial land needs, the City shall initiate a change to the Comprehensive Plan and Zone Map to redesignate and rezone 40 acres of property along the south side of the Highway 18 frontage from commercial to industrial, leaving the rear portions in an Industrial designation. This recognizes that the City will retain an Industrial surplus as a result of adding the Riverside North area to the UGB as part of the "Phase 2" UGB amendment.

APPLICANT'S RESPONSE: No response.

FINDING: NOT SATISFIED. This is one of three properties currently under concurrent review for redesignation from Industrial to Commercial with a PD Overlay, totaling approximately 68.3 gross acres. The adopted 3MLAP identifies a Mixed Use Town Center not to exceed 33 net acres.

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The applicants haven't met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn't include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

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.

APPLICANT'S RESPONSE: This Goal obligates the City to periodically review its Comprehensive Plan, so is not applicable to this application. Nevertheless, the application is consistent with this Goal because the proposal to revise the comprehensive land use plan designation for the site is responsive to the oversupply of industrial and demand for retail as addressed in the 2013 EOA. While consistent with the Three Mile Line Area Plan currently moving through the legislative process, the timing on adoption of this larger policy document is unknown. The current application seeks to address the current deficit in available commercial land in a more directed and expedient manner.

FINDING: NOT SATISFIED. This is one of three properties currently under concurrent review for redesignation from Industrial to Commercial with a PD Overlay, totaling approximately 68.3 gross acres. This exceeds the identified need, and the 3MLAP, developed through an extensive public process, specifies a subarea not to exceed 33 net buildable acres.

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: No response.

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 map amendment and PD overlay, as well as the subsequent PD development plan provided for citizen involvement through the quasi-judicial amendment to the adopted and acknowledged Comprehensive Plan and implementing ordinances. Due to the timing of the application, the conditions of approval specify development and design principles and standards which will be applicable to the PD development plan for the Mixed-Use Town Center subarea Planned Development Overlay, thus capturing the publicly-informed objectives of the Three Mile Lane Area Plan. When the development plan is submitted, it follows the same public process

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for public hearings as this application, so there will be an opportunity for comment on the proposed development plan.

STATEWIDE PLANNING GOALS

STATEWIDE PLANNING GOAL 2: LAND USE PLANNING. PART I – PLANNING. *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

APPLICANT’S RESPONSE:

Summary of Goal 2 and Case Law.

Oregon Statewide Planning Goal 2, Part I, requires that a local land use authority’s quasi-judicial decision must be based on “an adequate factual base.” A study or assessment constitutes an adequate factual base for purposes of Goal 2 when it is “incorporated” into the jurisdiction’s comprehensive plan or acknowledged planning documents. *1000 Friends v Dundee*, 203 Or App 207, 216 (2005). For an assessment to be “incorporated” into these authorities, it must be both adopted and effective. *1000 Friends v Dundee*, LUBA Nos. 2004-144 and 2004-145, 2006 WL 559077 (Feb. 23, 2006) (on remand, interpreting that “incorporate[ion]” requires “adopt[ion]”); *Craig Realty Group v. City of Woodburn*, 39 Or LUBA 384, 396 (Feb. 2, 2001) (affirming City’s use of then- effective housing inventory, despite that new inventory was being developed, because only the current inventory “describe[d] the . . . provisions of the comprehensive plan”).

Though these Goal 2 requirements apply to all “land use actions,” they are particularly important when an action involves “estimat[ing] the amount of needed land.” See *D. S. Parklane Development, Inc. v. Metro*, 165 Or App 1, 22-23 (2000) (holding Metro could not rely on urban growth report not yet adopted as part of the comprehensive plan because, “[u]nder Goal 2, the computation of need must be based upon the functional plan and/or Metro’s other applicable planning documents”). Nor may a jurisdiction avoid these requirements by attempting to merely “update” an assessment that was previously adopted and incorporated by reference into planning standards. See *Lengkeek v. City of Tangent*, 54 Or LUBA 160, 166 (Apr. 25, 2007) (city could not “rely on [an] updated [buildable lands inventory (“BLI”)] without first amending the [comprehensive plan] to replace the expired BLI with the updated BLI”).

The Court of Appeals has explained the purpose behind these requirements:

The comprehensive plan is the fundamental document that governs land use planning. Citizens must be able to rely on the fact that the acknowledged comprehensive plan and information integrated in that plan will serve as the basis for land use decisions, rather than running the risk of being “sandbagged” by government’s reliance on new data that is inconsistent with the information on which the comprehensive plan was based.

1000 Friends v Dundee, 203 Or App at 216.

Unadopted planning efforts, such as the draft 2020 EOA or 3MLAP, which are not adopted, effective and acknowledged do not constitute an “adequate factual base” on which the City may base its land use findings during this quasi-judicial planning process. Simply put, the draft 2020 EOA is not a valid land use criterion and cannot be the sole basis for consideration of Kimco’s application. To employ it as such would pose the very risk the *1000 Friends v. Dundee* court warned against — that stakeholders in the land use process would be “sandbagged” by having to interpret and apply information inconsistent with the information that informed the operative comprehensive plan.

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However, these unadopted analyses and the supporting data may be relied upon to confirm of further support approval of Kimco’s application, so long as the primary basis for the approval is the adopted and acknowledged information, such as the 2013 EOA. *McDougal Bros. Investments v. City of Veneta*, 59 Or LUBA 207 (2009); *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1, 12 (2013); see also *Gunderson, LLC v. City of Portland*, 62 Or LUBA 403, rev’d in part on other grounds and remanded, 243 Or App 612, 259 P3d 1007 (2011), other grounds aff’d 352 Or 648, 290 P3d 803 (2012).

In summary, so long as the acknowledged information such as the 2013 EOA provides an adequate primary basis for the City’s approval, the decision can be further supported with new unacknowledged data. The findings below comply with this mandate. The 2013 EOA and acknowledged portions of the adopted comprehensive plan support the conclusion that some of the City’s excess industrial land should be converted to satisfy the deficit of commercial land and describe conversion suitability factors. While Kimco’s analysis could stop there, the application also evaluates the data and analysis in updated but unadopted planning efforts, such as the 3MLAP, which provide further support for the application because those analyses show that the commercial deficit is growing and that the Three Mile Lane area is a suitable location for commercial development.

FINDING: SATISFIED. As described above, the decision is based on an “adequate factual base.” The 2013 EOA and the MGMUP adopted with Comprehensive Plan Proposal 48.70 provide an adequate primary basis for the City’s decision, further supported with supplemental information where noted.

STATEWIDE PLANNING GOAL 9: ECONOMIC DEVELOPMENT. *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, ECONOMIC DEVELOPMENT.

Subsection (3) of Goal 9 provides that Comprehensive Plans for urban areas shall...provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.

APPLICANT’S RESPONSE: Goal 9 requires the City to “[t]o provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and Page 5 of 33 prosperity of Oregon’s citizens.” (See www.oregon.gov/LCD/docs/goals/goal9.pdf) and ORS 197.712(1). As relevant to this application, Goal 9 requires the City to provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for industrial and commercial uses consistent the City’s comprehensive plan and the acknowledged 2013 EOA. *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1 (2013) (a proposed amendment must be consistent with the City’s “most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan” which address Goal 9).

The 2013 EOA determined that the City has a deficit of 35.8 acres of commercial land and a surplus of 235.9 acres of industrial land¹ and concludes that excess industrial land should be converted to commercial land to address the unfulfilled need. 2013 EOA, pg 56, Table 26. Goal 9’s requirement for an adequate land supply requires that the land need in the 2013 EOA be met, meaning that the identified deficit of commercial land must be remedied. Goal 9 does not prohibit providing land in excess of the adopted land need. For example, hypothetically, converting 50 acres of industrial land to commercial land is consistent with Goal 9 because post-amendment, there is an adequate supply (meaning no deficit) of industrial and commercial land.

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Simply stated, conversion from one category of land to another can result in a surplus in one or both categories, so long as a deficit is not created in any category.

Goal 9 does not consider only the total acreage needed in a particular category. The suitability of the land to meet an identified need is also relevant. “Suitable” land is defined as “serviceable land designated for industrial or other employment use that provides, or can be expected to provide the appropriate site characteristics for the proposed use.” OAR 660-009-0005(12). “Site characteristics” relate to features that a site needs to accommodate a particular use, and is defined to mean “the attributes of a site necessary for a particular industrial or other employment use to operate. Site characteristics include, but are not limited to, a minimum acreage or site configuration including shape and topography, visibility, specific types or levels of public facilities, services or energy infrastructure, or proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes.” OAR 660-009-0005(11).

As applied here, the 2013 EOA recommends to re-designate “at least” 36 acres from industrial to commercial use, which will allow retail development that captures retail leakage and growth related retail needs. The 2013 EOA (see pg. 57, 62, and 73) describes the suitability factors to consider when determining which sites to redesignate, which these findings refer to as the “2013 EOA Conversion Suitability Factors,” as including:

-“sites with the greatest suitability for commercial development” (2013 EOA, pg. 62)

-The 2013 EOA lays the groundwork for subsequent and more detailed analysis of “**retail leakage**” when it notes:

-“Retail sales leakage occurring due to lack of major comparison retail. As described by the 2007 MEDP Strategic Plan, there is considerable retail sales leakage of an estimated \$192 million annually throughout Yamhill County – as residents travel to other counties for a significant 23% of their shopping needs. Full recapture of this sales leakage together with anticipated population growth that was anticipated through 2011 was estimated to support as much as 800,000 square feet of added commercial retail space in Yamhill County. Recapture is dependent on the ability to identify sites and attract retailers that could serve much of the county’s population from locations readily accessible to major travel corridors.” (2013 EOA, Pg 32)

-“...the ability to provide a full range of commercial services in McMinnville may reduce the need for out-shopping from this trade area – with area customers at present often traveling further to more distant destinations as in the Portland Tri-County or Salem area.” 2013 EOA, pg. 71.

-Retail leakage, and related suitability considerations are described in detail in the 3MLAP and 2020 EOA. These studies provide evidence in support of the Property’s suitability for commercial development, particularly retail leakage:

-“Retail prospects are relatively strong for certain retail sectors, despite relatively weak market conditions (including rent, vacancy, absorption, etc.). The Three Mile Lane study area likely checks off many site selection criteria and market characteristics typically desired by prospective retailers. While there are few retailers currently in the area, desired physical characteristics, such as visibility, vacant developable land, and

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ease of access are all present. Further, McMinnville’s central location between the Oregon Coast, the Portland Metro, and Salem provides access to a wide variety of markets. Significant household growth and the burgeoning tourism industry will continue to improve retail prospects.” 3MLAP, pg. 2.

-3MLAP, Table ES-3 summarizes that the market area demand is for 539,200 sf of retail and estimates that the Three Mile Lane area will provide 150,000 sf of that demand, noting “the study area is well-position for new retail development, particularly large-format retail. Neighborhood-serving retail may be a mid-to long-term aspiration when additional residential construction occurs.” However, the plan emphasizes that “it is important to note that these numbers are not specific recommendations; rather they simply provide an indication of the potential program mix based on market strength. Changes to the mix and specific numbers are anticipated with changes to the zoning, land supply, and public interventions, among other market disrupters.” 3MLPA, 4.

-The 2020 EOA refers back to the 3MLAP and retail leakage to conclude “an additional 539,000 square feet of retail development in the McMinnville market area over the coming decade, with 150,000 square feet (or about 28%) being captured in the Three Mile Lane area.” 2020 EOA, pg. 47.

-“transportation access” (2013 EOA, pg. 57)

-The Property’s frontage on and access to Highway 18 is an important site characteristic that contributes to its suitability for commercial development, particularly retail leakage. The 2013 EOA notes that traffic patterns are “of particular importance for retail and service businesses” which are “reliant on high traffic counts,” and that trends show increasing traffic counts on Highway 18, shifting away from Highway 99W. 2013 EOA, 33.

-The 2013 EOA concludes that “recapture [of retail sales leakage] is dependent on the ability to identify sites that attract retailers that could serve much of the county’s population from locations readily accessible to major travel corridors.” 2013 EOA, pg. 32.

-Moreover, “sites in the McMinnville UGB offer the potential to serve a local and regional market...Centrally located [within the County] with good highway access and street visibility can be instrument to attract commercial business that may require market area of 50,000-100,000+ population.” 2013 EOA, pg. 32.

-The 3MLAP provide additional evidentiary support for the Property’s suitability for retail development, based upon its frontage on and access to Highway 18 when the plan concludes:

“The Three Mile Lane project area is relatively well-positioned for retail development due to high visibility, ease of access, high traffic counts along Highway 18, and there are few alternative urban areas between McMinnville and the coast, providing

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opportunities to capture spending from those visiting the Oregon coast.

“Additionally, as one of the few locations in the market area with large, contiguous, vacant tracts of land within city limits, Three Mile Lane should be able to capture a significant portion of market area demand over the next 10 years.” 3MLAP, pg. 51-52.

-“compatibility with neighboring uses” (2013 EOA, pg. 57)

-The only existing neighboring uses south of Highway 18 are the Jackson Family Winery and the US Army National Guard Armory and Recruiting Office, which are located on M-2 and M-1 land east of the Property, farming activity on the M-L zoned land to the west, and farming activity on the land zoned M-2 to the south. Given the width of Highway 18, land north of the highway is not “neighboring” the Property. Nevertheless, the uses north and north east of the Property include a senior housing development and single family development (R1 and R-4 zoning) and to the northwest is the Evergreen Aviation & Space Museum (C-3PD zoning).

-The 2013 EOA supports the conclusion that industrial and commercial zoning are compatible with one another, and suggest that a new hybrid industrial-commercial zoning designation could be appropriate for areas transitioning from industrial to commercial. 2013 EOA, pg. 57.

-For the development of larger scale retail like the Project is expected to include, the Property’s location is superior to other potential properties because of the minimal impact on surrounding neighborhoods. The only potential offsite impact is traffic. As detailed in the TIA, rezoning the Property would allow for the scale of retail development associated with capturing retail leakage with minor upgrades to surrounding streets and a new intersection. There would minimal impacts to the overall urban fabric of the more established and densely developed areas of McMinnville. In comparison, any proposed development at the intersection of SH-18 and SH-99W (Linfield Property) would raise serious traffic infrastructure problems if it is to be developed with intense retail uses. This would include reconstruction of the Old Sheridan Road intersection and a reconfiguration and widening of the interchange between the two state highways. In that immediate vicinity, SH 99W is an interior arterial in McMinnville, and the regional traffic generated by major retail at this location would be disruptive to the internal city traffic patterns and the McMinnville “feel.”

-The Property is within the City’s Three Mile Lane Plan area updating 1981 Three Mile Lane Overlay District (amended in 1994) and the 1996 Highway 18 Corridor Refinement Plan. The area contains approximately 1,340 acres of land with a variety of existing land uses and several large vacant parcels. Though the timeline for the adoption of this plan is unknown, the current draft “includes a significant retail center south of Three Mile Lane at Cumulus Avenue. This could take the form of a large format retail anchor that would take advantage of traffic on OR SH 18 with additional smaller retail uses. While serving as a regional retail attractor,

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it would also function as an important local amenity, providing convenient access to shopping and services for adjacent office and residential development.” (3MLAP Memorandum 6, pg 10-13)

-“infrastructure capacity” (2013 EOA, pg. 57)

-The 2013 EOA, pg. 66, notes that “as a general condition, no major deficiencies have been identified through this EOA update process to date with respect to adequacy of public transportation and utility facilities to serve vacant and underutilized commercial and industrial properties.”

-The TIA concludes that with required improvements to occur at the time of development, the proposed rezone results in no significant impacts.

-As noted above in the “compatibly with neighboring uses” section, the Property is more suitable for commercial development than some existing C-3 zoned parcels because of the lack of negative impact that the Property’s traffic mitigation measures will have to the vicinity.

-“site size distribution” (2013 EOA, pg. 57)

-The 2013 EOA, pg. 61 notes that the commercial lands shortfalls “can be expected across a wide range of parcel sizes.”

-The average parcel size of the 131 acres of commercially designated land studied in the 2013 EOA is about 2 acres, and Figure 27 indicates there is one vacant commercially designated parcels that is 11 acres, and 2 over 20 acres. 2013 EOA.

-The limited supply of large, buildable, commercially designated vacant land is confirmed by the 2020 EOA, which notes that 27 acres (approximately 30% of the buildable commercial land) is subject to the Evergreen Aviation & Space Museum Planned Development, which limits uses to tourism-related uses consistent with the master plan. 2020 EOA, pg. 72. 2020 EOA, Exhibit 39 shows that there are zero vacant or partially vacant C-3 lots, and a single 12.1 acre partially vacant C-3 lot.

-The 2020 EOA notes that the deficit of needed site sizes for commercial land is for sites between 0.5 and 5 acres, as well as between 10 and 20 acres. 2020 EOA, pg. 102 and Exhibit 57. The Property’s two parcels are approximately 25.3 acres and 5.25 acres.

FINDING: NOT SATISFIED. The above narrative was submitted as part of the original application. In addition, the applicant subsequently submitted a memo dated June 21, 2021 addressing how Goal 9 applies to designation of more than the minimum identified land need for a land use category. In short, Goal 9 requires that Comprehensive Plans for urban areas shall... “provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.” The City can designate more than the minimum identified need. As described in the June 21, 2021 memo, the need is a “floor” not a “ceiling.” The analysis provided in this memo was previously reviewed by the City Attorney and DLCD, and they concurred with this analysis regarding the applicability of Goal 9 as it relates to this issue.

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Consistent with Comprehensive Plan Proposal 48.70, the City needs to redesignate a minimum of 40 acres from industrial to commercial land for its commercial land needs, but may designate more, provided that doesn't create a deficit. Redesignation of 60 acres would not create a deficit of industrial land, as there would still be surplus of industrially designated land.

"An adequate supply" is not only a measure of total acreage, but requires sites of "suitable sizes, types, locations, and service levels," as addressed above in the applicant's response.

The proposal includes three concurrent applications for three properties. If approved as requested, together, these applications would exceed 40 gross buildable acres. **However, this is compliant with Goal 9, when "consistent with plan policies."**

However, these three properties correspond to the Mixed Use Town Center area identified in the Three Mile Lane Area Plan (3MLAP), which includes local policy limiting the Mixed Use Town Center to 33 net buildable acres.

OAR 660-009-0010(4).

APPLICANT'S RESPONSE: Because Kimco's application will convert over two acres of industrial land to a non-industrial use, the application must comply with one of the alternatives in OAR 660-009-0010(4), which provides:

Section 4 - OAR 660-009-0010(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, and:*

(a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or

(b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or

(c) Adopt a combination of the above, consistent with the requirements of this division

The 2013 EOA determined that the City has a deficit of 35.8 acres of commercial land and a surplus of 235.9 acres of industrial land and concludes that excess industrial land should be converted to commercial land to address the unfulfilled need. 2013 EOA, pg 56, Table 26. These findings detail how the proposal to convert 33.5 acres of industrial land to commercial land is consistent with the 2013 EOA and comprehensive plan. When the application is approved, the City will be closer to accommodating the commercial land need, and the supply of industrial land will remain adequate because it will continue to be in excess of (but closer to) the adopted industrial land need. Additionally, Figure 27 of the 2013 EOA indicates that there are 5 industrial parcels that are 20+ acres in size, so the City will continue to have an adequate supply of larger industrial parcels.

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FINDING: NOT SATISFIED. The above narrative was submitted as part of the original application. In addition, the applicant subsequently submitted a memo dated June 21, 2021 addressing how Goal 9 applies to designation of more than the minimum identified land need for a land use category. In short, Goal 9 requires that Comprehensive Plans for urban areas shall...“provide for **at least** an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.” The City can designate more than the minimum identified need. As described in the June 21, 2021 memo, the need is a “floor” not a “ceiling.” The analysis provided in this memo was previously reviewed by the City Attorney and DLCDC, and they concurred with this analysis regarding the applicability of Goal 9 as it relates to this issue.

Consistent with Comprehensive Plan Proposal 48.70, the City needs to redesignate a minimum of 40 acres from industrial to commercial land for its commercial land needs, but may designate more, provided that doesn’t create a deficit. Redesignation of 60 acres would not create a deficit of industrial land, as there would still be surplus of industrially designated land.

“An adequate supply” is not only a measure of total acreage, but requires sites of “suitable sizes, types, locations, and service levels,” as addressed above in the applicant’s response.

The proposal includes three concurrent applications for three properties. If approved as requested, together, these applications would exceed 40 gross buildable acres. **However, this is compliant with Goal 9, when “consistent with plan policies.”**

However, these three properties correspond to the Mixed Use Town Center area identified in the Three Mile Lane Area Plan (3MLAP), which includes local policy limiting the Mixed Use Town Center to 33 net buildable acres.

STATEWIDE PLANNING GOAL 12: TRANSPORTATION. To provide and encourage a safe, convenient and economic transportation system.

OAR 660-012-0060. Transportation Planning Rule, Plan and Land Use Regulation Amendments

APPLICANT’S RESPONSE: Goal 12 is intended to “provide and encourage a safe, convenient and economic transportation system.” (See www.oregon.gov/LCD/docs/goals/goal12.pdf). Goal 12 is implemented by the administrative rules in OAR chapter 660, division 12, which is known as the “Transportation Planning Rule” or “TPR.”

Kittelson & Associates Transportation Impact Analysis (TIA) includes detailed findings in response to the TPR, which are incorporated herein.

FINDING: NOT SATISFIED. The findings and associated conditions are based on traffic analysis for the proposed acreage and map amendment as proposed for all three properties, which includes approximately 68.3 acres.

If the Planning Commission recommends approval of the map amendments as submitted in the three applications, totaling 68.3 acres, then the findings below are satisfied with conditions, subject to potential conditions listed in Section II. However, that would be inconsistent with the 3MLAP. Otherwise, there is insufficient information to make findings regarding specific analysis, mitigation, or conditions related to the requirements of the Transportation Planning Rule for a 33 net acre Mixed Use Town Center, which is not what is before the Planning Commission.

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OAR 660-012-0060 applies to plan and land use regulations amendments. The applicant prepared a TIA to address the provisions of this of OAR 660-012-0060. The TIA was submitted with the application for this property, and was subsequently updated to also address the cumulative affects of the proposed map amendments for this property and the two adjacent properties. A sensitivity analysis was also subsequently performed to update the analysis for these properties to address comments and ensure the analysis is consistent with key aspects of ODOT’s 2015-2041 Regional Travel Demand Model, and to include analysis of transportation projects in the McMinnville TSP which are “reasonably likely” to be completed by the end of the planning horizon consistent with OAR 660-012-0060.

The decision document includes potential conditions of approval for mitigation of certain traffic impacts. The conditions are written to apply to the properties in total with the combined development plans and development being required to comply with these conditions prior to “opening day” of new development on any of the properties. The property owners have stipulated to this requirement, and allocation of these requirements among the three properties will be through their own private contractual terms and agreements.

The findings below are based on the updated analysis as reflected in the May 4, 2022 memo from Kittelson and Associates. The reviews have been undertaken in coordination with the City, Yamhill County, and ODOT.

OAR 660-012-0060
Plan and Land Use Regulation Amendments

(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

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(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.

FINDING: SECTION (1) IS SATISFIED WITH CONDITIONS.

Subsection (a) is not applicable. The proposed amendments would not change the functional classification of an existing or planned transportation facility.

Subsection (b) is not applicable. The proposed amendments would not change standards implementing a functional classification system.

Subsection (c) is applicable. The applicants prepared transportation analysis consistent with the direction provided by the City and ODOT. The applicants' analysis indicates that, at some locations, if unmitigated, the proposed amendments would result in effects listed in Subsection (c).

Specifically, the memo addresses twelve study intersections. Table 4 shows and compares the forecast 2041 conditions for the existing and proposed map designations for those intersections.

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Table 4. Comparison of 2041 Background and Total Traffic Operations for Weekday PM Peak Hour

	Study Intersection	Mobility Target (V/C) ¹	2041 Background		2041 Total		V/C Change > 0.03?	
			CM	V/C	CM	V/C		
1	NE 3 rd Street/NE Johnson Street	0.90	-	0.86	-	0.93	Yes	
2	NE Three Mile Lane/NE 1 st Street	0.90	EB	1.40 ²	EB	1.83 ²	Yes	
3	NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27 ³	WB	1.14 ³	No	
4	SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48	EB	0.50	No	
5	OR-18/SE Norton Lane	0.80	-	0.80	-	0.79 ⁴	No	
6	OR-18/NE Cumulus Avenue	0.80	-	0.98	-	1.33	Yes	
7	OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29	NB	0.31	No	
8	OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39	SB	0.48	No	
9	OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64	NB	1.63 ⁵	No	
10	OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53	WB	0.54	No	
11	OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed					
12	SE Norton Lane/NE Stratus Avenue	0.90	WB	0.36	EB	0.54	Yes	

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right

V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)

CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

²Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix G and Appendix I. Under 2041 total traffic conditions in Vistro, the delay for the critical westbound left-turn movement is so high that it is not reported. It can be assumed that with higher delay, the true V/C under 2041 total traffic conditions is also higher if Vistro were capable of reporting it. Sidra 8 was used to verify this assumption.

³Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix G and Appendix I. Under 2041 total traffic conditions in Vistro, the rezone from industrial to commercial site use increases inbound (southbound) and decreases outbound (northbound) flow from the site through Intersection #3, resulting in improved capacity for the critical eastbound left-turn movement compared to 2041 background traffic conditions. Sidra 8 was used to verify this condition.

⁴Pass-by trips associated with the rezone from industrial to commercial site use decrease eastbound and westbound through volumes on OR-18, resulting in improved capacity compared to 2041 background traffic conditions.

⁵The rezone from industrial to commercial site use increases inbound (westbound) and decreases outbound (eastbound) flow from the site through Intersection #9, resulting in slightly improved capacity for the critical northbound left-turn movement compared to 2041 background traffic conditions.

Of those, under 2041 conditions:

Unmitigated, the proposed map amendments are forecast to have a “significant effect” on three intersections:

- Subsection (1)(c)(B) is applicable to one intersection (Intersection 1).
- Subsection (1)(c)(C) is applicable to two intersections (Intersections 2 and 6).

The proposed map amendments are not forecast to have a significant effect on the other intersections.

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- Six intersections (Intersections 4, 5, 7, 8, 10, and 12) are forecast to meet performance standards in 2041 under both current map designations and proposed map designations.
- One intersection (Intersection 11) outside the UGB would be closed when the roundabout in the County TSP is constructed at Highway 18 and Lafayette Highway.
- Two intersections (Intersections 3 and 9) are forecast to exceed performance standards under current map designations, but would not be further degraded under proposed map designations. The applicants' analysis shows improvement at those intersections under the proposed map designations when compared to the existing map designations.

The applicants have identified proposed mitigation and also proffered voluntary conditions, and staff has recommended conditions of approval to put in place measures as provided in Subsection 2.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

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(B) The providers of facilities being improved at other locations provide written statements of approval; and

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

FINDING: SECTION (2) IS SATISFIED WITH CONDITIONS. Subsection 2 provides if there is a significant effect as specified in Subsection 1, the local government **must** ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in Subsection 2, **unless** the local government chooses to apply its discretion under Subsection 3 below to allow mitigation to a “no further degradation” standard, when compared to the existing map designation, rather than mitigation to the standards specified in Subsection 2 “consistent with the identified function, capacity, and performance standard.”

Table 6 shows the 2041 conditions for the existing map designations, the proposed map designations without mitigation, and the proposed map designations with mitigation.

Table 6. Comparison of 2041 Background, Total and Mitigated Total Traffic Operations for Weekday PM Peak Hour

Study Intersection	Mobility Target (V/C) ¹	2041 Background		2041 Total		2041 Total with Mitigation	
		CM	V/C	CM	V/C	CM	V/C
1 NE 3 rd Street/NE Johnson Street	0.90	-	0.86	-	0.93	-	0.85
2 NE Three Mile Lane/NE 1 st Street	0.90	WB	1.40	EB	1.83	-	1.05²
3 NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27	EB	1.14		
4 SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48	EB	0.50		
5 OR-18/SE Norton Lane	0.90	-	0.80	-	0.79	-	0.72
6 OR-18/NE Cumulus Avenue	0.80	-	0.98	-	1.33	-	0.79
7 OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29	NB	0.31		
8 OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39	SB	0.48		
9 OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64	NB	1.63		
10 OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53	WB	0.54		
11 OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed					
12 SE Norton Lane/NE Stratus Avenue	0.90	WB	0.36	WB	0.54		

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right
V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)
CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

²Mitigation improves V/C at the intersection to be better than the 2041 background traffic conditions

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For two of the three intersections where there was determined to be “significant effect” as a result of the proposed map amendments (Intersections 1 and 6), the applicant has proposed mitigation that would be consistent with the capacity and performance standards for those intersections in 2041.

For the third intersection where there was determined to be “significant effect” as a result of the proposed map amendments (Intersection 1), the applicant has proposed mitigation - a signal - that would improve the 2041 performance of the intersection compared to both existing and proposed map designations. However, with the proposed mitigation, that intersection would still exceed the performance standard and capacity, with a v/c ratio of 1.05. Table 7 indicates that additional mitigation at that intersection – an eastbound right-turn lane - with the proposed map amendments would achieve consistency with the performance standards and capacity for that intersection.

Three Mile Lane Rezones – 3MLAP Sensitivity Analysis
May 4, 2022

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Table 7. Comparison of 2041 Background, Total, Mitigated Total, and Further Mitigated Total Traffic Operations for Weekday PM Peak Hour

Study Intersection	Mobility Target (V/C) ¹	2041 Background		2041 Total		2041 Total with Mitigation		Year 2041 Recommended Mitigation	2041 Total with Further Mitigation		Year 2041 Further Mitigation
		CM	V/C	CM	V/C	CM	V/C		CM	V/C	
1 NE 3 rd Street/NE Johnson Street	0.90	-	0.86	-	0.93	-	0.85	NBL Turn Lane	-	0.85	EBR Turn Lane
2 NE Three Mile Lane/NE 1 st Street	0.90	WB	1.40	EB	1.83	-	1.05	Install Traffic Signal	-	0.90	Install Traffic Signal
3 NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27	EB	1.14	-	-		-	0.90	Install Traffic Signal
4 SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48	EB	0.50	-	-		-	-	
5 OR-18/SE Norton Lane	0.90	-	0.80	-	0.79	-	0.72	SBR Turn Lane, Modify Traffic Signal	-	-	
6 OR-18/NE Cumulus Avenue	0.80	-	0.98	-	1.33	-	0.79	EBR Turn Lane, NBL Turn Lane, NBR Turn Lane	-	-	
7 OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29	NB	0.31	-	-		-	-	
8 OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39	SB	0.48	-	-		-	-	
9 OR-18/SE Craikshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64	NB	1.63	-	-		NB	0.72	Reroute of 60% NBL to Lafayette/OR-18 Intersection
10 OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53	WB	0.54	-	-		-	-	
11 OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed									
12 SE Norton Lane/NE Stratus Avenue	0.90	WB	0.36	WB	0.54	-	-		-	-	

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right
V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)
CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

As shown in Table 7, with the further mitigation for consideration by the City and/or ODOT, all study intersections would satisfy applicable review agency mobility targets under year 2041 total conditions.

Table 7 also identifies additional mitigation at two additional intersections (Intersections 3 and 9) that would achieve consistency with the performance standards and capacity for those intersections. However, the analysis did not find “significant effect” at those intersections.

In addition, the proposed amendments are not forecast to have a significant effect on Intersection 5 per the TPR, but the applicant has identified potential queuing distance issues at that intersection and has proposed mitigation that would improve the performance standard at that intersection compared to both the existing and proposed map designations.

With conditions of approval, mitigation of three intersections which were found to be significantly affected by the proposed map amendments would bring the intersections into consistency with the applicable performance standards and capacity. This would require the mitigation proposed by the applicant, as well as the additional mitigation for Intersection 2 which is identified in Table 7.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve

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consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

FINDING: SECTION (3) IS NOT APPLICABLE. For facilities that would be significantly affected by the proposed map amendments, conditions of approval would provide mitigation that achieves consistency with the applicable performance standards and capacity of the facilities. Therefore, no further findings are required to address Subsection 3.

Staff has recommended the additional mitigation identified in Table 7 for Intersection 2 as a condition of approval, which is not part of the mitigation proposed by the applicant. However, if the additional mitigation in Table 7 isn't included as a condition of approval for Intersection 2, it would be necessary for the City to exercise its discretion to allow mitigation to a "no further degradation" standard and to make findings regarding Subsection 3 because the City is not proposing to use its discretion that would allow significant effects without mitigating to the applicable performance standard.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

FINDING: SECTION (4) IS SATISFIED. Review of the transportation analysis, findings, and mitigation under Sections (1)-(3) has been coordinated between the City of McMinnville, ODOT, and Yamhill County.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

FINDING: SEE FINDINGS FOR SUBSECTIONS (b) and (c) BELOW.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement

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Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

FINDING: SUBSECTION (4)(b) IS APPLICABLE AND SATISFIED. Subsection (b) defines which facilities are to be addressed in the analysis conducted in Sections (1)-(3) above when the area is outside of an interstate interchange area as defined in Subsection (d) below. This area is outside of any interstate interchange areas.

The analysis considers existing facilities and planned facilities consistent with Subsection (b). The analysis addresses planned facilities in the McMinnville TSP, which are identified for funding through use of SDC revenues, which includes the frontage road/collector road system. The analysis also addresses planned facilities in the Yamhill County TSP, specifically the planned roundabout at Highway 18 and Lafayette Highway, which would be a state-funded facility. ODOT has commented that this is identified in the County TSP and reasonably likely to be provided by the end of the planning period. ODOT has been working to include this project on the STIP.

(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

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(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

FINDING: SUBSECTION (4)(c) IS NOT APPLICABLE. This area is not within an interstate interchange area.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

FINDING: SUBSECTION 4(d) IS SATISFIED. Subsection (d) provides definitions used to apply Subsection 3. Subsection 3 was interpreted and applied consistent with these definitions.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

FINDING: SUBSECTION (4)(e) IS SATISFIED. Subsection (b) was applied consistent with these determinations, which are therefore conclusive. ODOT provided written comments regarding the roundabout at Highway 39 (OR-18) and Lafayette Highway. The City of McMinnville relied on its planned transportation facilities and staff provided written statements to that effect.

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

FINDING: SECTION (5) IS NOT APPLICABLE. No residential, commercial, institutional, or industrial development is proposed on rural lands by the applications.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full

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credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

FINDING: SECTION (6) IS NOT APPLICABLE. The land within the area proposed for map amendment is not located in a mixed-use, pedestrian-friendly center or neighborhood as defined in Section (8) below, which is the applicable definition for applying Subsection (6). Therefore, no credits as provided in Subsections (a)–(d) above were given credit for potential reduction in vehicle trips.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for

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on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

FINDING: SECTION (7) IS NOT APPLICABLE. Subsection 7 only applies when all three of the criteria listed in subsections (a)-(c) are met.

Per Subsection (a), the proposed amendment would result in designation of two or more acres of land for commercial use. Per Subsection (c), the proposed amendment would significantly affect a transportation facility as provided in Subsection 1 (to be mitigated with conditions of approval).

However, Subsection (b) is not applicable. The property is not within Metro and therefore Metro's requirements don't apply. The City has adopted a TSP which complies with OAR 660-012-0020(2)(b). The City has adopted a local street plan which complies with OAR 660-012-0020(2)(b).

Table H-1 of the Transportation System Plan addresses compliance with the TPR. As part of the TSP adoption, findings were made regarding OAR 660-012-0020(2)(b) as follows:

**TABLE H-1
CITY OF MCMINNVILLE TRANSPORTATION PLANNING RULE COMPLIANCE**

TSP Elements			
TPR Requirements	Summary of Current Plans, Policies and/or Zoning Ordinance Requirements	Current Compliance (Yes/No/Partial)	Summary of Adopted Plan, Policy and/or Zoning Ordinance Amendments
OAR 660-12-020 (2) (b) TSP shall include a road plan including a functional classification consistent with state and regional TSPs. Road standards for local streets to: 1) address extensions of existing streets 2) connections to existing /planned arterials and collectors 3) connections to neighborhood destinations	City's Transportation Master Plan (1994) defines functional classification and basic design elements. 1) Plan and adopted policies address street extension requirements. 2) Plan policies require new streets to conform to existing street patterns. 3) Plan policies and zoning ordinance describe access requirements.	Yes 1) Yes 2) Yes 3) Yes	Adopts supplemental roadway standards as identified in the TSP, Chapter 2; and revisions to City Street Standards as noted in Appendix G. Adopts transportation policies as included in the TSP, Chapter 2 affecting connectivity and circulation and complete streets, and in Chapter 4 affecting circulation; and future, local street connections as identified in Chapter 2, Ex 2-1.

Therefore, the proposed amendment is not required to “include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3).”

However, at the time of submittal of the Planned Development development plan, the applicant will need to demonstrate the proposed development plan is consistent with the planned street

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connectivity identified in the TSP and the Three Mile Lane Area Plan. This is addressed with a condition of approval.

Note: The provisions of OAR 660-012-0020(2)(b) may be accessed at the following link:

<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=175275>

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major

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driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

FINDING: SECTION (8) PROVIDES DEFINITIONS. THE SECTION DOES NOT PROVIDE SEPARATE STANDARDS. It provides a definition for purposes of applying provisions of the Transportation Planning Rule, including Section (6) above. Findings regarding Section (6) are provided above consistent with the definition provided in Section 8.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

FINDING: SECTION (9) IS NOT APPLICABLE. Section (9) is only applicable if (a)-(c) are all met. The proposed zoning is not consistent with the existing Comprehensive Plan map, and the proposed amendment includes a change to the Comprehensive Plan map. Therefore, the proposal does not meet Subsection (a), which is one part of the three-part test under Section (9). Therefore, the proposal doesn't meet the test that would be needed to make a finding that an amendment to a zoning map does not significantly affect an existing or planned transportation facility under the provisions of Section (9)

(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

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(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the

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local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

FINDING: SECTION (10) IS NOT APPLICABLE. Subsection (a) specifies that a proposed amendment qualifies for Section 10 if it is within an MMA. Subsection (b) provides a definition of an MMA as used in this Section. The lands subject to the applications for the proposed amendments don't meet the definition of an MMA as defined in Subsection (b), and therefore they don't qualify for application of Section 10. No MMA designation is proposed, so Subsections (c), (d), and (e) are not applicable.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

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(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for “Other Employment Use” or “Prime Industrial Land” as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

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FINDING: SECTION (11) IS NOT APPLICABLE. In order for the City to approve an amendment with partial mitigation under section (2) of this rule, the amendment must comply with subsection (11)(a) - both (11)(a)(A) **and** (11)(a)(B) or (11)(a)(D), meet the balancing test in subsection (11)(b), **and** the local government must coordinate as provided in subsection (11)(c).

Subsection (11)(a)(B) specifies that the proposed amendment must “not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.”

The proposed amendment would allow retail uses, including those which are not incidental to industrial or traded sector development. Therefore, the two part test under Subsection (11)(a)(A) and (B) is not met.

The proposed amendment is not within a City of less than 10,000 population or outside the Willamette Valley. Therefore, the test under Subsection (11)(a)(D) is not met. Therefore, the test under (11)(a) is not met. Therefore, the three part test under (11)(a), (b), and (c) cannot be met. Therefore, partial mitigation as provided in Section (2) of this rule is not authorized under the provisions of Section (11).

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**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
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MCMINNVILLE, OR 97128

503-434-7311

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DECISION, POTENTIAL 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-2 (GENERAL INDUSTRIAL) to C-3 PD (GENERAL COMMERCIAL WITH A PLANNED DEVELOPMENT OVERLAY) FOR AN 8-ACRE PROPERTY LOCATED AT 3330 SE THREE MILE LANE, TAX LOT R4426 00600

DOCKET: CPA 1-21 (Comprehensive Plan Map Amendment), ZC 2-21 (Zone Change, including Planned Development Overlay Designation)

REQUEST: An application for an amendment to 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: Site Address: 3330 SE Three Mile Lane
Map & Tax Lot: R4426 00600

ZONING: M-2 (General Industrial), Three Mile Lane Overlay, Airport Overlay

APPLICANT: Ken Sandblast, Westlake Consultants, Inc.

PROPERTY OWNER: 3330 TML, LL c/o Bryan Hays

STAFF: Tom Schauer, Senior Planner

DATE DEEMED COMPLETE: December 16, 2021

Attachments :

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

HEARINGS BODY**& ACTION:**

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.

PLANNING COMMISSION**HEARING DATE****& LOCATION:**

Hybrid in-person and Zoom online meeting. In-person: April 20, 2023 at 6:30 P.M. at Kent Taylor Civic Hall, 200 NE 2nd Street and online via Zoom.

Zoom Online Meeting ID: 893 6863 4307 **Meeting Password:** 989853

DECISION-MAKING**BODY:**

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's recommendation goes to City Council for final decision.

Upon receipt of the decision of the Planning Commission to recommend approval the Council shall:

a. Based on the material in the record and the findings adopted by 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) of the Zoning Ordinance.

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.

**CITY COUNCIL
MEETING DATE****& LOCATION:**

To be determined.

PROCEDURE:

An application for a Comprehensive Plan Map Amendment and Zone Change, including a Planned Development Overlay, 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. The criteria for a Planned Development Overlay are specified in Chapter 17.51 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.

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Applicable state law including applicable statewide planning goals must also be addressed.

APPEAL:

As specified in Section 17.72.180 of the Zoning Ordinance, a decision of the Planning Commission recommending denial may be appealed to the City Council within 15 (fifteen) calendar days of the date the written notice of the decision is mailed.

As specified in Section 17.72.190 of the Zoning Ordinance, 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; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of State Lands; and Oregon Department of Transportation. Their comments are provided in this document.

RECOMMENDATION

Based on the findings and conclusionary findings, the Planning Commission finds that, based on the evidence in the record, the applicant hasn't met the burden of proof and finds that the criteria are **NOT SATISFIED**. Therefore, the Planning Commission **DENIES THE APPLICATION**.

RECOMMENDATION/DECISION: DENIAL

Planning Commission: _____
Sidonie Winfield, Chair

Date: April 20, 2023

Planning Department:  _____
Heather Richards, Planning Director

Date: April 20, 2023

I. APPLICATION SUMMARY:

This is an application for an amendment to 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 an 8-acre property located at 3330 SE Three Mile Lane.

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 designation to be applied without a concurrent development plan; however, 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. 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.

This is one of three applications for contiguous properties concurrently being reviewed for redesignation as part of what would be a single 3MLAP C-3 Mixed-Use Town Center subarea Planned Development Overlay. Together, these applications propose 68.3 gross acres for redesignation from Industrial to Commercial with a Planned Development Overlay.

See Aerial Photo/Vicinity Map (Figure 1), Existing Comprehensive Plan Map (Figure 2), Existing Zoning Map (Figure 3), Proposed Comprehensive Plan Map (Figure 4), and Proposed Zoning Map (Figure 5). See also Figure 6 for map submitted by Kimco for application CPA 2-20/ZC 3-20 that shows potential future right-of-way alignments relative to the subject property for this application.

Figure 1. Aerial Photo/Vicinity Map



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- Attachment 1 – Application and Attachments;
- Attachment 2 – Draft Design and Development Principles and Standards

Figure 2. Existing Comprehensive Plan Map

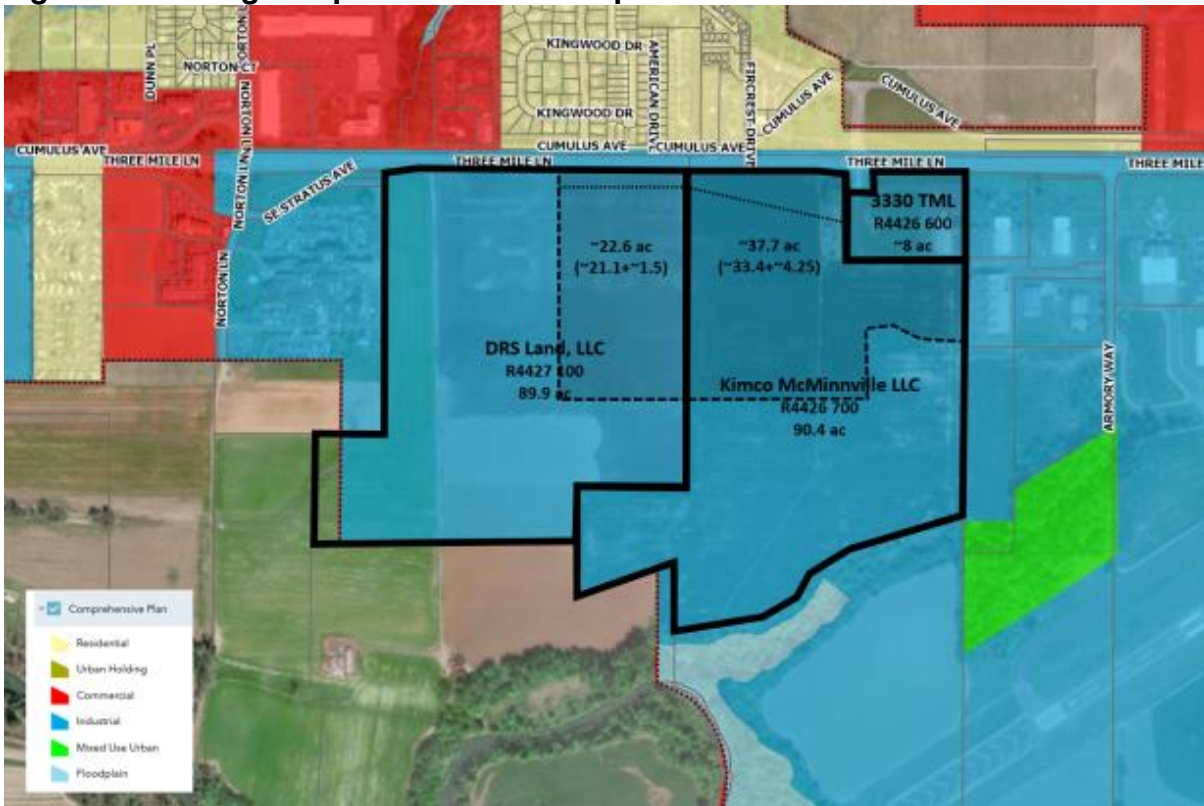
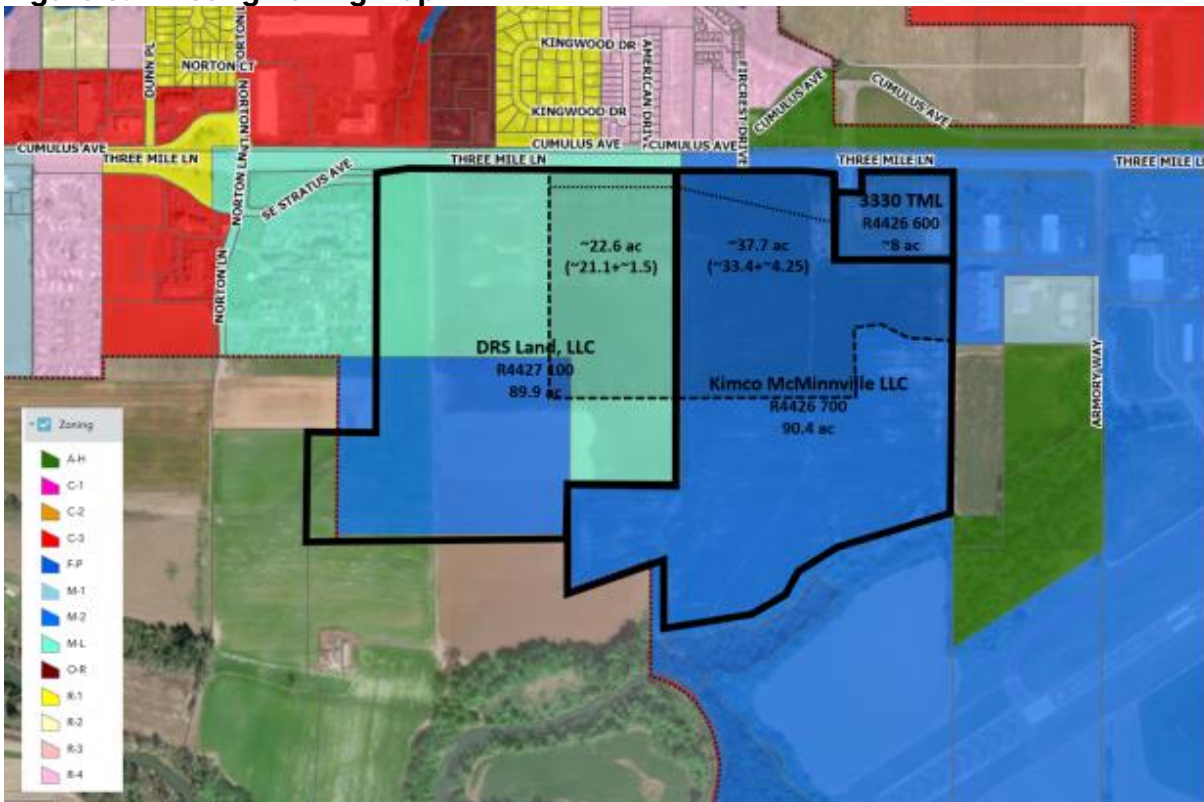


Figure 3. Existing Zoning Map



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Figure 4. Proposed Comprehensive Plan Map

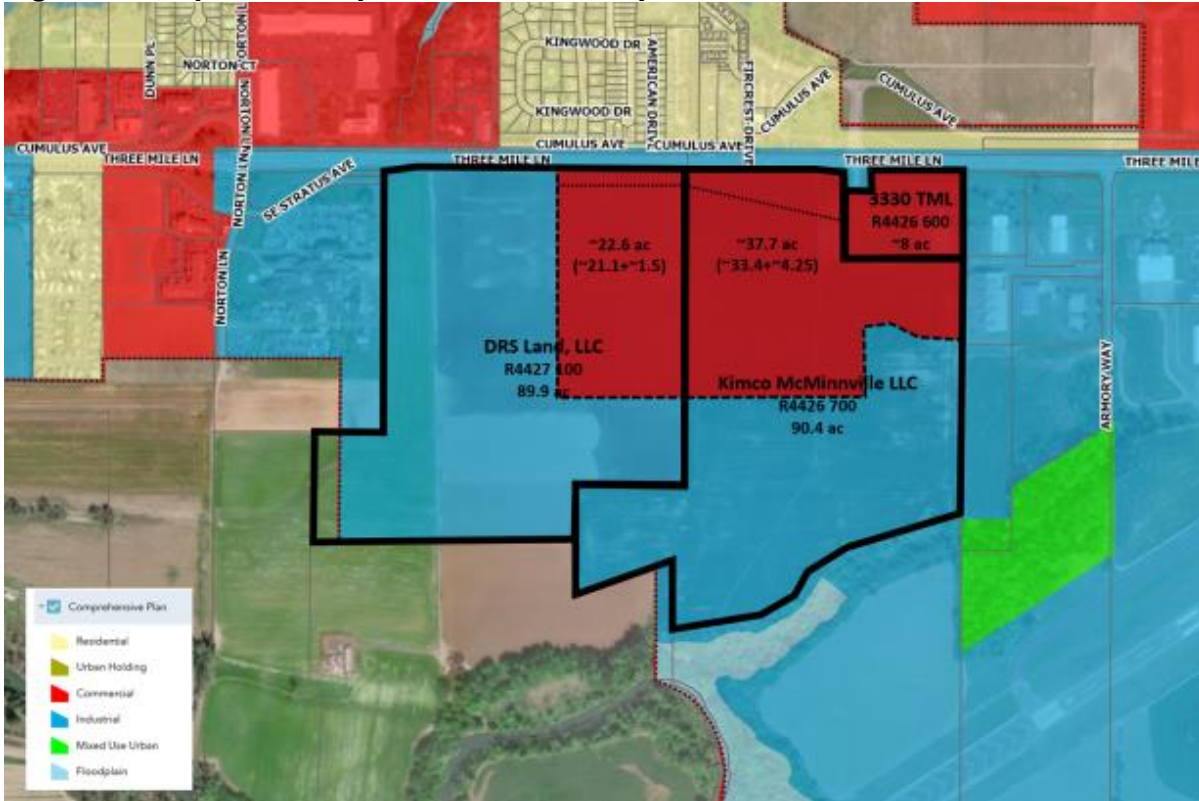
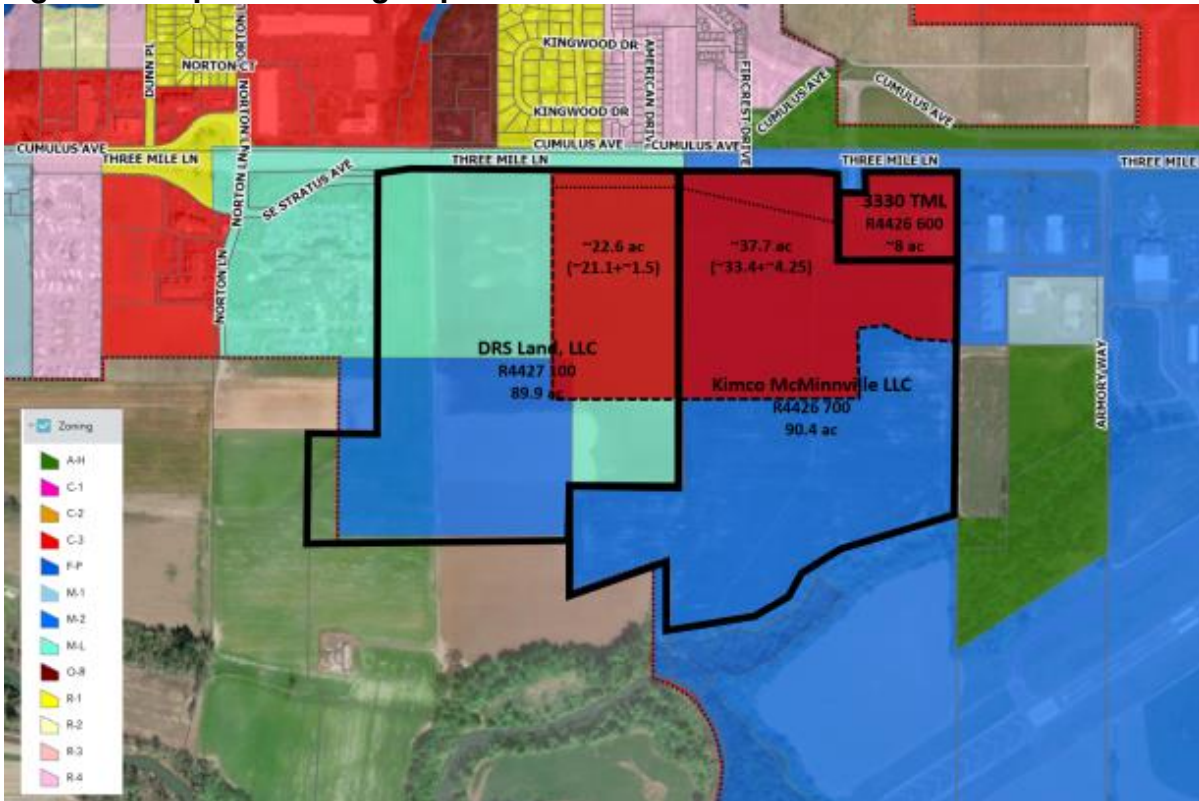


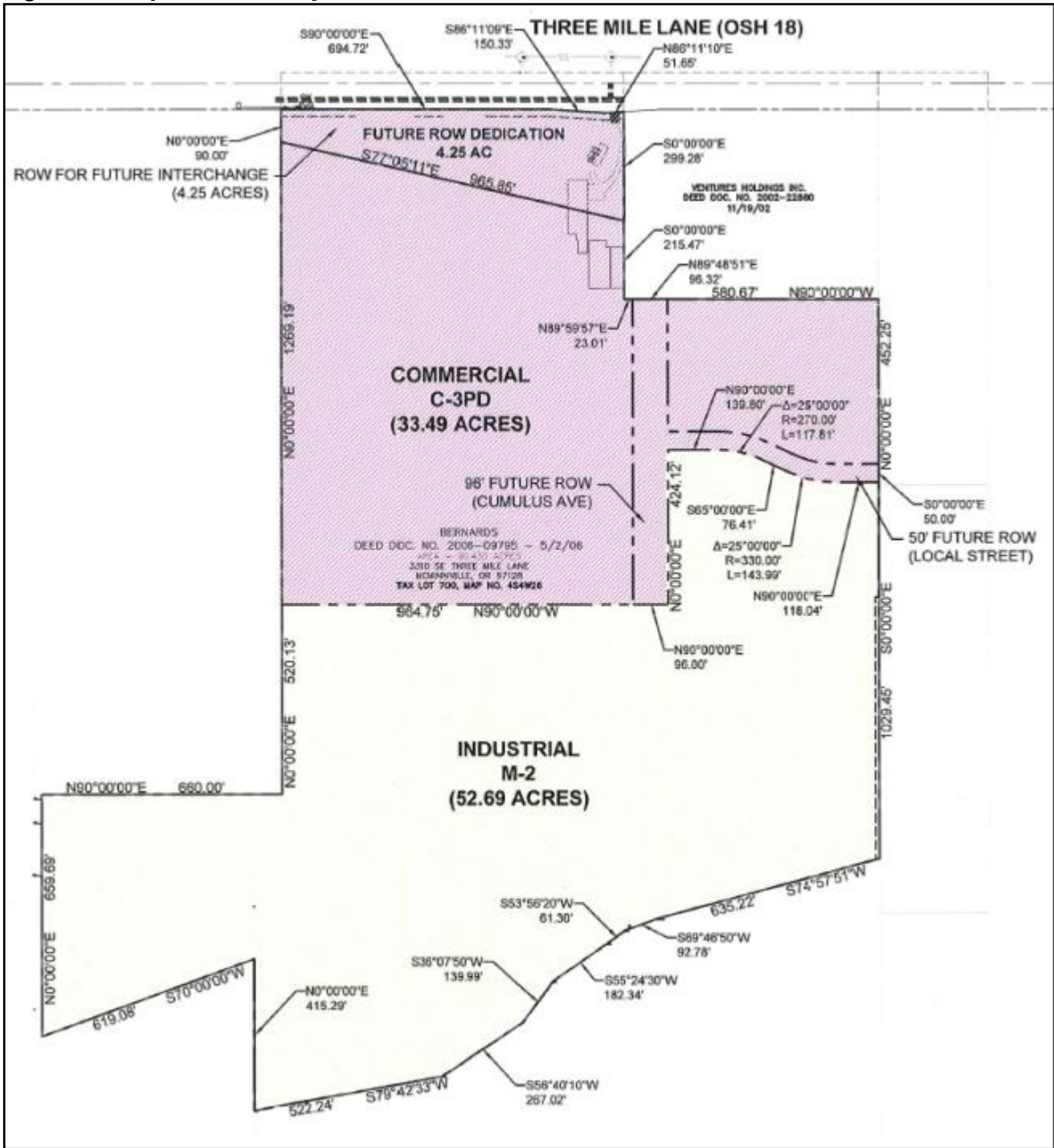
Figure 5. Proposed Zoning Map



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Figure 6. Map Submitted by Kimco for CPA 2-20/ZC 3-20



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- Attachment 1 – Application and Attachments;
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II. CONDITIONS:

NOT APPLICABLE. The recommendation is denial of the application since the application, together with the two other properties together exceed the 33 net buildable acres specified for the Mixed Use Town Center specified in the Three Mile Lane Area Plan. If that issue is resolved, then the other criteria can be satisfied, with some being satisfied subject to conditions of approval. Those potential conditions of approval are provided below.

NOTE: The conditions below are based on approval of applications for three properties, with each sharing in the conditions as part of a single larger C-3 PD Planned Development overlay boundary which encompasses parts of two properties and all of the third property.

If the applications are modified so they do not in aggregate exceed the 33 net buildable acres specified for the Mixed Use Town Center specified in the Three Mile Lane Area Plan, these potential conditions may need to be modified prior to adoption of a decision if any of the applications is not approved as proposed, such that the cumulative boundary configuration or size of the C-3 PD Planned Development overlay differs from what was proposed in the applications.

Planned Development Overlay

1. The C-3 Planned Development designation applicable to the subject portions of the three subject properties shall be a single Planned Development Overlay Zone, to be designated as the 3MLAP Mixed-Use Town Center subarea.
2. All general provisions of the adopted Three Mile Lane Area Plan shall apply to the subject properties. In addition, any and all provisions of the Three Mile Lane Area Plan which are specific to the 3MLAP Mixed-Use Town Center subarea shall apply to the portions of the subject properties within this boundary. These include but are not limited to the Vision, Goals, Policies, Urban Design Elements, Concept Plan, Implementation Recommendations, Design Booklet, and Draft Implementation provisions of Appendix E.

At the time the Planned Development development plan is submitted, these provisions shall be used to review the development plan.

3. If the Planned Development development plan is submitted prior to adoption of final Implementation provisions of the 3MLAP, the development plan shall be subject to the Design and Development Principles and Standards attached as **Attachment 2**. If the Planned Development development plan is submitted after adoption of final Implementation provisions of the 3MLAP, the properties within the Retail Center Subarea shall also be subject to those implementing provisions. The most restrictive provisions shall apply.
4. Any proposed map amendment or development plan for a property of five or more acres shall be subject to the Planned Development review process. This shall apply based on the size of the property, whether a map amendment or development plan would apply to a portion of the property or the full property.
5. A single Planned Development development plan shall be submitted for all properties within the 3MLAP Mixed-Use Town Center subarea. The development plan shall be limited to 33 net buildable acres.
6. Upon designation of the “3MLAP Mixed-Use Town Center subarea” Planned Development Overlay Zone, no development, including any land division or property line adjustment, shall

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occur on the properties within the PD boundary as specified in Chapter 17.51 of the Zoning Ordinance.

7. No existing structure or feature which may serve as a cultural or interpretive feature shall be removed or demolished on any of the property within the 3MLAP Mixed-Use Town Center subarea boundary, unless subsequently approved as part of the Planned Development development plan.
8. For any properties which are partially within the Planned Development Overlay zone, no land division or property line adjustment shall occur for any portion of the property until a preliminary plan has been approved for the portion of the property within the 3MLAP Mixed-Use Town Center subarea and the proposed land division or property line adjustment includes provision for transportation facilities consistent with the necessary connections to and through the subject properties, including the portion of the property which is not within the 3MLAP Mixed-Use Town Center subarea.
9. Prior to site work or issuance of building permits, the owners of Tax Lots 700 and 100 shall dedicate easements for the portions of those properties for future interchange improvements as identified in the applications. The easements shall provide terms for continued maintenance of the property until such time as the land is dedicated. The area within the easement may be used for purposes such as landscaping consistent with the thematic intent described in the Three Mile Lane Area Plan.

(Note: The applications for these two properties propose dedication of these areas as right-of-way. The interchange at Cumulus and Highway 18 is not required during the planning horizon for compliance with the TPR. Therefore, these were presented as part of the application on a voluntary basis. The application for Tax Lot 600 did not similarly propose right-of-way dedication for that property for future interchange improvements beyond the planning horizon. Staff is recommending dedication of easements at this time rather than right-of-way dedication. Staff anticipates the Planned Development development plan will need to include a more intensive level of landscaping and landscape maintenance than would occur if the property was dedicated at this time and maintained by ODOT.)

10. As part of the review of the Planned Development development plan, the portion of the plan for Tax Lot 600 shall minimize structural encroachment into the area identified in the Highway 18 Corridor Plan identified for future interchange improvements, and the City may apply setbacks associated with that issue as part of the development plan review.

Design and Development

11. Prior to any development, the applicant shall submit a preliminary development plan for the site to be reviewed in the same manner as a planned development amendment per Section 17.72 of McMinnville Municipal Code. The applicant will need to submit a development plan that meets all of the criteria of Section 17.51.030 (except that they only need to submit twelve (12) copies of the preliminary development plan and one electronic file).

(Note: The Zoning Ordinance also requires the applicant to hold a neighborhood meeting regarding the proposed development plan prior to submittal of the application for the Planned Development development plan).

12. The preliminary development plan to be submitted shall comply with all of the conditions of this decision.

Attachments :

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13. The preliminary development plan shall address extension of streets through the property and beyond the subject property to address connectivity of streets to and through adjacent properties to the point of connection with existing transportation facilities. The review will be coordinated between the City and ODOT, including the east-west frontage road/collector road system.

Transportation

14. At the time of submittal of the Planned Development development plan, the applicant shall submit a “Development Review” traffic impact analysis (TIA) which addresses the specific uses, site plan, and access configuration for the entire area and all properties within the 3MLAP Mixed-Use Town Center subarea. If the TIA indicates the proposed development would cause any transportation facilities to fail to meet applicable standards of the TSP or ODOT standards, the applicants shall identify proposed mitigation to mitigate the impacts back to the applicable standard.

At a minimum, the TIA shall address opening day traffic and mitigation and may be required to address beyond opening day consistent with guidelines and direction provided by the City of McMinnville.

(Note: This analysis has different requirements than the “TPR” traffic analysis conducted for the proposed map amendments).

15. The preliminary development plan shall address extension of streets through the property and beyond the subject property to address connectivity of streets to and through adjacent properties to the point of connection with existing transportation facilities. The review shall be coordinated between the City and ODOT, including the east-west frontage road/collector road system.
16. The following shall be addressed in order to address adequacy of transportation facilities, comply with the Transportation Planning Rule, the Comprehensive Plan, and to incorporate additional voluntary conditions proffered by the applicants.

The applicant shall provide sufficiently detailed plans showing the proposed transportation improvements and any impacts to on-street parking and bicycle facilities to determine whether the mitigation will involve pavement re-striping or whether any widening would be required.

The design shall be provided at the time of submittal of the PD master plan to be submitted for all properties within the 3MLAP Mixed-Use Town Center subarea. Detailed civil drawings shall be submitted and approved prior to issuance of any site work or building permits for any of the properties within the 3MLAP Mixed-Use Town Center subarea.

Construction of these transportation improvements shall be complete prior to occupancy of any building within the 3MLAP Mixed-Use Town Center subarea.

- a. **NE 3rd Street and NE Johnson Street.** Install a north-bound left-turn lane (with a minimum of 75 feet of storage) at the NE 3rd Street/NE Johnson Street intersection.
- b. **NE Three Mile Lane/NE 1st Street.** Install a traffic signal at the NE Three Mile Lane/NE 1st Street intersection. Install an eastbound right turn lane (with a minimum of 125 feet of storage). If right-of-way dedication would be required, at its discretion, the City could acquire the right-of-way and the applicant shall incur any costs associated with the City’s right-of-way acquisition. The City may elect to require an agreement for future right-of-way acquisition and construction by the applicant.

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- c. **Highway 39 (OR-18)/SE Norton Lane.** Install a southbound turn lane (with a minimum of 100 feet of storage), modify the traffic signal, and update the signal timing and phasing at the Highway 18/SE Norton Lane intersection subject to approval by ODOT. With the installation of the southbound right-turn lane, the transition at the southwest corner of Cumulus and Norton shall be reduced to improve channelization of the eastbound right-turn lane and to reduce the pedestrian crossing distance of Cumulus.
- d. **Highway 39 (OR-18)/NE Cumulus Avenue.** Install two northbound left-turn lanes (with a minimum of 250 feet of storage), northbound right-turn lane (with a minimum of 175 feet of storage), eastbound right-turn lane (with a minimum of 400 feet of storage), modify the traffic signal, and update the signal phasing at the Highway 39 (OR-18)/NE Cumulus Avenue intersection. NOTE: Installation of the two northbound left-turn lanes might require construction of a “shadow” on the north leg of the intersection to meet applicable standards for lane offsets through the intersection. This need will be determined during design of the intersection and, if it is required, shall be part of this condition.
- e. **North Side Frontage Road.** Construct the portion of the frontage road on the north side of Highway 39 (OR-18) to be located on the City-owned Tax Lot R4424C 00800, between the Loop Road right-of-way and the west property line of the subject property, approximately 1,020 lineal feet.
- f. **NE Three Mile Lane/SE Nehemiah Lane-NE Cumulus Avenue-NE Pacific Street.** At the City’s discretion and prior to occupancy, install northbound and southbound left-turn pockets on NE Three Mile Lane (each with a minimum of 50 feet of storage), OR contribute a fee-in-lieu payment toward future relocation and signalization of the NE Three Mile Lane/SE Nehemiah Lane-NE Cumulus Avenue-NE Pacific Street intersection.
- g. **Highway 39 (OR-18)/Lafayette Highway.** Submit a proportional share calculation for the proposed developments’ impacts to the Highway 39 (OR-18)/Lafayette Highway intersection for review by City and ODOT staff. Prior to occupancy, contribute a proportional share fee-in-lieu payment toward the planned multi-lane roundabout at Highway 39 (OR-18)/Lafayette Highway.

If the project becomes entirely ODOT-funded through the STIP, the proportional share funds may be allocated to other transportation projects in the Three Mile Lane corridor.

Note: *The applicant currently estimates their proportional share, based on traffic volumes associated with the development vs. total traffic volumes, to be approximately \$307,000 in 2022 dollars. However, this is not a determination or final approval by the City or ODOT, and the final proportional share and resulting cost will need to be reviewed and agreed upon by the City and ODOT.*

General

- 17. Use and development of the property shall be subject to any overlays which apply to the property, including the Three Mile Land Overlay and the Airport Overlay Zone.
- 18. Disposition of any wetlands on the property at the time of submittal of the development plan shall be subject to the design and development principles and standards, and the Great Neighborhood Principles, and will also be subject to any applicable state and/or federal review and approval, including any requirements of the Oregon Department of State Lands and the US Army Corp of Engineers.

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19. The applicant shall record a copy of the approving ordinance, disclosing these conditions of approval.

III. ATTACHMENTS:

See attached list for the full record.

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 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 Public Works Department
- Oregon Department of State Lands
- Oregon Department of Transportation

McMinnville Public Works Department

Public Works does not have any comments on this proposal

Oregon Department of Transportation

ODOT has provided comments which are provided in separate letters, attached.

The most current comments from ODOT, based review of the May 4, 2022 memo and sensitivity analysis from Kittelson and Associates, are dated May 23, 2022 and are included in the record.

Oregon Department of State Lands

The DSL Removal-Fill program would have no comment upon the CPA or ZC proposed for these properties. However, both properties have SWI features mapped upon them, therefore when development site plan proposals are submitted for local permits please be sure to submit a wetland land use notice to receive formal comments regarding possible regulatory requirements. I see that we do have a wetland determination for 04S04W27 #100, WD2017-0209. Your office was copied on the response. This document should be helpful to your planning process. There is also an enforcement file on this property, 7831-ENF. We do not have documents relating to 04S04W26 #600.

This notice has been shared with the proprietary program. They will respond separately if there are comments from that program.

Public Comments

See attached list for the full record, including a list of written and oral testimony.

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V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The application was submitted on November 16, 2021. 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 December 16, 2021.
3. On January 6, 2022, notice of the application and the February 17, 2022 Planning Commission hearing was provided to the Oregon Department of Land Conservation and Development (DLCD).
4. On January 10, 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, City Manager; City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands.

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

5. The applicant submitted supplemental information on January 17, 2022 addressing the Great Neighborhood Principles in the Comprehensive Plan.
6. The applicant submitted supplemental information regarding transportation analysis. That was superseded by a May 4, 2022 TIA and sensitivity analysis with corrections in a June 4, 2022 memo.
7. On January 19, 2022, notice of the application and February 17, 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.
8. On February 4, 2022, notice of the application and Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.
9. As requested by the applicants, on February 17, 2022, the Planning Commission continued the public hearing to March 17, 2022, without a staff report or testimony. Several additional continuances were requested and approved without a staff report or testimony: from March 17, 2022 to April 21, 2022, from April 21, 2022 to June 2, 2022, from June 2, 2022 to September 1, 2022, from September 1, 2022 to October 20, 2022, from October 20, 2022 to January 19, 2023, and from January 19, 2023 to April 20, 2023. On April 10, 2023, the applicants requested a continuance from April 20, 2023 to June 15, 2023.
10. The Planning Commission held a public hearing on _____ to consider the request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:**
 - **Site Address:** 3330 SE Three Mile Lane
 - **Map & Tax Lot:** R4426 00600

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2. **Size:** Approximately 8 acres (shown as 9.6 acres on Assessor's maps)
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:**
 - a. **Subject Property:** M-2 (General Industrial)
 - b. **Surrounding Properties:**
 - i. **North:** Across OR-18: Public right-of-way within the UGB and County EFU outside the UGB, C-3 PD on the Evergreen Campus
 - ii. **South and West:** M-2 to the south and west (which is the Kimco property, a portion of which is also proposed for map amendment).
 - iii. **East:** The property to the east is zoned M-2.
5. **Overlay Zones/Special Districts:**
 - a. Three Mile Lane Overlay (Ordinance 4131 as subsequently amended)
 - b. Airport Overlay
6. **Current Development:** The westerly portion of the property is predominantly undeveloped other than an outbuilding and private shared access road from Cumulus to the offices on the east side of the property and additional properties to the east. The easterly portion of the property is developed with the offices for The Springs Living LLC.
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** DSL's comments indicate the presence of mapped SWI (Statewide Wetlands Inventory) features mapped on the property. This appears to correspond to NRCS predominantly hydric soil map units shown on the SWI map.
8. **Other Features:**
 - a. **Slopes:** The property is generally level.
 - b. **Easements:** There are no public easements identified on the property.
 - c. **Trees:** No significant stands of trees were identified on this tax lot.
9. **Utilities:**
 - a. **Water:** A 24-inch distribution line is present along the OR-18 Highway frontage and a 10-inch line is present on the property near the northeasterly highway frontage.
 - b. **Sewer:** 12" sanitary sewer is present along the north side of Highway OR-18, with an 8" crossing to the south side on the west side of NE Cumulus Avenue
 - c. **Stormwater:** There is a storm inlet near the west side of Cumulus that conveys stormwater in a 24" line to an outfall north of the highway into the drainageway. Storm drainage lines are also present further to the south of the property.
 - d. **Power:** Power is available to the property. The existing offices are served with underground power, and the existing outbuilding is served with overhead power across the highway from the north side.
10. **Transportation and Access:** The property has frontage along Highway 39 (OR-18) and along the frontage of the NE Cumulus Avenue right-of-way which extends approximately 140' south of the OR-18 right-of-way. That right-of-way terminates on the subject property, with private access on that property continuing from the terminus of the right-of-way, extending to the south and east.

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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. The additional criteria for a Planned Development Overlay designation, including with a deferred development plan, are found in Chapter 17.51 of the Zoning Ordinance.

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

Applicable statewide planning goals and administrative rules also apply, including Goal 2 (Land Use Planning, Goal 9 (Economic Development), Goal 12 (Transportation), and OAR 660-012-0060, the portion of the Transportation Plan Rule that applies to plan and land use regulation amendments.

Summary of Conclusionary Findings

The application was reviewed for consistency with the applicable criteria, including:

- The provisions of the Comprehensive Plan, including the Goals and Policies in Volume II of the Comprehensive Plan and Supplemental Documents to the Comprehensive Plan, including the Three Mile Land Area Plan.
- The provisions of the Zoning Ordinance
- Applicable State Law.

With the exception of one key issue: the size of the commercial area to be designated as the Mixed Use Town Center that relates to multiple criteria, staff found that, with conditions of approval, the three applications in aggregate would otherwise satisfy applicable criteria and demonstrate consistency with the Comprehensive Plan, Zoning Ordinance, and applicable state law. With conditions addressing (1) traffic impacts and transportation mitigation, and (2) design and development standards, staff found the proposed map amendments would otherwise be consistent with applicable criteria except for criteria pertaining to the key provision of the Three Mile Lane Area Plan which includes **“the area envisioned as a future retail center (“Mixed-Use Town Center”), a large (40 - 60-acres (not to exceed 33 net buildable acres, net being all acreage that is buildable and not encumbered in the public domain)).”**

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 (Planned Development)

FINDING: SATISFIED. 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

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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: The applicable findings included in the narrative above demonstrate that the proposed comprehensive plan map amendment and zone change are consistent with the goals and policies of the Comprehensive Plan.

FINDING: NOT SATISFIED. This application has been coordinated with two other applications, which would together comprise a single 3MLAP C-3 Mixed-Use Town Center Planned Development Overlay subarea. Together, the three applications include 68.3 gross acres. The Comprehensive Plan identifies a need for 40 acres of land redesignated from Industrial to Commercial in this vicinity. The City has discretion to redesignate more than the minimum commercial land need, but is not required to do so. The 3MLAP was adopted on November 8, 2022, and includes a provision limiting the Mixed Use Town Center to not exceed 33 net buildable acres.

The applicants for the three map amendment applications on contiguous properties have agreed to move the applications forward in a concurrent manner, understanding that there would be a single 3MLAP C-3 Mixed-Use Town Center Planned Development Overlay subarea that would apply to the entire area to be re-designated. The submittal of the Planned Development master plan would also need to be for a single master plan for this entire Planned Development overlay area. In addition, The traffic analysis was prepared for all three applications and the applicants have understood that the transportation conditions would apply to the entire PD Overlay area, with the same conditions attached to each application, and the decision about allocating the requirements to be made between the applicants.

As submitted, the proposed area of the combined applications is inconsistent with a Mixed-Use Town Center subarea not to exceed 33 net buildable acres, and there is no proposal that addresses the transportation analysis, mitigation, and conditions that would be needed for a 33 net acre Mixed-Use Town Center Planned Development Overlay subarea.

See also findings under the Comprehensive Plan Goals and Policies section.

- 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: This proposed comprehensive plan map amendment and zone change address a need for additional commercial land identified in the 2013 EOA, and further supported in the recent 2020 EOA draft and the 3MLAP. The 3MLAP, although not yet adopted, responds to the identified need for a "sizable" retail center with good access and visibility, and of a size suitable to support efficient onsite circulation.

No development is proposed through this Application. This Application is timely in that needed commercial land would be designated and made available for future development

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under a Planned Development overlay and in coordination with the uses envisioned in the 3MLAP.

Upon future application for development, site development plans will be subject to Planned Development overlay and zone requirements and would be subject to the public hearing and review process of Chapter 17.72 of the McMinnville Zoning Ordinance.

FINDING: NOT SATISFIED. The City initiated work on the Three Mile Lane Area Plan (3MLAP) in 2018 to develop an area-wide plan for the Three Mile Lane area through a public process. In December 2020, the City and County adopted an amendment to the UGB, and McMinnville adopted amendments to the Comprehensive Plan and Zoning Ordinance.

On December 21, 2020, prior to adoption of the 3MLAP, Kimco submitted an application for a proposed map amendment with PD overlay for abutting property. Subsequently, two adjacent property owners to the east and west submitted applications for map amendments for the properties, including this application.

The public hearing process was initiated for the Three Mile Lane Area Plan. The Planning Commission held public hearings and made a recommendation to City Council. City Council held public hearings and deliberations. On November 8, 2022, City Council adopted the 3MLAP, incorporating five revisions. One of the adopted revisions is that the Mixed-Use Town Center subarea be limited to 33 net buildable acres.

To date, the three applicants have collaborated to move their applications forward together in a manner in which the combined portions of the three properties proposed for redesignation would together comprise the 3MLAP Mixed-Use Town Center commercial area. There would be designation of a single C-3 Mixed-Use Town Center Planned Development Overlay encompassing this area. Currently, the combined acreage proposed for redesignation is approximately 68 gross acres, inconsistent with the adopted provisions of the 3MLAP for a commercial center not to exceed 33 net buildable acres. As submitted, the applicants haven't met the burden of proof to demonstrate consistency with the final adopted 3MLAP and its limitation on the net buildable acres of the Mixed-Use Town Center.

Also, as previously discussed and requested by the applicants, the conditions for transportation improvements and mitigation associated with the proposed map amendments would apply as a whole to the Mixed-Use Town Center PD overlay area, and the same conditions would be attached to each application, with the allocation of those requirements among property owners being a decision to be made among the property owners. At this time, the analysis and mitigation are based on the combined area of approximately 68 acres.

Without a proposal that is consistent with the 33 net buildable acre requirement, it would be inappropriate to approve transportation analysis and mitigation based on amendments comprising a 68 gross acre Planned Development Overlay. Therefore, it is not orderly and timely to approve a 68 gross acre Planned Development Overlay.

- 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: No development is proposed through this Application. Upon submittal of a development application, proposed plans will be subject to

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existing Planned Development overlay and zone requirements, as well as the public hearing and review process of Chapter 17.72 of the McMinnville Zoning Ordinance. The efficient provision of utilities and services to the proposed development could be assured through conditions of approval.

FINDING: NOT SATISFIED. There is no proposal for a 33 net buildable acre Planned Development Overlay that would include the area necessary to provide the transportation facilities and utilities fully within the property under control of the applicant. The applicant would need to demonstrate the ability to provide the necessary transportation improvements and mitigation necessary for the Planned Development Overlay. Updated transportation analysis for a 33 net buildable acre subarea has not been provided, and the associated transportation improvements and mitigation haven't been identified. It is possible that a different boundary configuration than was submitted for any of the three individual applications to achieve the optimal 33 net acre area configuration would be necessary to address the buildable land needs together with the transportation improvements. Such a proposal is not currently before the Planning Commission for consideration. The applicant hasn't met the burden of proof to demonstrate services can be efficiently provided to serve the proposed uses and other uses in the area for a configuration that meets the 33 net acre requirement.

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

FINDING: 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.

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

FINDING: 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.

Section 17.74.070. Planned Development Amendment – Review Criteria

APPLICANT'S RESPONSE: No response.

FINDING: NOT APPLICABLE. The criteria in this section only apply to amendment of an existing Planned Development.

Chapter 17.51. Planned Development Overlay

17.51.010. Purpose. *The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a 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;*

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preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission.

The purposes in Section 17.030.020 are as follows:

17.03.020. Purpose. The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.

FINDING: NOT SATISFIED. The Planned Development designation and review process is appropriate and necessary to this application to ensure there are appropriate conditions and design and development standards attached to the application to ensure the issues above in Section 17.030.010 and 020 are addressed upon submittal of the development plan, which would not necessarily apply to development of properties in the C-3 zone without a PD overlay. Further, the Planned Development process provides for greater public engagement in the review of the master plan.

While some of the issues are addressed through design and development standards and review of the Planned Development development plan prior to development, the applicant hasn't met the burden of proof to demonstrate a proposed 33 net buildable acre subarea with workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources. The access, circulation, and proposed transportation improvements and mitigation are not under the control of any of the individual properties.

For purposes of implementing these objectives, two means are available:

- A. *The property owner or his representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances it will be carried out in accordance with Section 17.51.030. Such plan should accomplish substantially the same general objectives as proposed by the comprehensive plan and zoning ordinance for the area; (The fee charged for processing such an application shall be equal to the one charged for zone changes.)*

FINDING: NOT APPLICABLE. The applicant submitted the application under Subsection B, below.

- B. *The Council, the Commission, or the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any*

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development plans; however, no development of any kind may occur until a final plan has been submitted and approved. (The Planning Director shall note such properties and direct that no building permit be issued in respect thereto.)

FINDING: SATISFIED WITH CONDITIONS. The application is submitted under this Subsection. No development of any kind may occur on the portion of the property subject to the PD overlay until a final plan has been submitted and approved as specified in this ordinance.

1. *A planned development overlay may be approved under these circumstances for a property which has unique characteristics (e.g., geological, ecological, location, or the nature of the surrounding property) and the development of which may have an impact upon the surrounding area or the city as a whole. A planned development overlay initiated by the Council or the Planning Commission shall address itself to the purposes set forth herein.*

APPLICANT’S RESPONSE: Comprehensive Plan Chapter IV, Policy 6 calls for “planned development overlay...be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking and landscaping...” This Application requests a Planned Development overlay. The subject sites have unique characteristics based on their location and the nature of the surrounding properties. The proposed comprehensive plan map amendment and zone change are consistent with the 3MLAP, now moving through the legislative process.

FINDING: SATISFIED WITH CONDITIONS. The Planned Development submittal is authorized under Subsection (B) because of the unique characteristics of the property and surrounding area which are recognized in the Comprehensive Plan policies specifying unique areas within the UGB where PD overlays should be applied. This property and the Three Mile Lane area are unique relative to their character, gateway entry location to the community, and the new 3MLAP for this area.

Review and any approval under this section would be subject to a condition of approval for development and design principles and standards that address themselves to the unique characteristics of this area and the planning objectives of the 3MLAP.

In addition, to ensure the master plan addresses the unique issues, a condition shall require that properties within the Mixed Use Town Center PD overlay shall be part of a single overlay and shall submit a coordinated master plan for the properties within the PD overlay at the time of applying for the specific development plan.

2. *The Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plans are submitted;*

FINDING: NOT SATISFIED.

Reasons for Approval: The City finds that the three applications submitted which would together comprise the 3MLAP Mixed Use Town Center Planned Development Overlay subarea together exceed the acreage per the policy consideration for a 33 net acre subarea. This issue must be addressed at the time of Planned Development overlay designation, and isn’t something that can be addressed when the final plans are submitted. Therefore, the City cannot set forth reasons for approval.

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Areas of Concern:

1. Development of the site should be consistent with the broader 3MLAP and its objectives. Specific areas of concern, and how to address those, are addressed in the conditions of approval, including articulation of issues addressed in the development and design principles and standards attached that were identified in the potential conditions of approval.

2. Because the applications were submitted prior to the adoption of the 3MLAP and associated implementation actions, including TSP amendments and design and development standards, this creates a timing issue which requires the development of interim design and development standards to apply until the final 3MLAP standards are adopted, with the more restrictive provisions then applying.

- C. *The Council and Planning Commission, with the assistance of the Planning Director, shall ensure that no planned development overlay granted under Section A or B above which is merely a guise to circumvent the intent of the zoning ordinance shall be approved. A denial of such a zone request based upon this principle shall be enunciated in the findings of fact adopted by the Planning Commission;*

APPLICANT'S RESPONSE: No development is proposed through this Application. Upon future submittal of an application for development, site plans will be reviewed through the process of Chapters 17.51 and 17.72 of the McMinnville Zoning Ordinance for consistency with applicable zoning regulations, planned development requirements, and comprehensive plan policies in effect.

FINDING: SATISFIED WITH CONDITIONS. The PD overlay designation concurrent with the Comprehensive Plan map amendments and zone changes is intended to provide greater oversight over the future development of the properties in the Three Mile Lane Mixed Use Town Center area. The conditions of approval, including the development and design principles and standards, clearly demonstrate a means to ensure the intent of the zoning ordinance is not circumvented. Instead, there are specific provisions to address areas of concern and ensure the PD development addresses the objectives and areas of concern. Further, the development and design principles and standards establish expectations up-front regarding what the future PD development plan will need to address. Further, there is a condition for a coordinated master for the properties within a single combined Mixed-Use Town Center PD overlay.

- D. *A planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.72 (Applications and Review Process) of this ordinance. (A planned development overlay and change of the underlying zone may be processed simultaneously.)*

APPLICANT'S RESPONSE: The Planned Development overlay request is being considered concurrent with the comprehensive plan map amendment and zone change, consistent with this requirement. No development is proposed through this Application. Upon future submittal of an application for development, site plans will be reviewed through the process of Chapter 17.72 of the McMinnville Zoning Ordinance for consistency with applicable zoning regulations, planned development requirements, and comprehensive plan policies in effect.

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FINDING: SATISFIED. The application is being processed in accordance with the applicable public hearing procedures, and the applications are being processed simultaneously.

- E. *A planned development overlay proposed by the Council, the Planning Commission, or the property owner under subsection B above shall be subject to all of the hearing requirements again at such time as the final plans under Section 17.51.030 are submitted, unless those requirements have been specifically changed in the planned development approval;*

APPLICANT'S RESPONSE: No development is proposed through this Application. Upon future submittal of an application for development, the Applicants will comply with applicable procedures of Section 17.51.030. Proposed plans will be reviewed through the process of Chapter 17.72 of the McMinnville Zoning Ordinance for consistency with applicable zoning regulations, planned development requirements, and comprehensive plan policies in effect.

FINDING: SATISFIED. This procedure will be required at the time of submittal of the final plans, and this PD overlay approval does not change those requirements.

McMinnville Comprehensive Plan

Three Mile Lane Area Plan (3MLAP)

FINDINGS: NOT SATISFIED. On November 8, 2022 the McMinnville City Council approved Ordinance 5126 which adopted the Three Mile Lane Area Plan (3MLAP) as a supplemental document to the McMinnville Comprehensive Plan. The 3MLAP specified that the Mixed Use Town Center is not to exceed 33 net buildable acres. The applicant hasn't met the burden of proof to demonstrate the proposed map amendments, in combination, are consistent with the 33 net buildable acre limitation.

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.

GENERAL FINDINGS: NOT SATISFIED. The Comprehensive Plan includes Proposal 48.70, adopted in December 2020 concurrent with the UGB amendment:

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- 48.70 **Redesignation to Commercial.** As an identified efficiency measure necessary to reduce the needed size of the “Phase 2” UGB amendment to meet additional Commercial land needs, the City shall initiate a change to the Comprehensive Plan and Zone Map to redesignate and rezone 40 acres of property along the south side of the Highway 18 frontage from commercial to industrial, leaving the rear portions in an Industrial designation. This recognizes that the City will retain an Industrial surplus as a result of adding the Riverside North area to the UGB as part of the “Phase 2” UGB amendment. (Ord. 5098, December 8, 2020)

The City has discretion to establish a subarea which is larger than the minimum 40-acre (gross) need identified in Proposal 48.70, but has no obligation to designate a larger subarea than the minimum need.

The subject property is within the boundaries of the Three Mile Lane Area Plan. The Three Mile Lane Area Plan addresses the intent for a Mixed-Use Town Center subarea Planned Development overlay that would meet the identified commercial needs as part of the larger area plan.

The 3MLAP refines Proposal 48.70 with more specific policy direction. The 3MLAP limits the Mixed Use Town Center to 33 net buildable acres. The Comprehensive Plan is interpreted through this refinement.

The map amendment applications need to be consistent with this limitation. The applicants have not demonstrated that a 68.3 acre subarea is consistent with this limitation. Therefore, the applications in combination are inconsistent with this aspect of the Comprehensive Plan to be addressed as part of the 3MLAP.

The following additional 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: No response.

FINDING: NOT APPLICABLE. The 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.

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.

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GOAL III 3: INCREASE PUBLIC AWARENESS AND UNDERSTANDING OF McMINNVILLE'S HISTORY AND ITS HISTORIC PRESERVATION PROGRAM

Policies:

17.04. *Increase interpretation efforts of the City's historic resources.*

Proposals:

3.11. *Support character and place identity of neighborhoods within the City through survey and historic context research to understand the unique history and their role relative to the growth and development of McMinnville. This can help support a connection between residents and their neighborhoods' history, the preservation of buildings, and education through walking tours.*

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

GOAL III 5: DOCUMENT AND PROTECT HISTORIC RESOURCES

Proposals:

3.39. *Evaluate a MPD (Multiple Property Designation) for "Historic Granaries of McMinnville."*

GOAL III 6: INCREASE HERITAGE TOURISM

Policies

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

APPLICANT'S RESPONSE REGARDING CHAPTER III GOALS, POLICIES, AND PROPOSALS: No response.

FINDING REGARDING CHAPTER III GOALS, POLICIES, AND PROPOSALS: SATISFIED WITH CONDITIONS. The Goals, Policies, and Proposals of this Chapter of the Comprehensive Plan reflect the community's desire to see its history and heritage reflected in the built environment and including increased interpretive efforts of its history and heritage. This theme is integral in the planning goals for the Three Mile Lane Area Plan (3MLAP).

In addition, this chapter reflects an understanding of the economic development benefits of heritage tourism as a competitive advantage when the built form differentiates itself from other communities by incorporating its heritage into new development as growth occurs. In the Three Mile Lane area, this is reflected in the agricultural and aviation traditions. Retaining, interpreting, and incorporating elements of the heritage into the development of the property provide an authenticity which provides a competitive advantage.

As specified in Section 17.51.010(B)(2), the Council and Planning Commission shall set forth reasons for approval and the areas of concern that must be addressed when final plans are submitted. Reflecting McMinnville's heritage and history in the built environment is an area of concern per Section 17.51.010(B)(2) that must be addressed when final plans are submitted.

As a condition of approval, design and development principles and standards are attached to the PD overlay designation, specifying that this issue is to be addressed in the development

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plan, in order to address an area of concern that McMinnville retain its unique identify and that consistency with the Comprehensive Plan requires that this issue be addressed as part of a Planned Development. Specifically, development should address use of the existing agricultural building on the property and provide for landscape elements consistent with the agricultural character of the area.

This heritage is distinctly different from the history and heritage-based characteristics of the historic downtown area. The development plan should complement the downtown, and not duplicate or mimic the experience provided downtown.

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.

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

21.00 *Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the City. Such uses shall locate according to the goals and policies in the comprehensive plan.*

APPLICANT'S RESPONSE: As noted above [see applicant's narrative addressing Goal 9 below], the 2013 EOA documents significant retail leakage from the McMinnville market area. The City-commissioned market analysis (Leland) and draft 2020 EOA update further support the need for commercial space to meet the identified demand stemming from future growth, as well as significant retail leakage. The 3MLAP provides a concept plan for meeting those needs by identifying an area south of Three Mile Lane (Highway 18) as suitable for a "sizable retail center," with land area adequate to accommodate a walkable "town center" type development. The subject sites represent a total of 29.11 acres (and 1.5 acres for future right-of-way dedication) within that 3MLAP area. The proposed rezone to C-3 with PD overlay will allow for retail development that will address currently unmet community needs and overall growth, as well as create employment opportunities. The proposed change in designation to C-3 / PD is consistent with Goals VI 1 and 2, and Policy 21.00.

Note: *The applicant's narrative reflected the combined acreage of two different properties. The subject property is approximately 8 acres.*

FINDING: SATISFIED WITH CONDITIONS. The application notes that retail leakage is occurring in part due to a lack of product offerings available in McMinnville. As a condition of approval, the development plan should include businesses that represent a mix of offerings, including those categories not already present in McMinnville to address retail leakage, expanding the mix of offerings rather than only duplicating those which are already available

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elsewhere in McMinnville, and which would not help address the retail leakage. This is reflected in the recommended development standards. However, it is included as a recommendation only, since tenant selection is outside the scope of the land use decision.

- 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: The adopted 2013 EOA documents a 235.9-acre surplus of industrial land and a 35.8 deficit of commercial land over a 20-year planning period, concluding that the industrial needs during that period would be easily met, while the commercial land supply would not meet projected demand. Consistent with Policy 21.01, the City is in the process of updating the 2013 EOA. While the draft 2020 EOA is not yet adopted, it indicates that the imbalance of commercial and industrial land is expected to grow over the next 20 years. Both the 2013 EOA and the draft 2020 EOA conclude that redesignation of excess industrial land to commercial zoning would provide adequate commercial land, without creating a deficit of industrial land. The 3MLAP concept for the area south of Highway 18 designates the area including the subject sites as appropriate for retail and commercial uses and envisions a walkable “town center” type development that would require a site of significant size. The subject sites are suitable for commercial zoning and development as explained above. The subject sites, along with the adjacent Kimco site, would provide land that is serviceable and suitable for such development. The proposed rezoning of the subject property is consistent with Policy 21.01.

FINDING: SATISFIED. As demonstrated by the EOA, McMinnville has a deficit of commercial land within the UGB, and redesignation of a portion of the industrial surplus to commercial consistent with the identified need is a corrective action that addresses the identified deficit with site characteristics which are suitable to meet the identified need. However, the City is not obligated to redesignate more than the required need.

- 21.02 *The City shall encourage and support the start up, expansion or relocation of high-wage businesses to McMinnville.*
1. *The City shall coordinate economic efforts with the Greater McMinnville Area Chamber of Commerce, McMinnville Industrial Promotions, McMinnville Downtown Association, Yamhill County, Oregon Economic and Community Development Department, and other appropriate groups.*
 2. *Economic development efforts shall identify specific high-wage target industries and ensure that adequately sized, serviced, and located sites exist within the McMinnville urban area for such industries.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. This policy is included under the “COMMERCIAL DEVELOPMENT” section of Chapter IV of the Comprehensive Plan, so its references to “high-wage businesses” and “high-wage target industries” are not limited to industrial use “industries.” The design and development principles and standards document attached as a condition of approval includes some “recommendations” which are advisory

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only. One of the “recommendations” in the document is that, where there are multiple options to select businesses that will meet the same or similar need, including the need to offset retail leakage on the property, the applicant is **encouraged** to select businesses which offer comparatively higher than average wages and/or benefits.

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

APPLICANT’S RESPONSE: The 2013 EOA identifies the significant “retail leakage” to markets outside McMinnville and Yamhill County. The document states that a “key challenge for the future is to provide more and better value-added opportunities for visitors to spend more time and money while visiting the McMinnville area.” (2013 EOA, Pg. 32-33).

The proposed comprehensive plan map amendment and zone change is consistent with the conclusions of the 2013 EOA, as noted above. In addition, the 2020 EOA and the 3MLAP support retail development on the subject sites to recapture a portion of the retail leakage. The “recapture” of retail leakage would retain consumer expenditures that are currently being made outside of the McMinnville market due to lack of retail availability— not taking away sales from existing retailers. As the sites would be suitable for a large-scale retail development, there would be potential to also draw consumers from outside the area, creating an opportunity for incidental retail expenditures at existing local businesses while those consumers are visiting the area.

FINDING: SATISFIED WITH CONDITIONS.

Note: *The 2013 EOA was completed prior to the formation of Visit McMinnville, McMinnville’s Destination Marketing Organization (DMO), and Visit McMinnville’s reports subsequent reports provided updated trends and visitor surveys regarding visitation and overnight stays.*

While direct conditions regarding specific tenants are beyond the scope of this quasi-judicial land use application, the development and design principles and standards document attached as a condition of approval includes “recommendations” which are advisory only. Consistent with the objectives of the draft 3MLAP, it is **recommended** that the applicant seek out and market to local businesses consistent with the 3MLAP principles and seek to maximize the local multiplier effect. This may include (a) supporting existing local businesses, and (b) considering the needs of locally owned, managed, and controlled small businesses that may seek a location in the Three Mile Lane Area consistent with the vision of the Three Mile Lane Area Plan. This can be in seeking to provide a mix of retail, entertainment, and hospitality uses that serve as a destination that complements the downtown and existing local businesses, serving to increase day trips and also providing additional reasons for visitors to make overnight trips and stay longer. This includes providing a development and mix of uses that support and complement local businesses and purchase of locally made products, and the planned innovation campus, providing an experiential concept that is uniquely McMinnville. The mix of uses should also be supportive of the needs of the neighborhoods planned in the surrounding area.

While it is beneficial to reduce retail leakage, it is also beneficial to maximize the Local Multiplier Effect. In effect, it is beneficial for money to be spent in McMinnville to reduce leakage; however, it is also important that dollars spent in McMinnville stay and in McMinnville and be “recycled” in the local economy.

The applicant is encouraged to give preference to tenants that maximize the positive economic impact to McMinnville and the region, including through the “Local Multiplier Effect”

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For example:

- Businesses that offer comparatively higher wages and benefits to employees
- Locally and/or regionally-owned businesses
- Businesses that use locally-based services, such as banking, accounting, marketing, printing, etc.
- Businesses that source local raw materials or products and/or sell local products
- Businesses that support community causes

21.05 *Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan. (Ord.4796, October 14, 2003)*

APPLICANT’S RESPONSE: Please see response to Policy 21.00.

FINDING: SATISFIED WITH CONDITIONS. While some businesses may seek to maximize their saturation with multiple locations within a community, that doesn’t necessarily reduce retail leakage if that strategy doesn’t offer the diversified offerings of commercial uses and services which are not presently available to McMinnville residents. In marketing to tenants, the applicant has control over whether the mix of uses and services provides increased saturation of uses that are already present in the community, or whether the mix of uses and services offers a diversified mix and choice, more effectively reducing leakage. That is not intended to be mutually exclusive from encouraging clusters of similar or complementary uses that offer choice, may attract a greater breadth of consumers, and may help McMinnville be recognized as a destination for a cluster. As a “recommendation” in the development and design standards attached a condition of approval, the applicant is encouraged to seek and market to these uses consistent with the intent of this policy and the 3MLAP.

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.

APPLICANT’S RESPONSE: The 2013 EOA concluded that the existing supply of commercially designated lands would be inadequate to meet projected demand and that re-designating a portion of surplus industrial lands would allow the commercial land needs to be met.

No development is proposed through this application for a comprehensive plan map amendment and zone change. As the current request is for a zone change to C-3 with a Planned Development overlay, any subsequent application for development of the sites will be subject to a public hearing process and review by the Planning Commission, with recommendation to City Council for a final decision in accordance with Chapters 17.51 and 17.72 of the City’s Zoning Ordinance.

FINDING: SATISFIED WITH CONDITIONS. As addressed in the 2020 UGB amendment and Comprehensive Plan amendments, the Comprehensive Plan provisions specify that part of the commercial land need is to be met by the redesignation of surplus industrial acreage to commercial acreage. Otherwise, a larger industrial surplus would remain, and the City would have needed to increase the size of the UGB by about 40 acres to meet the identified commercial land need.

The Three Mile Lane Area Plan identifies the need and suitability for commercially-designated land at this general location. The 3MLAP goals are also consistent with the Goal

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to discourage strip development. That is achieved through a master planned development which has good circulation and connectivity to the surrounding area, while limiting piecemeal development and uncoordinated access to major streets. With the development plan subject to the development and design standards attached to the PD overlay as a condition of approval addressing site design issues, this criterion is satisfied with conditions.

There shall be a single Mixed-Use Town Center planned development overlay, and properties within this overlay shall be subject to a single coordinated master planning process as a condition.

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.*

APPLICANT’S RESPONSE: The 2013 EOA identified only three commercial-zoned tax lots over 10 acres in size available for development as of 2012, as shown in Figure 27. The majority of available commercial lots are sized 4 acres or less. More recently, the draft 2020 EOA provides a breakdown of lots by plan designation (2020 EOA, Pg. 73, Exhibit 39) and shows that only one buildable C-3 lot in the 10-19.99-acre size range is available as of 2019. Furthermore, there are no available commercial lots over 20 acres available. Few large C-3-zoned lots are available, limiting the ability to provide efficient use of existing commercial land to meet the retail needs identified in both the 2013 EOA and the Leland Market Analysis/3MLAP. Therefore, the ability of existing commercial lands to be revitalized and reused will not be impacted by this proposal because the additional commercial retail uses facilitated by this proposal cannot be met with the existing commercially zoned properties.

FINDING: SATISFIED. The designation or redesignation of lands to meet identified needs does not conflict with policies to encourage the most efficient use of existing commercially designated lands and/or the revitalization and reuse of existing commercial properties. Different commercial needs can be met through a balanced approach.

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

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. There is an identified need in the Comprehensive Plan for redesignation of industrial land to commercial designation. It is appropriate to redesignate land needed for commercial use, rather than leave it in an industrial designation if that is not the intended use.

Further, the Three Mile Lane Area Plan evaluated the broader area and identified appropriate designations and compatible mix of uses for a variety of types of residential, commercial, and industrial uses within the Three Mile Lane Plan area.

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

APPLICANT’S RESPONSE: No development is proposed through this application. The current land use request is for a comprehensive plan map amendment and zone change to Commercial C-3 a with Planned Development overlay, which encourages variety in uses and development patterns, and efficient use of space. With the Planned Development

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overlay in place, any future proposal for development of the sites will be required to comply with applicable procedures of Section 17.51.030. Proposed plans will be reviewed through the public hearing process of Chapter 17.72 of the McMinnville Zoning Ordinance for consistency with applicable zoning regulations, planned development requirements, and comprehensive plan policies in effect. The project layout and design can be assessed at that time to ensure compliance with this policy.

FINDING: SATISFIED WITH CONDITIONS. The provisions of Section 17.51.010(B)(2) provide that the Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plans are submitted.

As a condition of approval of the PD overlay, the accompanying development and design principles and standards attached as a condition of approval specify that the development plan shall not be auto-oriented strip development, and they provide guidance on what that means for site 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: The 2013 EOA identified a commercial land deficit in McMinnville of over 36 acres and concluded that redesignation of a portion of excess industrial land to commercial designation would address the need. The 2020 EOA draft documents an increasing deficit in commercial land and further supports the need for conversion of industrial land to meet commercial land needs.

Based on the recent Leland market study, which provides an updated analysis of the “retail leakage” of consumer expenditures, there is a need for commercial uses that will address the existing leakage and increased demand stemming from future growth in the demand for certain retail categories. The 3MLAP concept proposes an area of commercial/retail uses south of Highway 18 to take advantage of the area’s accessibility, visibility, and the availability of suitable land.

FINDING: NOT SATISFIED. The acreage in this application together with two adjacent properties exceeds the minimum commercial need identified in the Comprehensive Plan and EOA, and exceeds the limitation of 33 net buildable acres for a Mixed Use Town Center identified in the 3MLAP.

As addressed in the Goal 9 findings, a City has discretion, but not an obligation, to redesignate land of more than the minimum identified need provided it doesn’t result in a deficit of other land needs, and provided it is consistent with policy.

While the proposed map amendments are consistent with the type of commercial land needs and provide opportunities for site design consistent with the site sizes for a mix of commercial uses, the amount of commercial land would exceed the identified need and the limits specified in the 3MLAP.

- 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.*

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APPLICANT’S RESPONSE: The subject sites encompass 29.11 acres (and 1.5 acres for future right-of-way dedication) currently zoned M-L and M-2.*

***Staff Note:** *The applicant submitted the same narrative for two properties. This applicant’s narrative below is written relative to both properties.*

Currently, uses that surround the subject sites include the Willamette Valley Medical Center to the west, vacant industrial land to the south, office and military armory uses to the east and vacant industrial land and park land to the south and southwest. The two subject sites flank the Kimco property which is subject to a concurrent application for comprehensive plan map amendment and zone change to Commercial and C-3, with a Planned Development overlay. Given the width of Highway 18, land north of the highway is not considered “adjacent” property. Nonetheless, the uses north of the properties on the other side of Highway 18 include a single-family, apartment and senior residential development. Other uses in the vicinity include Chemeketa Community College to the northwest and the Evergreen Aviation and Space Museum to the northeast.

As shown in the 3MLAP Preferred Alternative Map, attached Exhibit G, the 3MLAP proposes a concept for future development of a 1,340-acre area that includes the subject sites and surrounding area. The 3MLAP concept for the area south of Highway 18 includes a variety of uses that will complement each other and do not conflict with residential or other uses near the plan area.

The 3MLAP area is located within the City limits and municipal services are provided to the area. Any future development application will need to confirm adequate facilities, which can be assured through conditions of approval.

The commercial development of the subject sites will have minimal impacts on the surrounding area. The primary offsite impact will be traffic. The TIAs prepared for the subject sites by Kittelson & Associates, Inc., attached as Exhibits E and F, conclude that the proposed zone change of the subject sites to C-3 can be accommodated subject to the implementation of the mitigation measures identified in the TIAs. The Highway 18 corridor has the capacity to accommodate the trips for the proposal without widening to six lanes. The TIAs support this finding and recommend mitigation measures in the vicinity to improve the safety and flow of traffic in the area with the proposed zone change and subsequent commercial development. These mitigation measures are consistent with the future improvements identified in the 1996 McMinnville (OR-18) Corridor Refinement Plan.

No specific development is proposed with this Application. With the Planned Development overlay in place, any future proposal for development of the sites will be required to comply with applicable procedures of Section 17.51.030. Proposed plans will be reviewed through the public hearing process of Chapter 17.72 of the McMinnville Zoning Ordinance to further ensure any potential conflict with surrounding uses will be minimized and the City services are available and adequate to support the commercial development.

FINDING: NOT SATISFIED. The applicants for the three properties have not met the burden of proof to demonstrate that a Mixed-Use Town Center not to exceed 33 net acres would be configured in a boundary that would enable city services commensurate with the scale of development to be made available prior to development. Specifically, the area needed for transportation improvements and mitigation isn’t within control of any of the individual applications.

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- 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.*

APPLICANT’S RESPONSE: As explained in response to Policy 25.00, the subject sites are appropriate locations for larger commercial development. The subject sites are suitable locations for large-scale or regional shopping facilities, located on a Major Arterial with sufficient land for internal traffic circulation systems and adequate parking and service areas. The subject sites are located on Highway 18, which is classified as a Major Arterial in McMinnville’s TSP. The sites are located within the plan area of the 3MLAP, which provides a vision for land uses and a multi-modal transportation system in the 1,360-acre study area. The 3MLAP, which is intended to update the 1981 Three Mile Lane Overlay Ordinance (amended in 1994) and the 1996 OR Corridor Refinement Plan, has identified the area south of Highway 18 near Cumulus as being appropriate for a “sizable” retail area due to land area, access, visibility.

The 3MLAP includes recommendations for transportation facility designs to accommodate the activity that would be generated by the concept plan. In addition, the 3MLAP addresses onsite parking, as well as pedestrian and bicycle circulation to and through the plan area with recommendations for facility improvements that will improve access, mobility and comfort for all users.

FINDING: SATISFIED WITH CONDITIONS. The general location of the proposed commercial designation is suitable for a commercial site of approximately 33 net buildable acres, including characteristics described by this policy. The Applicant’s response and the additional information provided under their response to the Goal 9 regarding site suitability characteristics, effectively support the findings for this policy. Conditions of approval address coordinated master transportation and site planning, circulation, and connectivity for the three properties.

Design Policies:

- 29.00 *New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.*
- 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.*
- 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)*
- 32.00 *Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.*

Attachments :

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- 33.00 *Encourage efficient use of land for parking; small parking lots and/or parking lots that are broken up with landscaping and pervious surfaces for water quality filtration areas. Large parking lots shall be minimized where possible. All parking lots shall be interspersed with landscaping islands to provide a visual break and to provide energy savings by lowering the air temperature outside commercial structures on hot days, thereby lessening the need for inside cooling. (Ord.4796, October 14, 2003)*

APPLICANT’S RESPONSE (Policies 29-33): No development is proposed through this Application. With the Planned Development overlay in place, any future proposal for development of the sites will be reviewed through the public hearing process of Chapters 17.51 and 17.72 of the McMinnville Zoning Ordinance. Any subsequent development application will address applicable policies of the City’s Planned Development Ordinance and Zoning Ordinance at that time. In addition, the specific design of access, circulation, pedestrian and bicycle connections, landscaping and parking elements of a development proposal will be evaluated for compliance with Policies 29 through 33 at that time.

FINDING (Policies 29-33): SATISFIED WITH CONDITIONS. The issues identified in these design policies are considered to be areas of concern identified by the Council and Planning Commission to be addressed as part of the Planned Development Overlay designation, which are included in development and design principles and standards attached as a condition of approval, and which are to be addressed during review of the specific PD development plan.

- 34.00 *The City of McMinnville shall develop and maintain guidelines concerning the size, placement, and type of signs in commercial areas.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. This issue is an area of concern identified per Section 17.51.010(B)(2) to be addressed as part of the Planned Development Overlay designation, which is included in development and design principles and standards attached as a condition of approval, and to be addressed during review of the specific PD development plan, in addition to the sign standards of the Zoning Ordinance and Three Mile Lane overlay.

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.*

Attachments :

Attachment 1 – Application and Attachments;

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APPLICANT’S RESPONSE: The proposed redesignation of the subject sites to Commercial, C-3 zone with a Planned Development overlay is consistent with the 3MLAP, which is intended to guide development in a 1,340- acre area around Three Mile Lane in a way that efficiently organizes a variety of uses and a multi-modal transportation system, while meeting identified needs that cannot be met in the downtown core or other areas of the city.

The plan is based on unique aspects that make this area suitable for commercial use, including good access off a Major Arterial (Highway 18), large parcels of vacant land to accommodate the retail that meets identified community needs, and adequate land area to allow for efficient site design. With the Planned Development overlay in place, any future proposal for development of the sites will be reviewed through the public hearing process of Chapters 17.51 and 17.72 of the McMinnville Zoning Ordinance to further ensure compliance with these policies.

FINDING: SATISFIED. This policy addresses an overall land use pattern. Comprehensive Plan Proposal 48.70 identifies a commercial land need of 40 acres in this vicinity, which would be addressed through the Mixed-Use Town Center subarea as specified in the 3MLAP, not to exceed 33 net buildable acres. The Downtown Development policies provide strategies for the vibrancy of the Downtown core area.

- 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: The McMinnville Downtown Improvement Plan was adopted in 2000 and provides a strategic plan for specific areas in the downtown core. The proposed comprehensive plan map amendment and zone change address a need for additional commercial land identified in the 2013 EOA, and further supported in the recent 2020 EOA draft and the 3MLAP. As documented in these analyses, which account for C-3 zoned land within the City limits, additional commercial land is needed to address the leakage of consumer expenditures in certain retail categories. The proposed comprehensive plan map amendment and zone change aim to support recapture of retail expenditures made outside of the market area and will not impact potential for retail development or redevelopment in the areas east of the railroad tracks and north and south of Third Street.

FINDING: SATISFIED. The Comprehensive Plan identifies a deficit of commercial land to be met in this vicinity, which the proposed amendment would address if the property were included as part of a master planned Mixed Use Town Center planned development overlay, subject to the provisions and limitations of the 3MLAP. The Downtown Development policies provide strategies for the vibrancy of the Downtown core area, including the area immediately east of the railroad tracks and north and south of Third Street.

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

APPLICANT’S RESPONSE: The McMinnville Downtown Improvement Plan was adopted in 2000 and provides a strategic plan for specific areas in the downtown core. The proposed comprehensive plan map amendment and zone change address a need for additional commercial land identified in the 2013 EOA, and further supported in the recent 2020 EOA draft and the 3MLAP. As documented in these analyses, which account for C-3 zoned land within the city limits, additional commercial land is needed to address the leakage of consumer expenditures in certain retail categories. The proposed comprehensive plan map amendment and zone change aim to support recapture of retail expenditures made outside of the market

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area and will not impact potential for retail development or redevelopment in Downtown Improvement Plan area.

FINDING: NOT APPLICABLE. The Downtown Development policies provide strategies for the vibrancy of the Downtown core area. The subject property is not within the area addressed within the McMinnville Downtown Improvement Plan and doesn't affect the implementation of the recommendations in the improvement plan.

Proposals:

- 6.00 *A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.*

APPLICANT'S RESPONSE: This Application includes a request for Planned Development overlay and is consistent with Policy 6. No development is proposed through this Application. With the Planned Development overlay in place, any future proposal for development of the sites will be reviewed through the public hearing process of Chapters 17.51 and 17.72 of the McMinnville Zoning Ordinance. Any subsequent development application will address applicable criteria of the City's Planned Development Ordinance and Zoning Ordinance, which will address site design, on-site and off-site circulation, parking, and landscaping.

FINDING: SATISFIED WITH CONDITIONS. As specified in Section 17.51.010(B)(2), the Council and Planning Commission shall set forth reasons for approval and the areas of concern that must be addressed when final plans are submitted. An area of concern per Section 17.51.010(B)(2) that must be addressed is that re-designation for a Mixed-Use Town Center should be coordinated such that properties shall be part of a single planned development overlay to be master planned together with a coordinated access plan and cumulative analysis of transportation impacts and mitigation together as a unit. The master plan shall be subject to proposed design and development standards.

The adopted Three Mile Lane Area Plan addresses the overall development of the area, including large commercial development areas. As a condition of approval of the PD overlay, development and design principles and standards specify issues that will need to be addressed at the time of submittal of a specific development plan. Those standards include provisions addressing site design, circulation, parking, and landscaping. Those issues are also "areas of concern" that must be addressed when final development plans are submitted.

- 8.00 *The City of McMinnville should encourage the development of a commercial planned development center in the southwestern portion of the city large enough in scale to serve the needs of the area's population. The center should be in proximity of the intersection of Old Sheridan Road, U.S. Highway 99W, and Oregon Highway 18.*

APPLICANT'S RESPONSE: This proposed policy addresses an undeveloped area that is already zoned C-3 and is included in the City's inventory of available commercial land, documented in the 2013 EOA. That study concluded that, in addition to the existing available commercial land, more commercial acreage is needed to satisfy an identified deficit. In addition, the study concluded that a portion of the existing surplus of industrial land could be redesignated to commercial to address the commercial land deficit. This proposal is intended to address the existing commercial land needs, which include retail leakage. The comprehensive plan map amendment and zone change will not impact the development potential of the southwest portion of the City.

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FINDING: NOT APPLICABLE. Proposal 8.00 is separate from, and in addition to, the need to designate an additional 40 acres of commercial land (33 net buildable acres) in this vicinity south of Highway 18 to address the identified deficit.

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: The 2013 EOA identified an anticipated 236-acre surplus of industrial lands through 2033. Specifically, the 2013 report states that "industrial land needs can be more than amply met over the next 20 years while commercial land supply will fall short of anticipated demand." (2013 EOA, Pg.56). The 2020 EOA indicates that the imbalance of commercial and industrial land is expected to grow over the next 20 years. Additionally, the 3MLP proposes a mix of commercial and industrial uses within this area, with a focus on commercial lands along the Highway 18 frontage.

Both the 2013 EOA and the draft 2020 EOA conclude that redesignation of excess industrial land to commercial zoning would provide adequate commercial land, without creating a deficit of industrial land.

FINDING: SATISFIED. The Comprehensive Plan and EOA identify a surplus of industrially-designated land. There is sufficient industrial acreage to redesignate the proposed area, together with adjacent properties, to a commercial designation while retaining a surplus of industrially designated land.

GOAL IV 6: TO ENSURE 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: The 2013 EOA identified a significant surplus of industrial land within the city limits and recommends conversion of excess industrial land to commercial designation as a method of addressing the commercial land deficit. This Application proposes the conversion of 30.6 acres of industrial land to commercial designation, which will help address a commercial land deficit and reduce the industrial land surplus. The City undertook the 3MLAP to guide development and transportation improvements in the SE Three Mile Lane area and ensure compatibility of uses. The implementation of the 3MLAP will be done through the Zoning Ordinance and the Planned Development overlay. A development application for the subject sites will be subject to the applicable criteria of the Zoning Ordinance and Planned Development overlay and the procedures of Chapters 17.51 and 17.72.

FINDING: SATISFIED WITH CONDITIONS. The adopted 3MLAP is consistent with this policy, and redesignation of land for a Mixed Use Town Center per the 3MLAP at this location is consistent with this policy. In addition, through inclusion of the property within a single master-planned PD overlay, the City would be able to prevent incompatible encroachments.

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Note: The applicant’s response addresses the combined acreage for two of the properties.

- 49.01 *The City shall designate an adequate supply of suitable sites to meet identified needs for a variety of different parcel sizes at locations which have direct access to an arterial or collector street without having to pass through residential neighborhoods. (Ord. 4961, January 8, 2013)*
- 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 2013 EOA identified a significant surplus of industrial land within the City limits and recommends conversion of excess industrial land to commercial designation as a method of addressing the commercial land deficit, including a “focus on a range of size classes, increasing emphasis on redevelopment and density of development, and greater flexibility of use for mixed commercial/industrial areas.”(2013 EOA, Pg. 67) In addition, the study suggests that parcelization of some larger industrial sites may be needed to meet future demand for smaller industrial users.

The City’s 3MLAP identified the area south of Highway 18 as being suitable for a mix of uses, including retail, office, mixed use, and some flex and light industrial uses. The subject sites are located in the 3MLAP area, and this Application proposes redesignation of approximately 29.11 acres (and 1.5 acres for future right-of-way dedication) of the subject sites to C-3 zoning, consistent with the 3MLAP concept plan.

As previously explained, the redesignation of the subject sites from Industrial to Commercial will not impact the adequacy of the supply of suitable industrial sites since there will still be a significant surplus of industrial land in the City.

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 providing at least an adequate supply of suitable sites identified in the Comprehensive Plan, and retains an industrial surplus.

- 51.00 *The City of McMinnville shall encourage the location of airport-related industrial uses only on the industrial land which is adjacent to the airport. Those lands so reserved shall be designated in the planned development overlay covering this area.*

APPLICANT’S RESPONSE: The subject sites are not located adjacent to the airport property. The airport is approximately .5 mile away, with a public park, the South Yamhill River, industrial vacant land (with farming activity) located between the airport and the subject sites.

FINDING: SATISFIED. The proposed amendment doesn’t redesignate industrial land adjacent to the airport. The 3MLAP identifies retention of industrial designations for those lands as well as industrial designation to remain on other lands for uses permitted in industrial plan designations and zones, including the innovation center identified in the 3MLAP.

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52.00 *The City of McMinnville shall create a new "limited light industrial" zone which shall be placed on the industrial areas on the south side of Three Mile Lane in those areas where residential development is expected on the north side of the road. The new zone will allow only those types of industrial uses that will not conflict with the residential uses.*

APPLICANT'S RESPONSE: Policy 52.00 proposes that the City pursue a legislatively created new zoning designation to minimize industrial use conflicts with the residential uses north of Three Mile Lane. As previously explained, the commercial uses allowed under the proposed C-3/PD zone are more compatible with the residential uses north of Three Mile Lane than industrial uses. The City undertook the 3MLAP to address a land use and transportation considerations in a 1,360-acre area of the City along Highway 18. The 3MLP identified the area south of Highway 18 as suitable for a mix of uses, including commercial, mixed use, and some flex and light industrial uses. Once adopted, the 3MLP implementation through the Zoning Ordinance and the Three Mile Lane Planned Development Ordinance will require development to be compatible with adjacent uses, including potential future residential development. The subject sites encompass 29.11 acres (and 1.5 acres for future right-of-way dedication) located in the 3MLAP area and this Application proposes redesignation of the sites to C-3 / PD zoning, consistent with the 3MLAP concept plan.

FINDING: NOT APPLICABLE. The proposed amendment is to redesignate land from industrial to commercial. A limited light industrial zone wouldn't be applicable to commercial land.

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

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.

As discussed in the 3MLAP, residential use and development is not proposed in the vicinity of the airport in order to avoid conflicting uses.

CHAPTER VI. TRANSPORTATION SYSTEM

Note: *The following Comprehensive Plan Proposal was adopted by Ordinance 5126 on November 8, 2022.*

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2) Amend the Comprehensive Plan, Volume II, Chapter VI, Transportation System, to add a proposal after policy 132.23.00 (below) that reads as follows (on the next page):

132.23.00 The McMinnville Transportation System Plan shall be updated as necessary to remain consistent with: (a) the city’s land use plan; (b) regional and statewide plans; and (c) the applicable local, State, and federal law. Ord. 4922, February 23, 2010)

20.05 The comprehensive plan map amendments and any associated rezones consistent with the Three Mile Lane Area Plan can be initiated by the City or property owners through future map amendment applications, at which time any necessary changes to the McMinnville Transportation System Plan would need to be made. Until the comprehensive plan map amendments are adopted for individual properties, the properties would continue to be subject to the use provisions of current Comprehensive Plan map and zoning map designations and provisions of any property-specific planned development overlay zones.

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.

MASS TRANSPORTATION

Policies:

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.

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. As a condition of the Planned Development overlay designation, the development and design principles and standards provide for coordination with the transit provider and provision of conveniently located transit stops as part of the final PD development plan.

Inclusion of the property as part of a single master planned Mixed Use Town Center planned development overlay would provide for coordinated planning of facilities (such as suitable locations and facilities for bus stops and shelters) for transit service at the 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 WITH CONDITIONS. As a condition of the Planned Development overlay designation, development and design principles and standards will provide for coordination and provision of conveniently located transit stops as part of the final PD

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development plan. Additional provisions address convenient and comfortable transportation facilities for other modes for all ages and abilities.

AIR

115.00 *The City of McMinnville shall encourage the development of compatible land uses in the vicinity of the airport as identified in current and future airport and comprehensive plans.*

APPLICANT’S RESPONSE: As noted in the McMinnville Municipal Airport Layout Plan Report (2004), the Airport Layout Plan specifically discourages further residential development in the vicinity of the airport. Although the Airport Layout Plan encourages agricultural and manufacturing uses, it does not explicitly address commercial use. As the proposed redesignation of industrial land to commercial use would not allow residential development on the subject sites, the proposed comprehensive plan map amendment and zone change is compatible with the land uses in the vicinity of the airport and is consistent with the recommendations of the Airport Layout Plan.

FINDING: SATISFIED. The Three Mile Lane Area Plan addresses properties in the vicinity of the airport to ensure land use compatibility. This property is within the vicinity identified for a Mixed-Use Town Center in the 3MLAP, after evaluating land uses, relationships, and compatibility, including relationship and proximity to the airport. Current comprehensive plan policies also address industrial use of properties adjacent to the airport. Some of these policies focus on the economic development aspect of compatible uses adjacent to the airport. The Airport Overlay zone also addresses safety and compatibility issues in the vicinity of the airport. Any development will be required to comply with the provisions of the different sub-areas of the Airport Overlay Zone, which include use, height, radio interference, and other safety considerations.

STREETS

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

APPLICANT’S RESPONSE: As demonstrated in the TIAs, attached as Exhibits E and F, Highway 18 has the capacity to accommodate traffic generated by commercial development on the subject sites under the proposed zone change, subject to the implementation of the recommended mitigation measures. Mitigation is proposed on existing roads that intersect with Highway 18 along the corridor and addresses safety and convenience. These mitigation measures are consistent with the future improvements identified in 1996 McMinnville (OR-18) Corridor Refinement Plan. The TIAs conclude that with the implementation of these measures there will be no significant impacts per OAR 660- 012-0060 and complies with the TPR.

FINDING: SATISFIED WITH CONDITIONS. The proposed commercial designation is located where it would be served by existing and planned major transportation corridors identified in the Transportation System Plan. Additional streets will be needed for local connectivity, to be addressed at time of submittal of a final development plan, and to address connectivity needs to be consistent with those identified in the Three Mile Lane Area Plan.

123.00 *The City of McMinnville shall cooperate with other governmental agencies and private interest to insure the proper development and maintenance of the road network within the urban growth boundary.*

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APPLICANT’S RESPONSE: The TIAs prepared by Kittelson & Associates, attached as Exhibits E and F, provide an analysis of trips generated by the proposed zone change of the subject sites. In accordance with the application review process, the scope, methodology, findings and recommendations have been coordinated with the City of McMinnville and ODOT. Future development of the property will be subject to ODOT review and the procedures of Chapters 17.51 and 17.72 of the McMinnville Zoning Ordinance.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

BIKE PATHS

Policies:

- 131.00 *The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.*
- 132.00 *The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The final development plan will need to address connectivity for all modes, including potential bicycle and footpath connections to amenities and neighborhoods, consistent with the 3MLAP, and consistent with the development and design principles and standards attached as a condition of approval.

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;*

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- 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: No response.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

MULTI-MODAL TRANSPORTATION SYSTEM

132.25.00 *The transportation system for the McMinnville planning area shall consist of an integrated network of facilities and services for a variety of motorized and non-motorized travel modes. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: NOT SATISFIED. While McMinnville has adopted provisions in the TSP for a multi-modal transportation plan, the applicant hasn’t met the burden of proof to demonstrate the necessary transportation improvements are within control of the applicant for a redesignation consistent with a 33 net buildable acre subarea.

CONNECTIVITY AND CIRCULATION

132.26.00 *The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville’s parks and schools.*

APPLICANT’S RESPONSE: No response.

FINDING: NOT SATISFIED. While McMinnville has adopted provisions in the TSP for a multi-modal transportation plan, the applicant hasn’t met the burden of proof to demonstrate the necessary transportation improvements are within control of the applicant for a redesignation consistent with a 33 net buildable acre subarea.

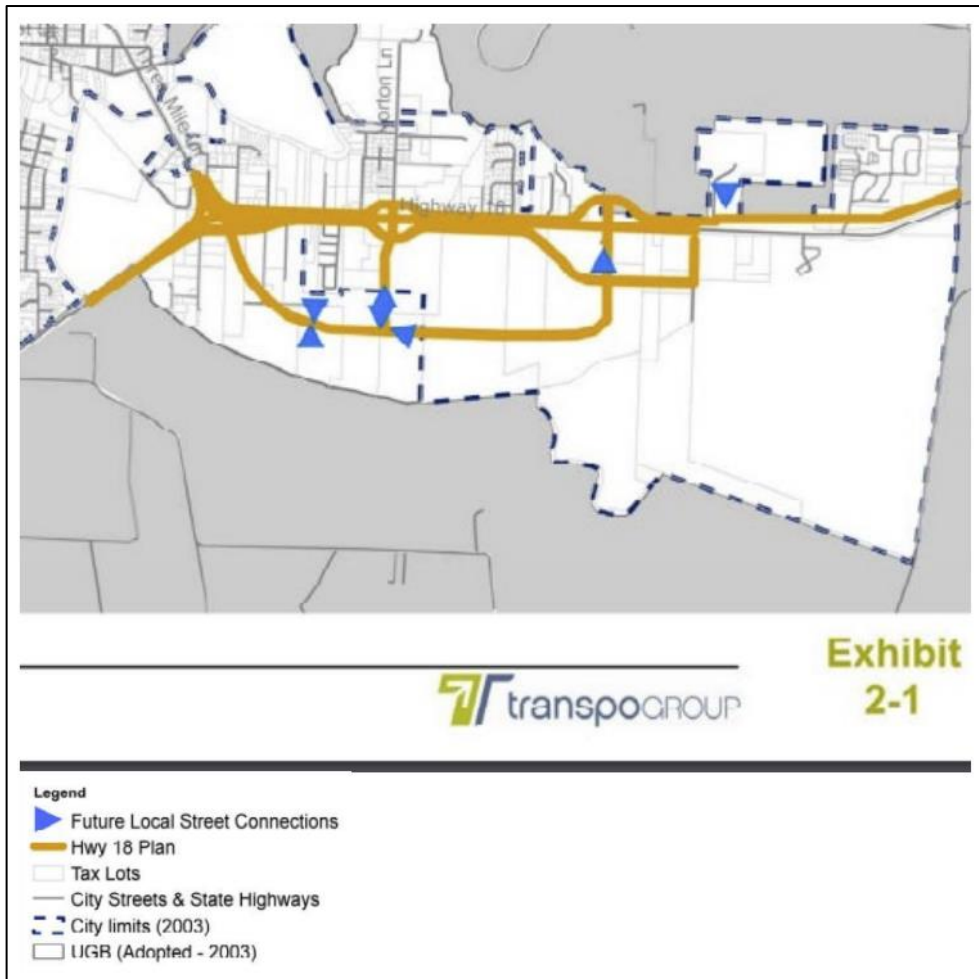
132.26.05 *New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.*

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APPLICANT’S RESPONSE: The McMinnville TSP identifies future local street connections for the Highway 18 corridor, as shown on the map below (TSP, Exhibit 2-1). As shown on the map, the TSP calls for a frontage road south of OR 18. The 3MLAP preferred facility design is consistent with this plan and places priority on multi-modal connections throughout the plan area. In addition, the 3MLAP addresses pedestrian and bicycle circulation to and through the plan area with recommendations for facility improvements that will improve access, mobility and comfort for all users. Any future development application will be required to be consistent with the McMinnville TSP and ensure appropriately planned pedestrian and bicycle features.



FINDING: NOT SATISFIED. While McMinnville has adopted provisions in the TSP for a multi-modal transportation plan, the applicant hasn’t met the burden of proof to demonstrate the necessary transportation improvements are within control of the applicant for a redesignation consistent with a 33 net buildable acre subarea.

Note: *The Local Street Connectivity Map shows critical points of local street connectivity where specific points of local street connectivity are critical for continuation of a street connection, but where the connection isn’t classified as a higher order street such as a collector or arterial and shown in the map of collectors and arterials. The Local Street Connectivity Map does not show all local street connections that may be needed to address other connectivity requirements to and within the subject property and surrounding areas and properties.*

Attachments :

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Supportive of General Land Use Plan Designations and Development Patterns

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

APPLICANT’S RESPONSE: The TIAs, attached as Exhibits E and F, evaluated both short-term (2022) and long-term (2037) impacts of the proposed zone change on the transportation system. The TIAs concluded that with the implementation of mitigation measures, the zone change would not result in significant impacts under OAR 660-012-0060. The improvements recommended through the TIAs are consistent with the adopted 1996 OR-18 Corridor Refinement Plan.

Recently, the City of McMinnville worked with ODOT and a consulting team to update the Three Mile Lane Overlay. The effort involved evaluating facility designs based on several factors, including access, visibility, multi-modal connectivity within the 3MLAP, and right-of-way requirements, among others. The resulting Preferred Facility Design supports the 3MLAP preferred land use concept.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

GROWTH MANAGEMENT

132.29.00 *The construction of transportation facilities in the McMinnville planning area shall be timed to coincide with community needs, and shall be implemented so as to minimize impacts on existing development. Prioritization of improvements should consider the City’s level of service standards.*

132.29.05 *Off-site improvements to streets or the provision of enhanced pedestrian and bicycle facilities in the McMinnville planning area may be required as a condition of approval for land divisions or other development permits.*

APPLICANT’S RESPONSE: No response.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

(Note: Off-site improvements have been identified in potential conditions of approval for the proposed 68.3 gross acres proposed for redesignation in the three applications).

AESTHETICS AND STREETSCAPING

132.38.00 *Aesthetics and streetscaping shall be a part of the design of McMinnville’s transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project. (Ord. 4922, February 23, 2010)*

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APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. At the time of submittal of a final development plan, the proposal will be reviewed for consistency with the policies of the Comprehensive Plan discussed above. In addition, the intent of the Three Mile Lane Area Plan is to provide a unique identity of the Three Mile Lane area that reflects McMinnville’s heritage within the context of the area. As a result, streetscape and on-site areas will be reviewed to incorporate thematic treatments consistent with the objectives of the Three Mile Lane Area plan to reflect this heritage through public art, landscaping and streetscaping treatments, interpretive information, and incorporation of existing agricultural features into the design of the streetscape and property. The development and design principles and standards adopted as conditions of approval address this issue.

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.*

APPLICANT’S RESPONSE: The TIAs, attached as Exhibits E and F, studied intersections within the City’s and ODOT’s jurisdictions and applied each jurisdiction’s applicable mobility standard as a basis for recommending mitigation measures.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

Note: *Mitigation has been identified in potential conditions of approval for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

Note: *Prior to development, a “Development Review” TIA would also be required for the specific master plan for the Mixed Use Town Center planned development overlay area.*

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: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

Note: *Mitigation has been identified in potential conditions of approval for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

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Note: Prior to development, a “Development Review” TIA would also be required for the specific master plan for the Mixed Use Town Center planned development overlay area.

CIRCULATION

132.41.30 *Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.*

APPLICANT’S RESPONSE: No response.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn’t include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: Connectivity is addressed in potential conditions of approval for the proposed 68.3 gross acres proposed for redesignation in the three applications.

SYSTEMS DEVELOPMENT

132.51.15 *Connecting Shared-Use Paths – The City will continue to encourage the development of a connecting, shared-use path network, expanding facilities along parks and other rights-of-way. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The final development plan would need to be reviewed for convenient connectivity with shared use path system facilities identified through the Three Mile Lane Area Plan. The site will be a key destination and attractor, and it should be well-connected to such a system, and nearby neighborhoods, and nearby parks and recreational destinations connected to that system. The connection to the system will need to consider the desirability of the system on-site, and it should be treated as an amenity connected to pedestrian gathering places on the property. It should be more than an isolated circulation route through vehicular parking lots and vehicular circulation areas. This issue is addressed in the development and design principles and standards.

TRANSIT SYSTEM PLAN

132.57.05 *Transit-supportive Urban Design – Through its zoning and development regulations, the City will facilitate accessibility to transit services through transit-supportive streetscape, subdivision, and site design requirements that promote pedestrian connectivity, convenience, and safety. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The final development plan will be reviewed for provision of transit facility location and design, coordinated to support the current and planned transit service routes, that will support safe, convenient pedestrian access from the transit stop to on-site destinations for all ages and abilities. This issue is addressed in the development and design principles and standards and the requirement for a single-coordinated master plan for the PD overlay area.

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FREIGHT MOBILITY, AIR, RAIL AND PIPELINE PLANS

132.59.10 *Airport area land use – Do not permit land uses within airport noise corridors that are not noise compatible, and avoid the establishment of uses that are physical hazards to air traffic at the McMinnville Airport. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. This policy is addressed through the Airport Overlay Zone and its sub-areas. Specific use and development will be required to comply with the standards of the Airport Overlay Zone. In addition, the planning process for the 3MLAP took into account compatibility with the airport to avoid noise impacts and physical hazards.

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: The proposed rezone of the subject sites from industrial M-L/M-2 to commercial C-3 with Planned Development overlay is consistent with the goals, objectives, policies, implementation strategies, principles, maps and recommended projects. The City’s goal and supplemental policies are addressed below:

Goal (Chapter VI): 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: The proposed rezone and subsequent commercial development work in the direction of achieving this goal by providing intersection improvements to increase the safety and traffic flow of the surrounding roadway network for all users. The proposed modifications are consistent with the implementation strategies (McMinnville (OR-18) Corridor Refinement Plan) as shown in Exhibit 4-6 (Projects and Programs) in the TSP, as well as the Street System, Pedestrian, Bicycle, Public Transportation, Freight, Rail, Air and Pipeline Plan maps set forth in the TSP.

Supplemental Policies:

1. Transportation System Plan

Future development of the subject sites will be reviewed for consistency with the TSP policies in effect at the time of development. The TIA mitigation measures and any transportation improvements associated with the future development of the subject sites will provide for transportation improvements consistent with the TSP.

2. Complete Streets

The design of transportation improvements and on-site circulation system will address the safety and convenience of pedestrians, bicyclists, transit users, freight and motor vehicle drivers—including meeting ADA guidelines in right-of-way improvements and at signalized intersections identified in the TIA.

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3. Multi-Modal Transportation System

The City's review of future development and onsite circulation plans will assure compliance with this policy.

4. Connectivity and Circulation

Future design and development of the sites will be consistent with the Local Street Connectivity map and will address future connectivity elements of the 3MLAP to provide access for pedestrians, bicycles, and motor vehicles on the sites.

5. Supportive of General Land Use Plan Designations and Development Patterns

The TIAs, included as Exhibits E and F, provide a short-term (2022) and long-term (2037) analysis of the roadway system in the vicinity of the sites and concludes that, with the implementation of recommended modifications, the proposed rezone of the subject sites would result in no significant impacts under OAR 660-012-0060.

6. Regional Mobility

The location of the proposed sites along OR 18 provides ease of access to regional centers such as downtown McMinnville, Lafayette, and Newberg. It is also anticipated that some people will stop at the sites on their way to or from the coast. In addition, the proposed uses may reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today.

7. Growth Management

The proposed zone change meets the needs of the surrounding community. The 2013 EOA, draft 2020 EOA, 2020 Leland Update and 3MLAP demonstrate that there is an over-abundance of industrial land and high demand for commercial uses in the area. Additionally, the improvements recommended in the TIAs bring local intersections (some of which do not meet level of service standards under existing conditions) up to standard. The proposed uses may also reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today.

8. Transportation System and Energy Efficiency

The location of the proposed sites along OR 18 provides opportunity for transportation system and energy efficiency with easy access to residents and employees of downtown McMinnville on their way to or from work, in some cases eliminating the need for out-of- direction travel. In addition, the proposed uses may also reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today.

9. Transportation Safety

The TIAs recommend modifications to improve the safety and the flow of traffic along OR 18 corridor and other intersections within the study area. These mitigation measures are consistent with the future improvements identified in the 1996 McMinnville (OR-18) Corridor Refinement Plan.

10. Public Safety

The site plan review process will ensure that emergency vehicle access is provided on the proposed sites. In addition, the safety improvements identified in the TIAs should result in crash reductions at a number of intersections within the study area.

11. Accessibility for Persons with Disabilities

On-site connections, as well as traffic signal and intersection improvements identified

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in the TIAs, will be designed and constructed in compliance with the Americans with Disabilities (ADA) guidelines.

12. Economic Development

The proposed rezone meets the needs of the surrounding community. A recent market study indicated an over-abundance of industrial land and high demand for commercial uses in the area.

13. Livability

The site plan review process will incorporate multi-modal facilities to increase the livability of the greater McMinnville area.

14. Health and Welfare

The proposed sites will be accessible via many modes of transportation, including transit and active transportation (by bicycle and by foot).

15. Transportation Sustainability

The location of the proposed sites along OR 18 provides easy access to residents and employees of downtown McMinnville on their way to or from work, in some cases eliminating the need for out-of-direction travel. It is also anticipated that some people will stop at the sites on their way to or from the coast. In addition, the proposed uses may also reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today. The TIAs recommend some modifications to existing roadways intersecting OR 18 to improve the safety and flow of traffic in the vicinity of the sites.

16. Aesthetics and Streetscaping

The site plan review process will incorporate aesthetics and streetscaping to enhance visitor experience and livability of the greater McMinnville area.

17. Intergovernmental Coordination and Consistency

Kittelson & Associates, Inc., prepared the TIAs and TPR analyses for the proposed sites. The methodology, findings and recommendations have been coordinated with the City of McMinnville and ODOT Region 2.

FINDING: NOT SATISFIED. The applicants haven't met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn't include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

At the time of submittal of a specific development plan for the PD overlay, a development Review TIA will be required, and conditions will be attached to the development as necessary to address the level of impact.

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.*

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APPLICANT’S RESPONSE: No response.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn’t include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

At the time of submittal of a specific development plan for the PD overlay, a development Review TIA will be required, and conditions will be attached to the development as necessary to address the level of impact.

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: This Goal is targeted at rural lands that are not within the UGB and are proposed to be transitioned to urban land. The subject sites are located within the McMinnville UGB and therefore this Goal is not applicable. Nonetheless, there will be necessary public and private facilities and utilities at levels commensurate with urban development at the time of development. Public utilities currently serve the vicinity of the subject sites via main service lines located in the Highway 18 right-of-way. No development is proposed through this Application. Upon application for development of the sites, the adequacy of public and private facilities for the proposed development will be reviewed. The provision of adequate facilities can be assured through conditions of approval.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn’t include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

Sanitary Sewer System

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

138.00 *The City of McMinnville shall develop, or require development of, sewer system facilities capable of servicing the maximum levels of development envisioned in the McMinnville Comprehensive Plan.*

APPLICANT’S RESPONSE: Municipal sewer facilities currently serve the vicinity of the sites

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via a main line located in the Highway 18 right-of-way. No development is proposed through this Application. Upon application for development of the sites, the adequacy of the sewer facilities for the proposed development will be reviewed. The provision of adequate facilities can be assured through conditions of approval.

FINDING: SATISFIED. No development is proposed at this time. Service providers were notified of the proposed map amendment and no concerns were noted regarding the ability to serve the property with the sanitary sewer conveyance system. At the time of development, construction and connection to the municipal sanitary sewer system will be required.

Storm Drainage

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

APPLICANT’S RESPONSE: No development is proposed through this Application. Upon application for development of the sites, the design and adequacy of the stormwater drainage facilities for the proposed development will be reviewed. The provision of adequate facilities can be assured through conditions of approval.

FINDING: SATISFIED. No development is proposed at this time. Service providers were notified of the proposed map amendment and no concerns were noted regarding the capacity of the municipal storm drainage system. At the time of development, the applicant will be required to comply with all federal, state, and local storm drainage permitting requirements, and comply with any requirements for detention and stormwater runoff quality.

WATER SYSTEM

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

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. No development is proposed at this time. Service providers were notified of the proposed map amendment and no concerns were noted regarding the ability to serve the property with municipal water. At the time of development, the applicant will be required to construct and connect to the municipal water system to serve 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.*

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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: There are no known water or sewer deficiencies in the vicinity of the subject sites. No development is proposed through this Application. Upon application for development of the sites, the availability and adequacy of the water, sewer, and stormwater drainage facilities and services to serve the proposed development will be reviewed. The provision of adequate facilities can be assured through conditions of approval.

FINDING: SATISFIED. Notice of the application 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.

Police and Fire Protection

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

APPLICANT’S RESPONSE: There are no known police or fire service deficiencies in the vicinity of the subject sites. No development is proposed through this application. Upon application for development of the sites, the availability and adequacy of the police and fire facilities and services to serve the proposed development will be reviewed. The provision of adequate facilities can be assured through conditions of approval.

FINDING: SATISFIED. Notice of the application was provided to service providers. No issues were identified with the ability of existing police and fire facilities and services to meet the needs of the property as a result of the proposed map amendment. At the time of development adequate water facilities will be required in order to meet applicable fire flow requirements of the applicable structural codes.

PARKS AND RECREATION

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

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

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

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. As a condition of approval, the amendment will be subject to development and design principles and standards applicable to the PD development plan that address incorporation of natural features, open space elements, and scenic view considerations into the site design. This is considered an “area of concern” per Section 17.51.010(B)(2) for the Planned Development.

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

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

ENERGY CONSERVATION

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

APPLICANT’S RESPONSE: The requested comprehensive plan map amendment and zone change will help meet the identified need for additional commercial land within the City limits that is caused by retail leakage identified in the 2013 EOA and 2020 EOA draft. By providing for these needs locally, travel to other markets such as Salem and the Portland Metro Area would be reduced, thereby conserving energy.

FINDING: SATISFIED WITH CONDITIONS. Subject to design and development standards as a condition of approval that will need to be addressed at submittal of the development plan, the amendment is consistent with provisions of the Comprehensive Plan, Economic Opportunities Analysis, as well as the Three Mile Lane Area Plan that identifies commercial land at this location. It would be part of an overall area plan to reduce vehicle miles travelled associated with shopping outside of the McMinnville area and to provide commercial uses in this area to meet needs of surrounding neighborhoods existing and being planned for this area. The design and development standards include provisions to ensure good connectivity to the surrounding lands to reduce out of direction travel and encourage biking, walking, and transit.

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: The requested comprehensive plan map and zone change would allow for commercial development aimed at retaining local expenditures. The 3MLAP,

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once adopted, will be implemented through the Zoning Ordinance and the Three Mile Lane Planned Development overlay to require a mix of uses with an efficient layout that is accessible to multiple modes of transportation, including bikes and pedestrians.

FINDING: SATISFIED. The commercial designation of 40 acres of land in this area was identified as an efficiency measure to as part of the December 2020 UGB amendment and Comprehensive Plan amendment by reducing a portion of the industrial land surplus to meet commercial land needs rather than adopting a large UGB amendment to address commercial land needs. This is addressed as 33 net buildable acres in the 3MLAP.

The commercial designation of this property is a key component of the 3MLAP work, which is intended to provide for a mix of land uses in a compact development pattern, form, and connectivity that is supportive and encouraging of all transportation modes, including walking, biking, and transit.

The designation of additional commercial land to meet identified needs is also intended in part to reduce identified retail leakage, which is leading residents to travel to other communities for shopping needs that could be met in McMinnville. Accordingly, the designation is expected to help reduce out of town trips and promote energy conservation by reducing vehicle miles traveled.

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 proposed comprehensive plan map amendment and zone change address a need for additional commercial land identified in the 2013 EOA, and further supported in the recent 2020 EOA draft and the 3MLAP. As documented in these analyses, the conversion of excess industrial land that exists within the City limits will be adequate for meeting the growing demand for commercial land without creating a deficit in industrial land.

FINDING: NOT SATISFIED. The proposed commercial map designations would provide more than the minimum identified commercial land needs specified in the Comprehensive Plan and EOA, but would exceed the 33 net buildable acre limit specified in the 3MLAP. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn’t include analysis or proposed mitigation for a combined 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN

LAND USE DEVELOPMENT TOOLS

186.00 *The City of McMinnville shall place planned development overlays on areas of special significance identified in Volume I of the McMinnville Comprehensive Plan. Those overlays*

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shall set forth the specific conditions for development of the affected properties. Areas of significance identified in the plan shall include but not be limited to:

1. *Three Mile Lane (north and south)...*

APPLICANT’S RESPONSE: This Application requests a Planned Development overlay consistent with Policy 186.00.1. No development is proposed through this Application. Any subsequent development application will address applicable criteria of the City’s Planned Development Ordinance and Zoning Ordinance.

FINDING: NOT SATISFIED. A new Comprehensive Plan Proposal was adopted in December 2020 that provides:

Proposal 48.15. The City of McMinnville should develop an Area Plan for the Three Mile Lane area that supports and enhances the district’s economic vitality and marketability, provides opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district enhances multi-modal connections throughout the district, and creates an aesthetically pleasing gateway to the city of McMinnville.

The City Council adopted the 3MLAP, which identifies a Mixed-Use Town Center Planned Development Overlay in this vicinity, specified to be limited to 33 net buildable acres. The applicants haven’t demonstrated consistency with this provision of the 3MLAP. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn’t include analysis or proposed mitigation for a 33 net buildable acre subarea.

For a proposed redesignation consistent with the adopted 3MLAP, the City will apply a planned development overlay, but the current proposal isn’t consistent with the adopted 3MLAP.

Note: Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.

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 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.*

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- 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.*

APPLICANT’S RESPONSE: This application for Comprehensive Plan Map and Zone Change includes a Planned Development (PD) overlay. As such, future development of the subject sites will be reviewed for consistency with the Great Neighborhood Principles under the applicable PD overlay procedures and standards of Chapter 17.51 of the McMinnville Zoning Ordinance. The subject sites are located within the Three Mile Lane Area. Accordingly, proposed development will also be reviewed for consistency with the Three Mile Lane Area Plan (3MLAP), now moving through the legislative process.

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.*

APPLICANT’S RESPONSE: The subject sites do not include wetlands, sensitive lands, slopes, trees or other significant natural features.

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.*

APPLICANT’S RESPONSE: Proposed development will be reviewed for consistency with the 3MLAP, which encourages an orientation of streets and open spaces to views. In addition, future design and development of the sites will provide connections through the plan area to the natural areas, parks and trail system in the vicinity.

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.*

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APPLICANT’S RESPONSE: Future design of the site will incorporate appropriate gathering places for users of the site, in addition to providing connections to adjacent developments and neighborhoods, natural areas, parks and the trail system in the vicinity.

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).*

APPLICANT’S RESPONSE: The future development of the sites will be consistent with the goals of the 3MLAP and will include onsite pedestrian features that provide circulation to key on-site features, and through the site and plan area to improve access, mobility and comfort for all users. The site plan design process will incorporate aesthetics and landscaping to enhance visitor experience on the site.

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.*

APPLICANT’S RESPONSE: The future development of the sites will be consistent with the goals of the 3MLAP and will include bicycle features that provide safe routes to and through the sites and the plan area to improve access, mobility and comfort for bicycle riders.

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.*

APPLICANT’S RESPONSE: Future design and development of the sites will be reviewed for consistency with the McMinnville TSP, which identifies future local street connections for the Highway 18 Corridor. The design of transportation improvements will address future connectivity elements of the 3MLAP to provide for the safety and convenience of pedestrians,

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bicyclists, transit users, and freight and motor vehicle drivers—including meeting ADA guidelines in right-of-way improvements and at signalized intersections identified in the TIA.

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.*

APPLICANT'S RESPONSE: Future design and development of the sites will be reviewed for consistency with the Local Street Connectivity map and the future access and connectivity elements of the 3MLAP. On-site connections, as well as traffic signal and intersection improvements identified in the TIAs will be designed and constructed in compliance with the Americans with Disability (ADA) guidelines.

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).*

APPLICANT'S RESPONSE: The subject sites are located in the 3MLAP area, which includes as a key feature a pedestrian-oriented retail center. Future site design will be reviewed for consistency with 3MLAP elements addressing site features such as landscaping, lighting and 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.*

APPLICANT'S RESPONSE: This application proposes rezoning of the subject sites to commercial use. Consistent with the 3MLAP concept, future development will include commercial retail and service uses that will serve the surrounding community. The site development review process will ensure that the scale of future development is appropriate.

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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.*

APPLICANT'S RESPONSE: The subject sites are located within the 3MLAP concept plan, which proposes a variety of complementary uses that will not conflict with the agricultural, aviation, residential, or other uses near the plan area. The proposed rezoning of the subject sites to commercial use is consistent with the 3MLAP and the McMinnville Comprehensive Plan. Future site design and development will be consistent with the design elements of the 3MLAP and will be reviewed under the applicable PD overlay standards.

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.*

APPLICANT'S RESPONSE: This application proposes a Zone Change and Comprehensive Plan Map change to future commercial use on the subject sites. No housing is proposed.

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.*

APPLICANT'S RESPONSE: This application proposes a Zone Change and Comprehensive Plan Map change to future commercial use on the subject sites. No housing is proposed.

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: The subject sites are located within the 3MLAP area with visibility from Highway 18. Future site design will be reviewed under the applicable PD overlay standards and will ensure that building and site design incorporate 7 Three Mile Lane Comprehensive Plan

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Map and Zone Change integrated design elements of the 3MLAP and are appropriate for commercial development in the plan area, which is considered a “gateway” to McMinnville.

FINDING – GREAT NEIGHBORHOOD PRINCIPLES: SATISFIED WITH CONDITIONS.

Subject to a single coordinated master plan for the PD overlay, and subject to development and design principles and standards to be applied as a condition of approval that will need to be addressed at submittal of the development plan, the amendment is consistent with applicable provisions of the Great Neighborhood Principles.

The development and design principles and standards recognize the type of uses that address retail leakage, but include provisions to ensure the property also meets commercial needs of surrounding neighborhoods identified in the 3MLAP. Accordingly, the development and design principles and standards address key critical aspects of the Great Neighborhood Principles which apply to commercial use and development and its relationship to surrounding uses and neighborhoods.

NEIGHBORHOOD ACTIVITY CENTERS

GOAL: NEIGHBORHOOD ACTIVITY CENTERS PROVIDE SHOPPING, SERVICES, RECREATION, HIGH-DENSITY HOUSING, OFFICE AND INSTITUTIONAL FACILITIES NEEDED TO SUPPORT A SURROUNDING NEIGHBORHOOD OR URBAN AREA.

Proposals:

- 48.15 The City of McMinnville should develop an Area Plan for the Three Mile Lane area that supports and enhances the district’s economic vitality and marketability, provides opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district, enhances multi-modal connections throughout the district, and creates an aesthetically pleasing gateway to the City of McMinnville.

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The City has adopted the Three Mile Lane Area Plan. As a condition of approval, at the time of submittal of the PD development plan, the plan shall comply with the development and design principles and standards attached as a condition of approval. If the PD development plan submittal is submitted after adoption of the implementing 3MLAP standards, the development shall comply with those development and design principles and standards, and the most restrictive provisions shall apply.

- 48.70 **Redesignation to Commercial.** As an identified efficiency measure necessary to reduce the needed size of the “Phase 2” UGB amendment to meet additional Commercial land needs, the City shall initiate a change to the Comprehensive Plan and Zone Map to redesignate and rezone 40 acres of property along the south side of the Highway 18 frontage from commercial to industrial, leaving the rear portions in an Industrial designation. This recognizes that the City will retain an Industrial surplus as a result of adding the Riverside North area to the UGB as part of the “Phase 2” UGB amendment.

APPLICANT’S RESPONSE: No response.

FINDING: NOT SATISFIED. This is one of three properties currently under concurrent review for redesignation from Industrial to Commercial with a PD Overlay, totaling approximately 68.3

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gross acres. The adopted 3MLAP identifies a Mixed Use Town Center not to exceed 33 net acres.

The applicants haven't met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn't include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

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 McMINNIVILLE.

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.

APPLICANT'S RESPONSE: The City has undertaken several initiatives in recent years with the intention of updating the Comprehensive Plan. These initiatives, including the draft 2020 EOA and the 3MLAP which, upon adoption will become a chapter of the Comprehensive Plan, have involved extensive public involvement. Adoption of these documents will require additional public input through the legislative process. As such, the recommendations and changes generated by these initiatives reflect changes in community circumstances and citizen needs. The redesignation of the subject sites to commercial zoning is consistent with this goal.

FINDING: NOT SATISFIED. This is one of three properties currently under concurrent review for redesignation from Industrial to Commercial with a PD Overlay, totaling approximately 68.3 gross acres. This exceeds the identified need, and the 3MLAP, developed through an extensive public process, specifies a subarea not to exceed 33 net buildable acres.

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: No response.

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 map amendment and PD overlay, as well as the subsequent PD development plan provided for citizen involvement through the quasi-judicial amendment to the adopted and acknowledged Comprehensive Plan and implementing ordinances. Due to the timing of the application, the conditions of approval specify development and design principles and standards which will be applicable to the PD development plan for the Mixed-Use Town Center subarea

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Planned Development Overlay, thus capturing the publicly-informed objectives of the Three Mile Lane Area Plan. When the development plan is submitted, it follows the same public process for public hearings as this application, so there will be an opportunity for comment on the proposed development plan.

Statewide Planning Goals

Goal 2: Land Use Planning **OAR 660-004**

APPLICANT’S RESPONSE: Goal 2, Part I, requires that a local land use authority’s quasi-judicial decision must be based on “an adequate factual base.” A study or assessment constitutes an adequate factual base for purposes of Goal 2 when it is “incorporated” into the jurisdiction’s comprehensive plan or acknowledged planning documents. 1000 Friends v. Dundee, 203 Or App 207, 216 (2005). For an assessment to be “incorporated” into these authorities, it must be both adopted and effective. 1000 Friends v. Dundee, LUBA Nos. 2004-144 and 2004-145, (Remand Order, dated February 23, 2006); Craig Realty Group v. City of Woodburn, 39 Or LUBA 384, 396 (February 2, 2001) (affirming City’s use of then-effective housing inventory, despite that new inventory was being developed, because on the current inventory “describe[d] the...provisions of the comprehensive plan”).

Though these Goal 2 requirements apply to all “land use actions,” they are particularly important when an action involves “estimate[ing] the amount of needed land.” See D. S. Parklane Development, Inc. v. Metro, 165 Or App 1, 22-23 (2000) (holding Metro could not rely on urban growth report not yet adopted as part of the comprehensive plan because “[u]nder Goal 2, the computation of need must be based upon the functional plan and/or Metro’s other applicable planning documents”). Nor may a jurisdiction avoid these requirements by attempting to merely “update” an assessment that was previously adopted and incorporated by reference into planning standards. Lengkeek v. City of Tangent, 54 Or LUBA 160, 166 (April 25, 2007).

The Court of Appeals explained the purpose behind these requirements as follows:

The comprehensive plan is the fundamental document that governs land use planning. Citizens must be able to rely on the fact that the acknowledged comprehensive plan and information integrated in that plan will serve as the basis for land use decisions, rather than running the risk of being “sandbagged” by government’s reliance on new data that is inconsistent with the information on which the comprehensive plan was based. 1000 Friends v. Dundee, 203 Or App at 216.

Unadopted planning efforts, such as the draft 2020 EOA or 3MLAP, which are not adopted, effective and acknowledged do not by themselves constitute an “adequate factual base” on which the City may base its land use findings during this quasi-judicial planning process. However, these unadopted analyses and the supporting data may be relied upon to confirm further support for approval of this Application, so long as the primary basis for the approval is the adopted and acknowledged information, such as the 2013 EOA. McDougal Bros. Investments v. City of Veneta, 59 Or LUBA 27 (2009); Shambrock Homes LLC v. City of Springfield, 68 Or LUBA 1, 12 (2013); Gunderson, LLC v. City of Portland, 62 Or LUBA 403, rev’d in part on other grounds and remanded, 243 Or App 612, 259 P3d 1007 (2011), aff’d on other grounds 352 Or 648, 290 P3d 803 (2012).

Therefore, so long as the acknowledged information such as the 2013 EOA provides an adequate primary basis for the City’s approval, the decision can be further supported with new unacknowledged data. The findings below comply with this requirement. The 2013 EOA and

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acknowledged portions of the adopted Comprehensive Plan support the conclusion that some of the City's excess industrial land should be converted to satisfy the deficit of commercial land and describe conversation suitability factors. While the Applicants' analysis could stop there, the Application also evaluates the data and analysis in updated but unadopted planning efforts, such as the 3MLAP, which provide further support for the Application because those analyses show that the commercial deficit is growing and that the Three Mile Lane area is a suitable location for commercial development.

FINDING: SATISFIED. As described above, the decision is based on an "adequate factual base." The 2013 EOA and the MGMUP adopted with Comprehensive Plan Proposal 48.70 provide an adequate primary basis for the City's decision, further supported with supplemental information where noted.

Goal 9: Economy of the State
OAR 660-009

APPLICANT'S RESPONSE: The aim of Goal 9 is to ensure the availability of land suitable for economic growth and development opportunities over a 20-year planning period. Goal 9 requires the City to "provide at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses." Goal 9, Section 3 (emphasis added). See also OAR 6660-009-0025(2). The Goal 9 rules require the City to adopt an EOA that applies to areas within the UGB that, among other things, "compare[s] the demand for land for industrial and other employment uses to the exiting supply of such land." OAR 660-009-0015. The outcome of this analysis determines whether the City has an adequate supply of needed land, identifies any deficit or surplus, and adopts policies committing to providing an adequate supply of industrial and commercial land. OAR 660-009-0020.

Once the Comprehensive Plan and EOA are acknowledged, post-acknowledgement plan amendments, such as the proposal in the Application, "...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," must demonstrate consistency with Goal 9. OAR 660-009-0010(4). One option to do so is to "[d]emonstrate that the proposed amendment is consistent with [the city's] most recent [EOA] and the parts of its acknowledged comprehensive plan which address the requirements of this division[.]" OAR 660-009-0010(4); see also *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1, 5 (2013).

To demonstrate that a proposed plan amendment (a) maintains "at least an adequate supply of sites or suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses" and (b) is "consistent with" the City's most recent EOA, the City must find that the amendment will not cause the quantity of the City's commercial or industrial land supply to be reduced below the minimum thresholds identified in the most recent acknowledged EOA. The City must evaluate whether "the amendments physically reduce the acreage of land in the goal 9 inventory" or "threaten to convert lands inventoried for Goal 9 uses to uses not protected by Goal 9." *Shamrock Homes LLC*, 68 Or LUBA at 8.

Goal 9 is implicated when a land use decision "has the effect of depleting" the available lands inventory or "could reduce" the available supply of industrial or commercial land beyond the minimum threshold identified in the EOA. *Grahn v. Cit of Newberg*, 50 Or LUBA 219, 223 (2005) (emphasis added). "The key is whether the amendment affects one or more of the assumptions that underlie the Goal 9 inventory so that the Goal 9 inventory may be rendered inadequate." *Shamrock Homes LLC*, 68 Or LUBA at 9. See also *Opus Development Corp. v. City of Eugene*, 141 Or App 249, 254 (1996); *Volny v. City of Bend*, 37 Or LUBA 493, 510-11 (2000). Goal 9 does not restrict a city from encouraging commercial economic development beyond the

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minimum level identified in the EOA or providing land in excess of the minimum quantity identified in the EOA. Therefore, Goal 9 does not preclude an amendment simply because it would cause a city's commercial land supply to exceed the minimum threshold identified in the acknowledged EOA.

To satisfy Goal 9, the City prepared, and periodically updates, an Economic Opportunities Analysis (EOS) to reflect changing economic factors that impact land availability. The most recently adopted 2013 EOA provided an inventory of available land use types. The 2013 EOA concluded that the City has a deficit of 35.8 acres of commercial land and a surplus of 235.9 acres of industrial land.

The City is currently in the process of updating the EOA. Although not yet adopted, the draft 2020 EOA estimates the commercial land deficit to be 286 acres, and the industrial land surplus is approximately 159 acres over the 20-year planning horizon. The analysis provides an indication that the current imbalance of commercial and industrial lands is expected to continue to grow significantly.

This Application proposes to redesignate 29.11 acres of land from industrial to commercial for future commercial development and redesignate 1.5 acres intended to be dedicated as a public right-of-way at the time of development. If the City approves the Application and Kimco's proposed amendment, the City will still retain a surplus of over 173 acres of industrial land. The Application will not impact the adequacy of the city's future industrial or commercial land supply, and it will not preclude other property owners from seeking to redesignate their property from industrial to commercial land in the future. It will simply enable the City to accommodate the existing commercial land deficit identified in the 2013 EOA and address the growing deficit identified in the draft 2020 EOA.

Goal 9 defines "suitable" land as "serviceable land designated for industrial or other employment use that provides or can be expected to provide the appropriate site characteristics for the proposed use." OAR 660-009-0005(12). The 2013 EOA recommends that the re-designation of excess industrial lands be focused on sites most suitable for commercial development. The report identifies factors relating to the suitability of a site proposed for redesignation from industrial to commercial to include "transportation access, compatibility with neighboring uses, infrastructure capacity, and site size distribution." (2013 EOA, pg. 57)

These suitability factors as they relate to the subject sites are addressed below:

Conversion of "sites with the greatest suitability for commercial development" (2013 EOA, pg. 62)

The 2013 EOA lays the groundwork for subsequent and more detailed analysis of "retail leakage" when it notes:

- "Retail sales leakage occurring due to lack of major comparison retail. As described by the 2007 MEDP Strategic Plan, there is considerable retail sales leakage of an estimated \$192 million annually throughout Yamhill County – as residents travel to other counties for a significant 23% of their shopping needs. Full recapture of this sales leakage together with anticipated population growth that was anticipated through 2011 was estimated to support as much as 800,000 square feet of added commercial retail space in Yamhill County. Recapture is dependent on the ability to identify sites and attract retailers that could serve much of the county's population from locations readily accessible to major travel corridors." (2013 EOA, Pg 32)

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- "...the ability to provide a full range of commercial services in McMinnville may reduce the need for out-shopping from this trade area – with area customers at present often traveling further to more distant destinations as in the Portland Tri-County or Salem area." 2013 EOA, pg. 71.

Retail leakage, and related suitability considerations are described in detail in the 3MLAP and 2020 EOA. These studies provide evidence in support of the subject sites' suitability for commercial development, particularly retail leakage:

- "Retail prospects are relatively strong for certain retail sectors, despite relatively weak market conditions (including rent, vacancy, absorption, etc.). The Three Mile Lane study area likely checks off many site selection criteria and market characteristics typically desired by prospective retailers. While there are few retailers currently in the area, desired physical characteristics, such as visibility, vacant developable land, and ease of access are all present. Further, McMinnville's central location between the Oregon Coast, the Portland Metro, and Salem provides access to a wide variety of markets. Significant household growth and the burgeoning tourism industry will continue to improve retail prospects." 3MLAP, pg. 2.
- 3MLAP, Table ES-3 summarizes that the market area demand is for 539,200 sf of retail and estimates that the Three Mile Lane area will provide 150,000 sf of that demand, noting "the study area is wellposition for new retail development, particularly large-format retail. Neighborhood-serving retail may be a mid-to long-term aspiration when additional residential construction occurs." However, the plan emphasizes that "it is important to note that these numbers are not specific recommendations; rather they simply provide an indication of the potential program mix based on market strength. Changes to the mix and specific numbers are anticipated with changes to the zoning, land supply, and public interventions, among other market disrupters." 3MLPA, 4.
- The 2020 EOA refers back to the 3MLAP and retail leakage to conclude "an additional 539,000 square feet of retail development in the McMinnville market area over the coming decade, with 150,000 square feet (or about 28%) being captured in the Three Mile Lane area." 2020 EOA, pg. 47.

Transportation access: The subject sites are located on Highway 18, with frontage that is highly visible to passing traffic. In addition to serving local transportation needs, Highway 18 serves as a major route for regional travel, providing access to the coast as well as large regional centers, including Salem and the Portland Metro area. As the sites are located within the 3MLAP area, the sites' access to/from Highway 18 is proposed to be located at Cumulus Avenue. The 3MLAP outlines proposed transportation enhancements for the plan area based on analysis that was coordinated with ODOT. As a result, the 3MLAP makes recommendations through its preferred facility design for the plan area that would address access and facility capacity.

Compatibility with neighboring uses: Currently, uses that surround the subject sites include the Willamette Valley Medical Center to the west, vacant industrial land to the south, office and military armory uses to the east and vacant industrial land and park land to the south and southwest. The two subject sites flank the Kimco property which is subject to a pending application for a comprehensive plan map amendment from Industrial to Commercial and zone change from M-2 to C-3 with a PD overlay. Across Three Mile Lane, uses include single-family, apartment and senior residential development. Other uses in the vicinity include community college, and the Evergreen Aviation Museum.

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The proposal to redesignate and rezone the properties to commercial land for retail use is compatible with these surrounding uses, and in fact would provide goods and services to nearby residents, students, employees and visitors. Furthermore, as part of the 3MLAP, future development of the plan area is proposed to include a variety of uses that would provide a daytime market base, including office, mixed-use, entertainment and innovation/light industrial uses.

Infrastructure capacity: As the sites are located within the 3MLAP area, the sites' access to/from Highway 18 is proposed to be located at Cumulus Avenue. The 2013 EOA, pg. 66, notes that "as a general condition, no major deficiencies have been identified through this EOA update process to date with respect to adequacy of public transportation and utility facilities to serve vacant and underutilized commercial and industrial properties." The TIAs, included as Exhibits E and F, conclude that the proposed zone changes can be approved without creating significant impacts under OAR 660-012-0060 assuming the recommended mitigation measures are implemented and occur at the time of development. The TIAs identify recommended modifications to the existing transportation system that address additional trips generated by commercial activity on the sites. These modifications are consistent with the OR Highway 18 Corridor Plan. Adequate on-site circulation would be ensured through the Planned Development overlay and would be consistent with the design and development standards of the 3MLAP.

Site Size Distribution: As noted in the 2013 EOA, an analysis of the 2012 inventory revealed the average commercial parcel size is approximately two acres, with the majority of commercial land (53%) made up of parcels of under 5 acres. Only three sites of 10 acres or more in size were identified—one of which is part of the Evergreen PUD.

The 2020 EOA draft provides an update of the inventory, concluding that there is still a deficit of large, buildable commercially designated land with sizes in the 10-to-20 acres range—and notes that many existing commercial developments are located on multiple tax lots. The Leland Market analysis states that as "one of the few locations with large, contiguous vacant tracts within the city limits," the 3MLAP area is poised to capture a significant portion of the retail demand in the market area over the next decade.

Section 4 - OAR 660-009-0010(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, and:

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
- (c) Adopt a combination of the above, consistent with the requirements of this division

APPLICANTS' RESPONSE: As this Application proposes to convert over two acres of industrial land to a non-industrial use, Section 4 – OAR 660-009-0010(4) is applicable.

As noted above, the 2013 EOA identified a 235.9-acre surplus of industrial land and deficit of 35.8 of commercial land (2013 EOA, Figure 26, Pg. 56). The draft 2020 EOA updated the commercial and industrial land inventories and projected demand for the 20-year planning

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horizon and identifies a much larger deficit of commercial land. The demand is expected to increase due to overall growth, as well as “retail leakage” of expenditures being made outside the McMinnville market area due to a lack of supply in certain retail categories.

In order to recapture a portion of the “retail leakage” identified in the 2013 EOA and more recently updated in the Leland market analysis and the 2020 EOA, the 3MLAP Preferred Alternative concept plan has envisioned a walkable town center area located on Three Mile Lane at Cumulus Drive that would serve as a destination for shopping, dining and services. The subject sites are located within the area proposed for Commercial/Retail Center use in the 3MLAP.

The Application will assist the City in accommodating the growing commercial land needs and there will still be an excess of industrial land supply available. With the proposed conversion of the subject sites from Industrial to Commercial designation through this Application, and accounting for the proposed conversion of 33.5 acres from Industrial to Commercial on the Kimco site, the surplus of industrial land remains in excess of 173 acres. Additionally, the 2013 EOA states that there are 5 industrial parcels that are 20+ acres in size so the City will continue to have an adequate supply of larger industrial parcels.

The Planned Development overlay designation would allow for commercial development that would accommodate the retail categories identified as being needed by the local market, while ensuring that future development is consistent with McMinnville’s long-term goals and policies as envisioned in the 3MLAP

FINDING: NOT SATISFIED. The above narrative was submitted as part of the original application. In addition, the applicant for Kimco, one of the three concurrent contiguous applications, subsequently submitted a memo dated June 21, 2021 addressing how Goal 9 applies to designation of more than the minimum identified land need for a land use category. In short, Goal 9 requires that Comprehensive Plans for urban areas shall...”provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.” The City can designate more than the minimum identified need. As described in the June 21, 2021 memo, the need is a “floor” not a “ceiling.” The analysis provided in this memo was previously reviewed by the City Attorney and DLCDC, and they concurred with this analysis regarding the applicability of Goal 9 as it relates to this issue.

Consistent with Comprehensive Plan Proposal 48.70, the City needs to redesignate a minimum of 40 acres from industrial to commercial land for its commercial land needs, but may designate more, provided that doesn’t create a deficit. Redesignation of 60 acres would not create a deficit of industrial land, as there would still be surplus of industrially designated land.

“An adequate supply” is not only a measure of total acreage, but requires sites of “suitable sizes, types, locations, and service levels,” as addressed above in the applicant’s response.

The proposal includes three concurrent applications for three properties. If approved as requested, together, these applications would exceed 40 gross buildable acres. **However, this is compliant with Goal 9, when “consistent with plan policies.”**

These three properties correspond to the Mixed Use Town Center area identified in the Three Mile Lane Area Plan (3MLAP), which includes local policy limiting the Mixed Use Town Center to 33 net buildable acres.

Goal 12: Transportation

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OAR 660 Division 12

APPLICANTS' RESPONSE: The TIAs addressing the requirements of Goal 12 and the Transportation Planning Rule (TPR) were completed by Kittelson & Associates and are attached as Exhibits E and F. The TIAs demonstrate that the proposed Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 12 and the TPR.

FINDING: NOT SATISFIED. The findings and associated conditions are based on traffic analysis for the proposed acreage and map amendment as proposed for all three properties, which includes approximately 68.3 acres.

If the Planning Commission recommends approval of the map amendments as submitted in the three applications, totaling 68.3 acres, then the findings below are satisfied with conditions, subject to potential conditions listed in Section II. However, that would be inconsistent with the 3MLAP. Otherwise, there is insufficient information to make findings regarding specific analysis, mitigation, or conditions related to the requirements of the Transportation Planning Rule for a 33 net acre Mixed Use Town Center, which is not what is before the Planning Commission.

OAR 660-012-0060 applies to plan and land use regulations amendments. The applicant prepared a TIA to address the provisions of this of OAR 660-012-0060. The TIA was submitted with the application for this property, and was subsequently updated to also address the cumulative affects of the proposed map amendments for this property and the two adjacent properties. A sensitivity analysis was also subsequently performed to update the analysis for these properties to address comments and ensure the analysis is consistent with key aspects of ODOT's 2015-2041 Regional Travel Demand Model, and to include analysis of transportation projects in the McMinnville TSP which are "reasonably likely" to be completed by the end of the planning horizon consistent with OAR 660-012-0060.

The decision document includes potential conditions of approval for mitigation of certain traffic impacts. The conditions are written to apply to the properties in total with the combined development plans and development being required to comply with these conditions prior to "opening day" of new development on any of the properties. The property owners have stipulated to this requirement, and allocation of these requirements among the three properties will be through their own private contractual terms and agreements.

The findings below are based on the updated analysis as reflected in the May 4, 2022 memo from Kittelson and Associates. The reviews have been undertaken in coordination with the City, Yamhill County, and ODOT.

OAR 660-012-0060
Plan and Land Use Regulation Amendments

(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

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(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.

FINDING: SECTION (1) IS SATISFIED WITH CONDITIONS.

Subsection (a) is not applicable. The proposed amendments would not change the functional classification of an existing or planned transportation facility.

Subsection (b) is not applicable. The proposed amendments would not change standards implementing a functional classification system.

Subsection (c) is applicable. The applicants prepared transportation analysis consistent with the direction provided by the City and ODOT. The applicants' analysis indicates that, at some locations, if unmitigated, the proposed amendments would result in effects listed in Subsection (c).

Specifically, the memo addresses twelve study intersections. Table 4 shows and compares the forecast 2041 conditions for the existing and proposed map designations for those intersections.

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Table 4. Comparison of 2041 Background and Total Traffic Operations for Weekday PM Peak Hour

	Study Intersection	Mobility Target (V/C) ¹	2041 Background		2041 Total		V/C Change > 0.03?	
			CM	V/C	CM	V/C		
1	NE 3 rd Street/NE Johnson Street	0.90	-	0.86	-	0.93	Yes	
2	NE Three Mile Lane/NE 1 st Street	0.90	EB	1.40 ²	EB	1.83 ²	Yes	
3	NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27 ³	WB	1.14 ³	No	
4	SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48	EB	0.50	No	
5	OR-18/SE Norton Lane	0.80	-	0.80	-	0.79 ⁴	No	
6	OR-18/NE Cumulus Avenue	0.80	-	0.98	-	1.33	Yes	
7	OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29	NB	0.31	No	
8	OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39	SB	0.48	No	
9	OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64	NB	1.63 ⁵	No	
10	OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53	WB	0.54	No	
11	OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed					
12	SE Norton Lane/NE Stratus Avenue	0.90	WB	0.36	EB	0.54	Yes	

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right

V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)

CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

²Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix G and Appendix I. Under 2041 total traffic conditions in Vistro, the delay for the critical westbound left-turn movement is so high that it is not reported. It can be assumed that with higher delay, the true V/C under 2041 total traffic conditions is also higher if Vistro were capable of reporting it. Sidra 8 was used to verify this assumption.

³Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix G and Appendix I. Under 2041 total traffic conditions in Vistro, the rezone from industrial to commercial site use increases inbound (southbound) and decreases outbound (northbound) flow from the site through Intersection #3, resulting in improved capacity for the critical eastbound left-turn movement compared to 2041 background traffic conditions. Sidra 8 was used to verify this condition.

⁴Pass-by trips associated with the rezone from industrial to commercial site use decrease eastbound and westbound through volumes on OR-18, resulting in improved capacity compared to 2041 background traffic conditions.

⁵The rezone from industrial to commercial site use increases inbound (westbound) and decreases outbound (eastbound) flow from the site through Intersection #9, resulting in slightly improved capacity for the critical northbound left-turn movement compared to 2041 background traffic conditions.

Of those, under 2041 conditions:

Unmitigated, the proposed map amendments are forecast to have a “significant effect” on three intersections:

- Subsection (1)(c)(B) is applicable to one intersection (Intersection 1).
- Subsection (1)(c)(C) is applicable to two intersections (Intersections 2 and 6).

The proposed map amendments are not forecast to have a significant effect on the other intersections.

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- Six intersections (Intersections 4, 5, 7, 8, 10, and 12) are forecast to meet performance standards in 2041 under both current map designations and proposed map designations.
- One intersection (Intersection 11) outside the UGB would be closed when the roundabout in the County TSP is constructed at Highway 18 and Lafayette Highway.
- Two intersections (Intersections 3 and 9) are forecast to exceed performance standards under current map designations, but would not be further degraded under proposed map designations. The applicants' analysis shows improvement at those intersections under the proposed map designations when compared to the existing map designations.

The applicants have identified proposed mitigation and also proffered voluntary conditions, and staff has recommended conditions of approval to put in place measures as provided in Subsection 2.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

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(B) The providers of facilities being improved at other locations provide written statements of approval; and

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

FINDING: SECTION (2) IS SATISFIED WITH CONDITIONS. Subsection 2 provides if there is a significant effect as specified in Subsection 1, the local government **must** ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in Subsection 2, **unless** the local government chooses to apply its discretion under Subsection 3 below to allow mitigation to a “no further degradation” standard, when compared to the existing map designation, rather than mitigation to the standards specified in Subsection 2 “consistent with the identified function, capacity, and performance standard.”

Table 6 shows the 2041 conditions for the existing map designations, the proposed map designations without mitigation, and the proposed map designations with mitigation.

Table 6. Comparison of 2041 Background, Total and Mitigated Total Traffic Operations for Weekday PM Peak Hour

Study Intersection	Mobility Target (V/C) ¹	2041 Background		2041 Total		2041 Total with Mitigation	
		CM	V/C	CM	V/C	CM	V/C
1 NE 3 rd Street/NE Johnson Street	0.90	-	0.86	-	0.93	-	0.85
2 NE Three Mile Lane/NE 1 st Street	0.90	WB	1.40	EB	1.83	-	1.05²
3 NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27	EB	1.14		
4 SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48	EB	0.50		
5 OR-18/SE Norton Lane	0.90	-	0.80	-	0.79	-	0.72
6 OR-18/NE Cumulus Avenue	0.80	-	0.98	-	1.33	-	0.79
7 OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29	NB	0.31		
8 OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39	SB	0.48		
9 OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64	NB	1.63		
10 OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53	WB	0.54		
11 OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed					
12 SE Norton Lane/NE Stratus Avenue	0.90	WB	0.36	WB	0.54		

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right

V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)

CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

²Mitigation improves V/C at the intersection to be better than the 2041 background traffic conditions

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For two of the three intersections where there was determined to be “significant effect” as a result of the proposed map amendments (Intersections 1 and 6), the applicant has proposed mitigation that would be consistent with the capacity and performance standards for those intersections in 2041.

For the third intersection where there was determined to be “significant effect” as a result of the proposed map amendments (Intersection 1), the applicant has proposed mitigation - a signal - that would improve the 2041 performance of the intersection compared to both existing and proposed map designations. However, with the proposed mitigation, that intersection would still exceed the performance standard and capacity, with a v/c ratio of 1.05. Table 7 indicates that additional mitigation at that intersection – an eastbound right-turn lane - with the proposed map amendments would achieve consistency with the performance standards and capacity for that intersection.

Three Mile Lane Rezones – 3M/LAP Sensitivity Analysis
May 4, 2022

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Table 7. Comparison of 2041 Background, Total, Mitigated Total, and Further Mitigated Total Traffic Operations for Weekday PM Peak Hour

Study Intersection	Mobility Target (V/C)*	2041 Background		2041 Total		2041 Total with Mitigation		Year 2041 Recommended Mitigation	2041 Total with Further Mitigation		Year 2041 Further Mitigation
		CM	V/C	CM	V/C	CM	V/C		CM	V/C	
1 NE 3 rd Street/NE Johnson Street	0.90	-	0.86	-	0.93	-	0.85	NBL Turn Lane	-	-	-
2 NE Three Mile Lane/NE 1 st Street	0.90	WB	1.40	EB	1.83	-	1.05	Install Traffic Signal	-	0.85	EBR Turn Lane
3 NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27	EB	1.14	-	-	-	-	0.90	Install Traffic Signal
4 SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48	EB	0.50	-	-	-	-	-	-
5 OR-18/SE Norton Lane	0.90	-	0.80	-	0.79	-	0.72	SBR Turn Lane, Modify Traffic Signal	-	-	-
6 OR-18/NE Cumulus Avenue	0.80	-	0.98	-	1.33	-	0.79	EBR Turn Lane, NBL Turn Lane, NBR Turn Lane	-	-	-
7 OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29	NB	0.31	-	-	-	-	-	-
8 OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39	SB	0.48	-	-	-	-	-	-
9 OR-18/SE Cruckshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64	NB	1.63	-	-	-	-	0.72	Reroute of 50% NBL to Lafayette/OR-18 Intersection
10 OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53	WB	0.54	-	-	-	-	-	-
11 OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed									
12 SE Norton Lane/NE Stratus Avenue	0.90	WB	0.36	WB	0.54	-	-	-	-	-	-

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right
V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)
CM= Critical Movement

*Mobility targets at intersections #5 through #11 provided by ODOT based on Table 6 in the DHP (Reference 1) and the functional classification and location of each section of roadway.

As shown in Table 7, with the further mitigation for consideration by the City and/or ODOT, all study intersections would satisfy applicable review agency mobility targets under year 2041 total conditions.

Table 7 also identifies additional mitigation at two additional intersections (Intersections 3 and 9) that would achieve consistency with the performance standards and capacity for those intersections. However, the analysis did not find “significant effect” at those intersections.

In addition, the proposed amendments are not forecast to have a significant effect on Intersection 5 per the TPR, but the applicant has identified potential queuing distance issues at that intersection and has proposed mitigation that would improve the performance standard at that intersection compared to both the existing and proposed map designations.

With conditions of approval, mitigation of three intersections which were found to be significantly affected by the proposed map amendments would bring the intersections into consistency with the applicable performance standards and capacity. This would require the mitigation proposed by the applicant, as well as the additional mitigation for Intersection 2 which is identified in Table 7.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve

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consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

FINDING: SECTION (3) IS NOT APPLICABLE. For facilities that would be significantly affected by the proposed map amendments, conditions of approval would provide mitigation that achieves consistency with the applicable performance standards and capacity of the facilities. Therefore, no further findings are required to address Subsection 3.

Staff has recommended the additional mitigation identified in Table 7 for Intersection 2 as a condition of approval, which is not part of the mitigation proposed by the applicant. However, if the additional mitigation in Table 7 isn't included as a condition of approval for Intersection 2, it would be necessary for the City to exercise its discretion to allow mitigation to a "no further degradation" standard and to make findings regarding Subsection 3 because the City is not proposing to use its discretion that would allow significant effects without mitigating to the applicable performance standard.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

FINDING: SECTION (4) IS SATISFIED. Review of the transportation analysis, findings, and mitigation under Sections (1)-(3) has been coordinated between the City of McMinnville, ODOT, and Yamhill County.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

FINDING: SEE FINDINGS FOR SUBSECTIONS (b) and (c) BELOW.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement

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Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

FINDING: SUBSECTION (4)(b) IS APPLICABLE AND SATISFIED. Subsection (b) defines which facilities are to be addressed in the analysis conducted in Sections (1)-(3) above when the area is outside of an interstate interchange area as defined in Subsection (d) below. This area is outside of any interstate interchange areas.

The analysis considers existing facilities and planned facilities consistent with Subsection (b). The analysis addresses planned facilities in the McMinnville TSP, which are identified for funding through use of SDC revenues, which includes the frontage road/collector road system. The analysis also addresses planned facilities in the Yamhill County TSP, specifically the planned roundabout at Highway 18 and Lafayette Highway, which would be a state-funded facility. ODOT has commented that this is identified in the County TSP and reasonably likely to be provided by the end of the planning period. ODOT has been working to include this project on the STIP.

(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

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(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

FINDING: SUBSECTION (4)(c) IS NOT APPLICABLE. This area is not within an interstate interchange area.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

FINDING: SUBSECTION 4(d) IS SATISFIED. Subsection (d) provides definitions used to apply Subsection 3. Subsection 3 was interpreted and applied consistent with these definitions.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

FINDING: SUBSECTION (4)(e) IS SATISFIED. Subsection (b) was applied consistent with these determinations, which are therefore conclusive. ODOT provided written comments regarding the roundabout at Highway 39 (OR-18) and Lafayette Highway. The City of McMinnville relied on its planned transportation facilities and staff provided written statements to that effect.

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

FINDING: SECTION (5) IS NOT APPLICABLE. No residential, commercial, institutional, or industrial development is proposed on rural lands by the applications.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full

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credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

FINDING: SECTION (6) IS NOT APPLICABLE. The land within the area proposed for map amendment is not located in a mixed-use, pedestrian-friendly center or neighborhood as defined in Section (8) below, which is the applicable definition for applying Subsection (6). Therefore, no credits as provided in Subsections (a)–(d) above were given credit for potential reduction in vehicle trips.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for

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on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

FINDING: SECTION (7) IS NOT APPLICABLE. Subsection 7 only applies when all three of the criteria listed in subsections (a)-(c) are met.

Per Subsection (a), the proposed amendment would result in designation of two or more acres of land for commercial use. Per Subsection (c), the proposed amendment would significantly affect a transportation facility as provided in Subsection 1 (to be mitigated with conditions of approval).

However, Subsection (b) is not applicable. The property is not within Metro and therefore Metro's requirements don't apply. The City has adopted a TSP which complies with OAR 660-012-0020(2)(b). The City has adopted a local street plan which complies with OAR 660-012-0020(2)(b).

Table H-1 of the Transportation System Plan addresses compliance with the TPR. As part of the TSP adoption, findings were made regarding OAR 660-012-0020(2)(b) as follows:

**TABLE H-1
CITY OF MCMINNVILLE TRANSPORTATION PLANNING RULE COMPLIANCE**

TSP Elements			
TPR Requirements	Summary of Current Plans, Policies and/or Zoning Ordinance Requirements	Current Compliance (Yes/No/Partial)	Summary of Adopted Plan, Policy and/or Zoning Ordinance Amendments
OAR 660-12-020 (2) (b) TSP shall include a road plan including a functional classification consistent with state and regional TSPs. Road standards for local streets to: 1) address extensions of existing streets 2) connections to existing /planned arterials and collectors 3) connections to neighborhood destinations	City's Transportation Master Plan (1994) defines functional classification and basic design elements. 1) Plan and adopted policies address street extension requirements. 2) Plan policies require new streets to conform to existing street patterns. 3) Plan policies and zoning ordinance describe access requirements.	Yes 1) Yes 2) Yes 3) Yes	Adopts supplemental roadway standards as identified in the TSP, Chapter 2; and revisions to City Street Standards as noted in Appendix G. Adopts transportation policies as included in the TSP, Chapter 2 affecting connectivity and circulation and complete streets, and in Chapter 4 affecting circulation; and future, local street connections as identified in Chapter 2, Ex 2-1.

Therefore, the proposed amendment is not required to “include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3).”

However, at the time of submittal of the Planned Development development plan, the applicant will need to demonstrate the proposed development plan is consistent with the planned street

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connectivity identified in the TSP and the Three Mile Lane Area Plan. This is addressed with a condition of approval.

Note: The provisions of OAR 660-012-0020(2)(b) may be accessed at the following link:

<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=175275>

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major

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driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

FINDING: SECTION (8) PROVIDES DEFINITIONS. THE SECTION DOES NOT PROVIDE SEPARATE STANDARDS. It provides a definition for purposes of applying provisions of the Transportation Planning Rule, including Section (6) above. Findings regarding Section (6) are provided above consistent with the definition provided in Section 8.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

FINDING: SECTION (9) IS NOT APPLICABLE. Section (9) is only applicable if (a)-(c) are all met. The proposed zoning is not consistent with the existing Comprehensive Plan map, and the proposed amendment includes a change to the Comprehensive Plan map. Therefore, the proposal does not meet Subsection (a), which is one part of the three-part test under Section (9). Therefore, the proposal doesn't meet the test that would be needed to make a finding that an amendment to a zoning map does not significantly affect an existing or planned transportation facility under the provisions of Section (9)

(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

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(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the

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local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

FINDING: SECTION (10) IS NOT APPLICABLE. Subsection (a) specifies that a proposed amendment qualifies for Section 10 if it is within an MMA. Subsection (b) provides a definition of an MMA as used in this Section. The lands subject to the applications for the proposed amendments don't meet the definition of an MMA as defined in Subsection (b), and therefore they don't qualify for application of Section 10. No MMA designation is proposed, so Subsections (c), (d), and (e) are not applicable.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

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(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for “Other Employment Use” or “Prime Industrial Land” as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

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FINDING: SECTION (11) IS NOT APPLICABLE. In order for the City to approve an amendment with partial mitigation under section (2) of this rule, the amendment must comply with subsection (11)(a) - both (11)(a)(A) **and** (11)(a)(B) or (11)(a)(D), meet the balancing test in subsection (11)(b), **and** the local government must coordinate as provided in subsection (11)(c).

Subsection (11)(a)(B) specifies that the proposed amendment must “not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.”

The proposed amendment would allow retail uses, including those which are not incidental to industrial or traded sector development. Therefore, the two part test under Subsection (11)(a)(A) and (B) is not met.

The proposed amendment is not within a City of less than 10,000 population or outside the Willamette Valley. Therefore, the test under Subsection (11)(a)(D) is not met. Therefore, the test under (11)(a) is not met. Therefore, the three part test under (11)(a), (b), and (c) cannot be met. Therefore, partial mitigation as provided in Section (2) of this rule is not authorized under the provisions of Section (11).

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

503-434-7311

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DECISION, POTENTIAL 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-L (LIMITED LIGHT INDUSTRIAL) AND A PORTION OF M-2 (GENERAL INDUSTRIAL) TO C-3 PD (GENERAL COMMERCIAL WITH A PLANNED DEVELOPMENT OVERLAY) FOR APPROXIMATELY 22.6 ACRES OF AN 89.9-ACRE PROPERTY LOCATED ON SE THREE MILE LANE WEST OF CUMULUS AVENUE, TAX LOT R4427 00100

DOCKET: CPA 2-21 (Comprehensive Plan Map Amendment), ZC 3-21 (Zone Change, including Planned Development Overlay Designation)

REQUEST: An application for an amendment to the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-L (Limited Light Industrial) and a portion of M-2 (General 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, for a total of approximately 22.6 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: Site Address: Part of unaddressed property on SE Three Mile Lane, west of Cumulus Avenue
Map & Tax Lot: Part of R4427 00100

ZONING: M-L (Limited Light Industrial, and a portion of M-2 (General Industrial), Three Mile Lane Overlay, Airport Overlay

APPLICANT: Ken Sandblast, Westlake Consultants, Inc.

PROPERTY OWNER: DRS Land, LLC c/o Dan Bansen

STAFF: Tom Schauer, Senior Planner

Attachments :

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

DATE DEEMED COMPLETE: December 16, 2021

HEARINGS BODY & ACTION: 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.

PLANNING COMMISSION

HEARING DATE & LOCATION: Hybrid in-person and Zoom online meeting. In-person: April 20, 2023 at 6:30 P.M. at Kent Taylor Civic Hall, 200 NE 2nd Street and online via Zoom.
Zoom Online Meeting ID: 893 6863 4307 **Meeting Password:** 989853

DECISION-MAKING BODY:

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's recommendation goes to City Council for final decision.

Upon receipt of the decision of the Planning Commission to recommend approval the Council shall:

- a. Based on the material in the record and the findings adopted by 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) of the Zoning Ordinance.

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.

CITY COUNCIL MEETING DATE & LOCATION:

To be determined.

PROCEDURE: An application for a Comprehensive Plan Map Amendment and Zone Change, including a Planned Development Overlay, 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. The criteria for a Planned Development Overlay are specified in Chapter 17.51 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

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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.

Applicable state law including applicable statewide planning goals must also be addressed.

APPEAL:

As specified in Section 17.72.180 of the Zoning Ordinance, a decision of the Planning Commission recommending denial may be appealed to the City Council within 15 (fifteen) calendar days of the date the written notice of the decision is mailed.

As specified in Section 17.72.190 of the Zoning Ordinance, 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; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of State Lands; and Oregon Department of Transportation. Their comments are provided in this document.

RECOMMENDATION

Based on the findings and conclusionary findings, the Planning Commission finds that, based on the evidence in the record, the applicant hasn't met the burden of proof and finds that the criteria are **NOT SATISFIED**. Therefore, the Planning Commission **DENIES THE APPLICATION**.

RECOMMENDATION/DECISION: DENIAL

Planning Commission: _____
Sidonie Winfield, Chair

Date: April 20, 2023

Planning Department:  _____
Heather Richards, Planning Director

Date: April 20, 2023

I. APPLICATION SUMMARY:

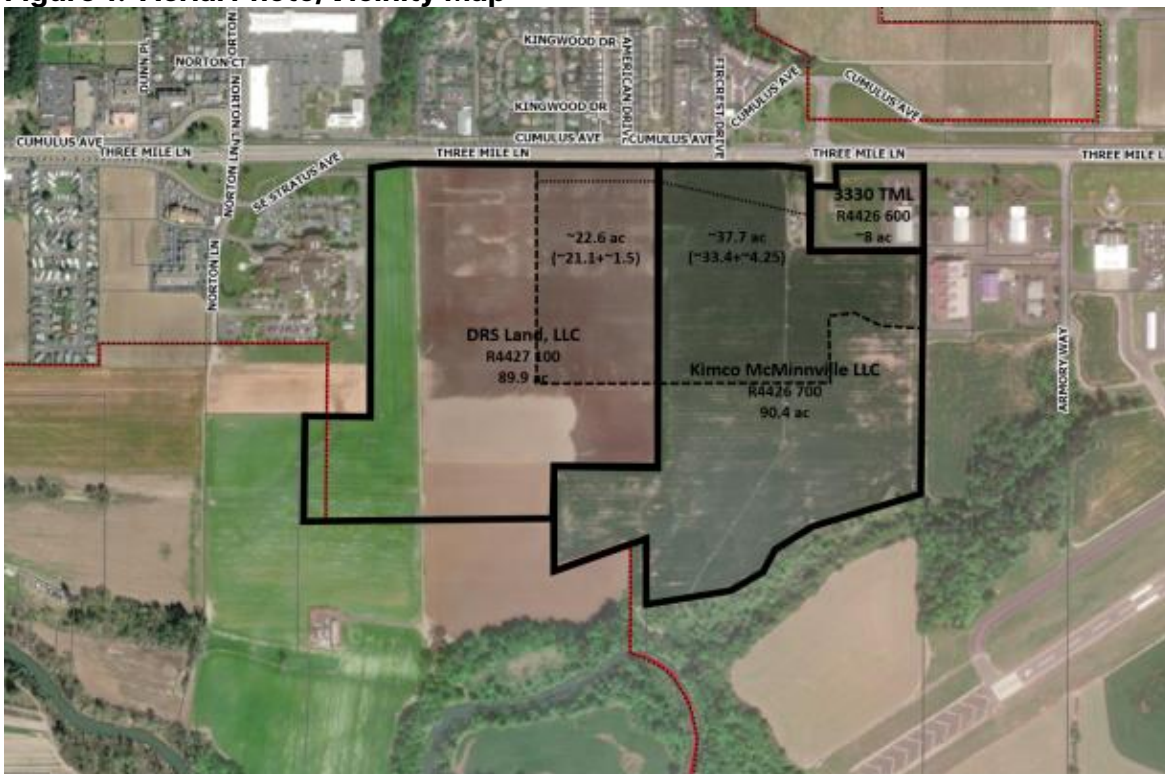
This is an application for an amendment to the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-L (Limited Light Industrial) and a portion of M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 21.1 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, for a total of approximately 22.6 acres. The property is an unaddressed property on SE Three Mile Lane, west of Cumulus Avenue, Tax Lot R4427 00100

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 designation to be applied without a concurrent development plan; however, 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. 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.

This is one of three applications for contiguous properties concurrently being reviewed for redesignation as part of what would be a single 3MLAP C-3 Mixed-Use Town Center subarea Planned Development Overlay. Together, these applications propose 68.3 gross acres for redesignation from Industrial to Commercial with a Planned Development Overlay.

See Aerial Photo/Vicinity Map (Figure 1), Existing Comprehensive Plan Map (Figure 2), Existing Zoning Map (Figure 3), Proposed Comprehensive Plan Map (Figure 4), and Proposed Zoning Map (Figure 5). See also Figure 6 for map submitted by Kimco for application CPA 2-20/ZC 3-20 that shows potential future right-of-way alignments relative to the subject property for this application.

Figure 1. Aerial Photo/Vicinity Map



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Figure 2. Existing Comprehensive Plan Map

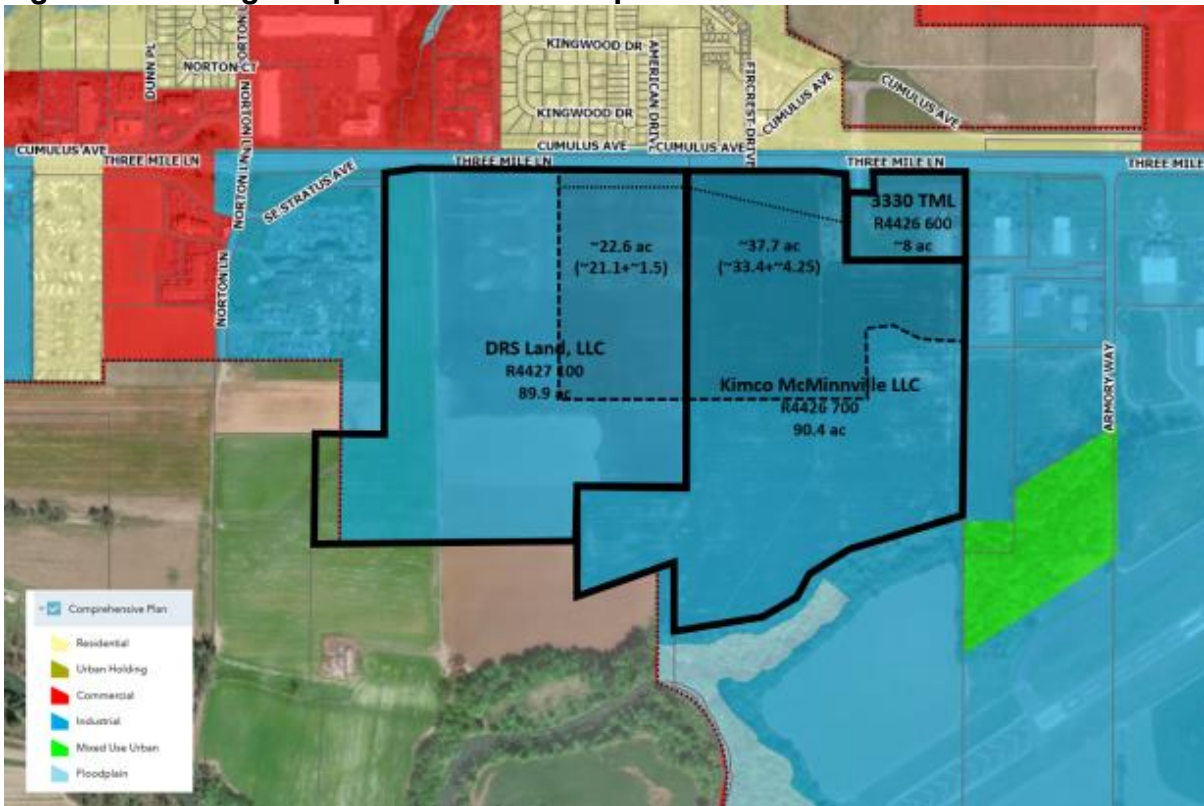
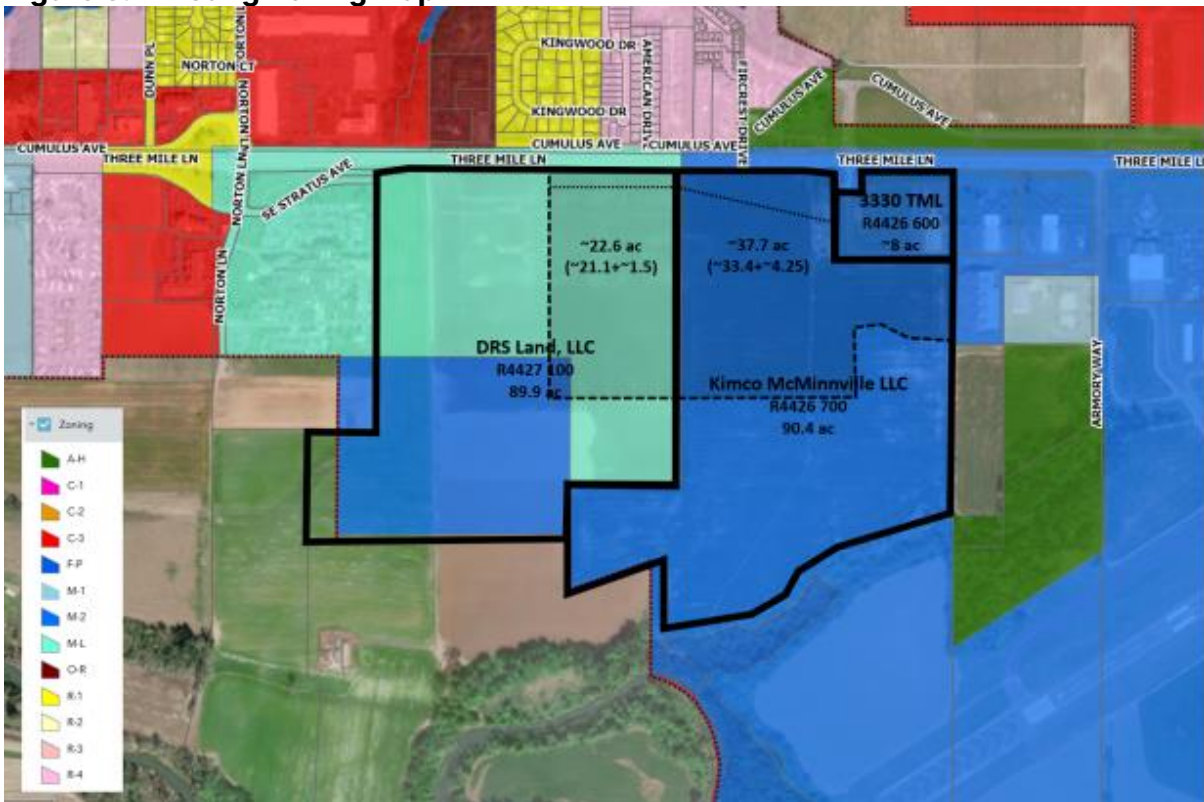


Figure 3. Existing Zoning Map



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Figure 4. Proposed Comprehensive Plan Map

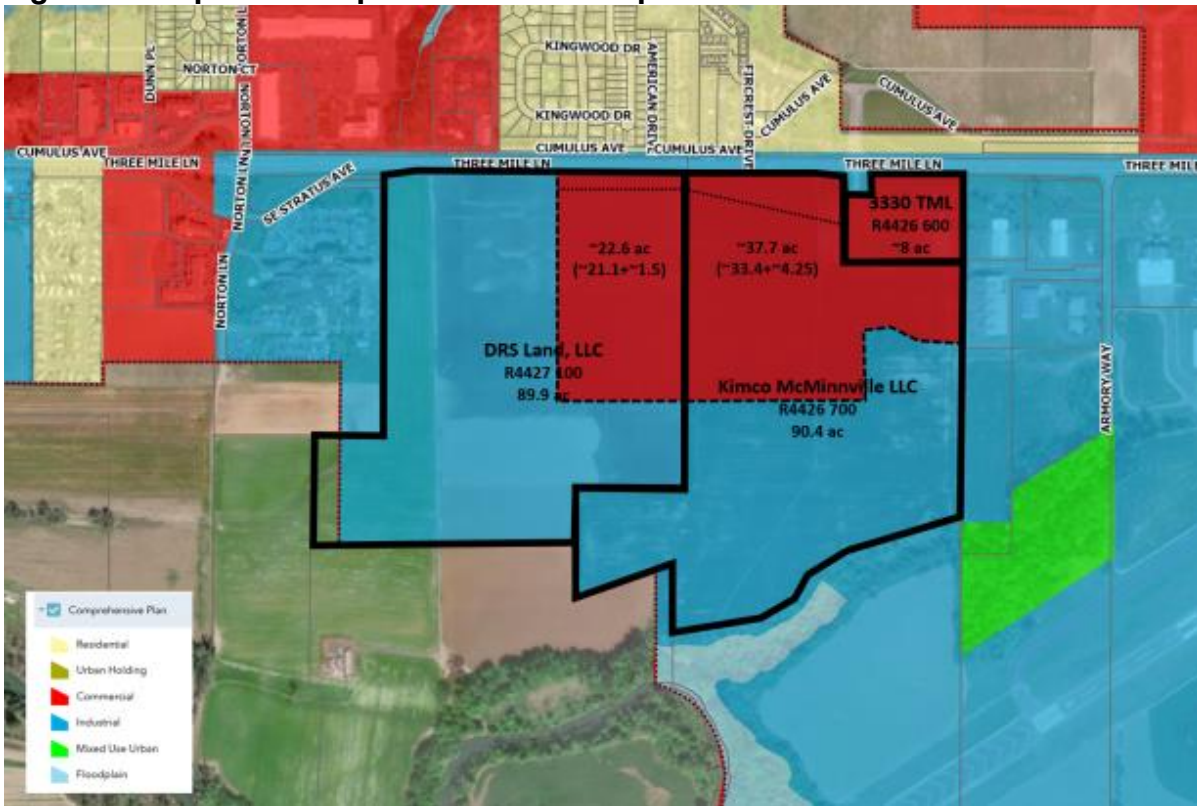
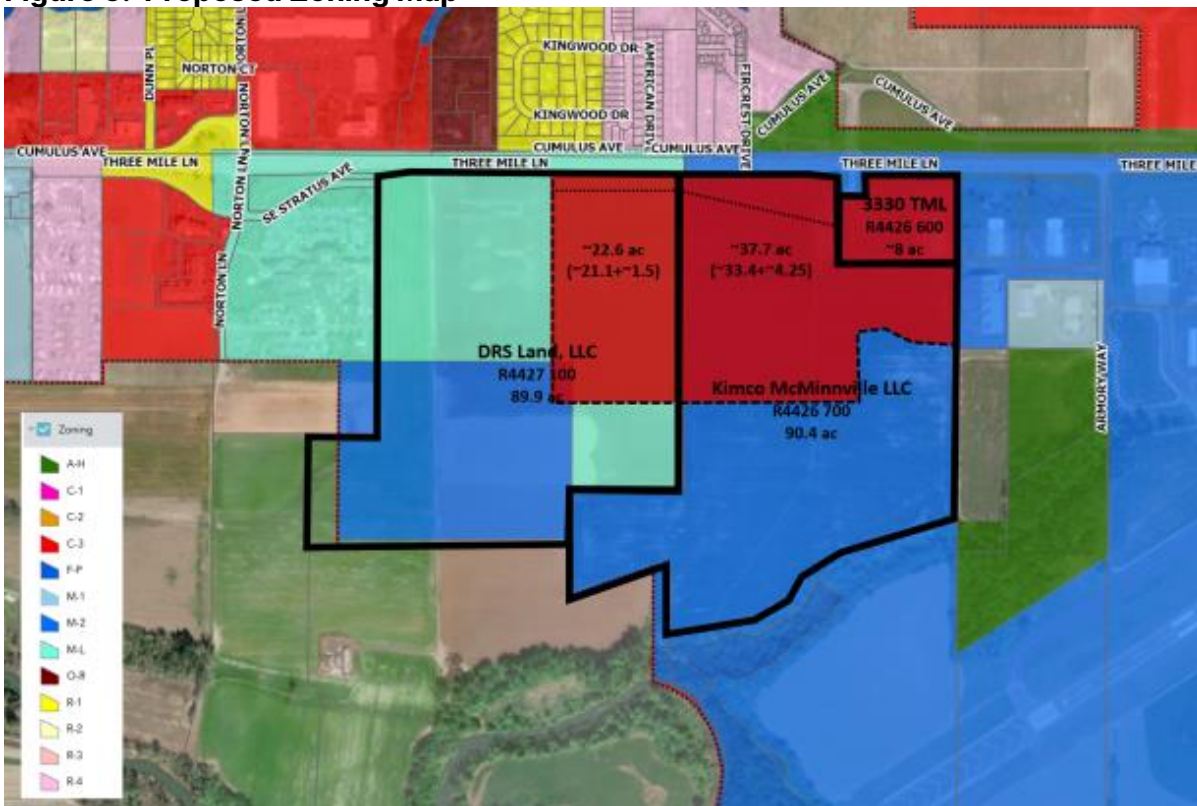


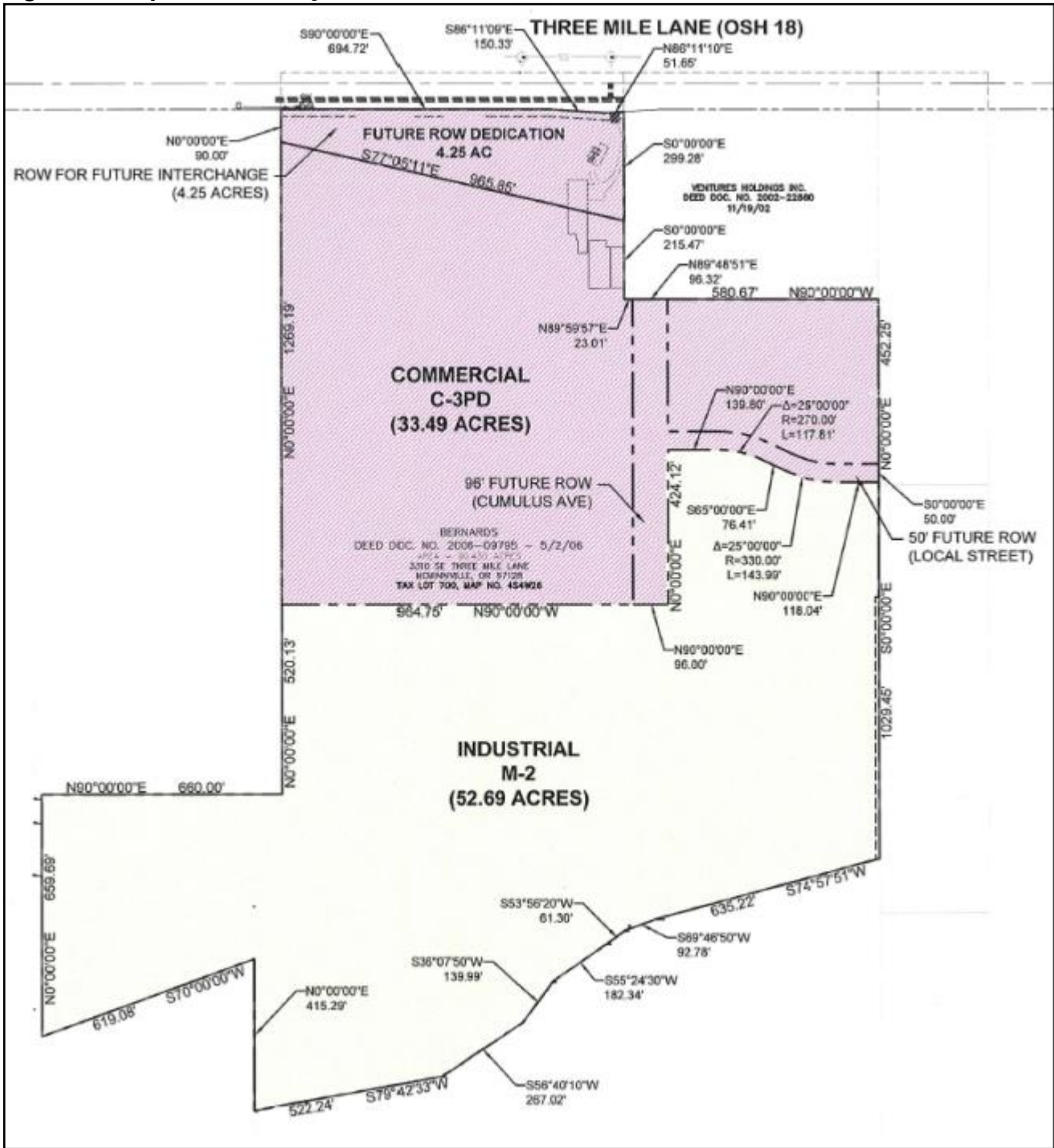
Figure 5. Proposed Zoning Map



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Figure 6. Map Submitted by Kimco for CPA 2-20/ZC 3-20



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II. CONDITIONS:

NOT APPLICABLE. The recommendation is denial of the application since the application, together with the two other properties together exceed the 33 net buildable acres specified for the Mixed Use Town Center specified in the Three Mile Lane Area Plan. If that issue is resolved, then the other criteria can be satisfied, with some being satisfied subject to conditions of approval. Those potential conditions of approval are provided below.

NOTE: The conditions below are based on approval of applications for three properties, with each sharing in the conditions as part of a single larger C-3 PD Planned Development overlay boundary which encompasses parts of two properties and all of the third property.

If the applications are modified so they do not in aggregate exceed the 33 net buildable acres specified for the Mixed Use Town Center specified in the Three Mile Lane Area Plan, these potential conditions may need to be modified prior to adoption of a decision if any of the applications is not approved as proposed, such that the cumulative boundary configuration or size of the C-3 PD Planned Development overlay differs from what was proposed in the applications.

Planned Development Overlay

1. The C-3 Planned Development designation applicable to the subject portions of the three subject properties shall be a single Planned Development Overlay Zone, to be designated as the 3MLAP Mixed-Use Town Center subarea.
2. All general provisions of the adopted Three Mile Lane Area Plan shall apply to the subject properties. In addition, any and all provisions of the Three Mile Lane Area Plan which are specific to the 3MLAP Mixed-Use Town Center subarea shall apply to the portions of the subject properties within this boundary. These include but are not limited to the Vision, Goals, Policies, Urban Design Elements, Concept Plan, Implementation Recommendations, Design Booklet, and Draft Implementation provisions of Appendix E.

At the time the Planned Development development plan is submitted, these provisions shall be used to review the development plan.

3. If the Planned Development development plan is submitted prior to adoption of final Implementation provisions of the 3MLAP, the development plan shall be subject to the Design and Development Principles and Standards attached as **Attachment 2**. If the Planned Development development plan is submitted after adoption of final Implementation provisions of the 3MLAP, the properties within the Retail Center Subarea shall also be subject to those implementing provisions. The most restrictive provisions shall apply.
4. Any proposed map amendment or development plan for a property of five or more acres shall be subject to the Planned Development review process. This shall apply based on the size of the property, whether a map amendment or development plan would apply to a portion of the property or the full property.
5. A single Planned Development development plan shall be submitted for all properties within the 3MLAP Mixed-Use Town Center subarea. The development plan shall be limited to 33 net buildable acres.
6. Upon designation of the “3MLAP Mixed-Use Town Center subarea” Planned Development Overlay Zone, no development, including any land division or property line adjustment, shall

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occur on the properties within the PD boundary as specified in Chapter 17.51 of the Zoning Ordinance.

7. No existing structure or feature which may serve as a cultural or interpretive feature shall be removed or demolished on any of the property within the 3MLAP Mixed-Use Town Center subarea boundary, unless subsequently approved as part of the Planned Development development plan.
8. For any properties which are partially within the Planned Development Overlay zone, no land division or property line adjustment shall occur for any portion of the property until a preliminary plan has been approved for the portion of the property within the 3MLAP Mixed-Use Town Center subarea and the proposed land division or property line adjustment includes provision for transportation facilities consistent with the necessary connections to and through the subject properties, including the portion of the property which is not within the 3MLAP Mixed-Use Town Center subarea.
9. Prior to site work or issuance of building permits, the owners of Tax Lots 700 and 100 shall dedicate easements for the portions of those properties for future interchange improvements as identified in the applications. The easements shall provide terms for continued maintenance of the property until such time as the land is dedicated. The area within the easement may be used for purposes such as landscaping consistent with the thematic intent described in the Three Mile Lane Area Plan.

(Note: The applications for these two properties propose dedication of these areas as right-of-way. The interchange at Cumulus and Highway 18 is not required during the planning horizon for compliance with the TPR. Therefore, these were presented as part of the application on a voluntary basis. The application for Tax Lot 600 did not similarly propose right-of-way dedication for that property for future interchange improvements beyond the planning horizon. Staff is recommending dedication of easements at this time rather than right-of-way dedication. Staff anticipates the Planned Development development plan will need to include a more intensive level of landscaping and landscape maintenance than would occur if the property was dedicated at this time and maintained by ODOT.)

10. As part of the review of the Planned Development development plan, the portion of the plan for Tax Lot 600 shall minimize structural encroachment into the area identified in the Highway 18 Corridor Plan identified for future interchange improvements, and the City may apply setbacks associated with that issue as part of the development plan review.

Design and Development

11. Prior to any development, the applicant shall submit a preliminary development plan for the site to be reviewed in the same manner as a planned development amendment per Section 17.72 of McMinnville Municipal Code. The applicant will need to submit a development plan that meets all of the criteria of Section 17.51.030 (except that they only need to submit twelve (12) copies of the preliminary development plan and one electronic file).

(Note: The Zoning Ordinance also requires the applicant to hold a neighborhood meeting regarding the proposed development plan prior to submittal of the application for the Planned Development development plan).

12. The preliminary development plan to be submitted shall comply with all of the conditions of this decision.

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13. The preliminary development plan shall address extension of streets through the property and beyond the subject property to address connectivity of streets to and through adjacent properties to the point of connection with existing transportation facilities. The review will be coordinated between the City and ODOT, including the east-west frontage road/collector road system.

Transportation

14. At the time of submittal of the Planned Development development plan, the applicant shall submit a “Development Review” traffic impact analysis (TIA) which addresses the specific uses, site plan, and access configuration for the entire area and all properties within the 3MLAP Mixed-Use Town Center subarea. If the TIA indicates the proposed development would cause any transportation facilities to fail to meet applicable standards of the TSP or ODOT standards, the applicants shall identify proposed mitigation to mitigate the impacts back to the applicable standard.

At a minimum, the TIA shall address opening day traffic and mitigation and may be required to address beyond opening day consistent with guidelines and direction provided by the City of McMinnville.

(Note: This analysis has different requirements than the “TPR” traffic analysis conducted for the proposed map amendments).

15. The preliminary development plan shall address extension of streets through the property and beyond the subject property to address connectivity of streets to and through adjacent properties to the point of connection with existing transportation facilities. The review shall be coordinated between the City and ODOT, including the east-west frontage road/collector road system.
16. The following shall be addressed in order to address adequacy of transportation facilities, comply with the Transportation Planning Rule, the Comprehensive Plan, and to incorporate additional voluntary conditions proffered by the applicants.

The applicant shall provide sufficiently detailed plans showing the proposed transportation improvements and any impacts to on-street parking and bicycle facilities to determine whether the mitigation will involve pavement re-striping or whether any widening would be required.

The design shall be provided at the time of submittal of the PD master plan to be submitted for all properties within the 3MLAP Mixed-Use Town Center subarea. Detailed civil drawings shall be submitted and approved prior to issuance of any site work or building permits for any of the properties within the 3MLAP Mixed-Use Town Center subarea.

Construction of these transportation improvements shall be complete prior to occupancy of any building within the 3MLAP Mixed-Use Town Center subarea.

- a. **NE 3rd Street and NE Johnson Street.** Install a north-bound left-turn lane (with a minimum of 75 feet of storage) at the NE 3rd Street/NE Johnson Street intersection.
- b. **NE Three Mile Lane/NE 1st Street.** Install a traffic signal at the NE Three Mile Lane/NE 1st Street intersection. Install an eastbound right turn lane (with a minimum of 125 feet of storage). If right-of-way dedication would be required, at its discretion, the City could acquire the right-of-way and the applicant shall incur any costs associated with the City’s right-of-way acquisition. The City may elect to require an agreement for future right-of-way acquisition and construction by the applicant.

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- c. **Highway 39 (OR-18)/SE Norton Lane.** Install a southbound turn lane (with a minimum of 100 feet of storage), modify the traffic signal, and update the signal timing and phasing at the Highway 18/SE Norton Lane intersection subject to approval by ODOT. With the installation of the southbound right-turn lane, the transition at the southwest corner of Cumulus and Norton shall be reduced to improve channelization of the eastbound right-turn lane and to reduce the pedestrian crossing distance of Cumulus.
- d. **Highway 39 (OR-18)/NE Cumulus Avenue.** Install two northbound left-turn lanes (with a minimum of 250 feet of storage), northbound right-turn lane (with a minimum of 175 feet of storage), eastbound right-turn lane (with a minimum of 400 feet of storage), modify the traffic signal, and update the signal phasing at the Highway 39 (OR-18)/NE Cumulus Avenue intersection. NOTE: Installation of the two northbound left-turn lanes might require construction of a “shadow” on the north leg of the intersection to meet applicable standards for lane offsets through the intersection. This need will be determined during design of the intersection and, if it is required, shall be part of this condition.
- e. **North Side Frontage Road.** Construct the portion of the frontage road on the north side of Highway 39 (OR-18) to be located on the City-owned Tax Lot R4424C 00800, between the Loop Road right-of-way and the west property line of the subject property, approximately 1,020 lineal feet.
- f. **NE Three Mile Lane/SE Nehemiah Lane-NE Cumulus Avenue-NE Pacific Street.** At the City’s discretion and prior to occupancy, install northbound and southbound left-turn pockets on NE Three Mile Lane (each with a minimum of 50 feet of storage), OR contribute a fee-in-lieu payment toward future relocation and signalization of the NE Three Mile Lane/SE Nehemiah Lane-NE Cumulus Avenue-NE Pacific Street intersection.
- g. **Highway 39 (OR-18)/Lafayette Highway.** Submit a proportional share calculation for the proposed developments’ impacts to the Highway 39 (OR-18)/Lafayette Highway intersection for review by City and ODOT staff. Prior to occupancy, contribute a proportional share fee-in-lieu payment toward the planned multi-lane roundabout at Highway 39 (OR-18)/Lafayette Highway.

If the project becomes entirely ODOT-funded through the STIP, the proportional share funds may be allocated to other transportation projects in the Three Mile Lane corridor.

Note: *The applicant currently estimates their proportional share, based on traffic volumes associated with the development vs. total traffic volumes, to be approximately \$307,000 in 2022 dollars. However, this is not a determination or final approval by the City or ODOT, and the final proportional share and resulting cost will need to be reviewed and agreed upon by the City and ODOT.*

General

- 17. Use and development of the property shall be subject to any overlays which apply to the property, including the Three Mile Land Overlay and the Airport Overlay Zone.
- 18. Disposition of any wetlands on the property at the time of submittal of the development plan shall be subject to the design and development principles and standards, and the Great Neighborhood Principles, and will also be subject to any applicable state and/or federal review and approval, including any requirements of the Oregon Department of State Lands and the US Army Corp of Engineers.

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19. The applicant shall record a copy of the approving ordinance, disclosing these conditions of approval.

III. ATTACHMENTS:

See attached list for the full record.

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 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 Public Works Department
- Oregon Department of State Lands
- Oregon Department of Transportation
- Comcast

McMinnville Public Works Department

Public Works does not have any comments on this proposal

Oregon Department of Transportation

ODOT has provided comments which are provided in separate letters, attached.

The most current comments from ODOT, based review of the May 4, 2022 memo and sensitivity analysis from Kittelson and Associates, are dated May 23, 2022 and are included in the record.

Oregon Department of State Lands

The DSL Removal-Fill program would have no comment upon the CPA or ZC proposed for these properties. However, both properties have SWI features mapped upon them, therefore when development site plan proposals are submitted for local permits please be sure to submit a wetland land use notice to receive formal comments regarding possible regulatory requirements. I see that we do have a wetland determination for 04S04W27 #100, WD2017-0209. Your office was copied on the response. This document should be helpful to your planning process. There is also an enforcement file on this property, 7831-ENF. We do not have documents relating to 04S04W26 #600.

This notice has been shared with the proprietary program. They will respond separately if there are comments from that program.

Comcast:

After review, I don't see any conflicts for us at this point.

Public Comments

See attached list for the full record, including a list of written and oral testimony.

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V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The application was submitted on November 16, 2021. 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 December 16, 2021.
3. On January 6, 2022, notice of the application and the February 17, 2022 Planning Commission hearing was provided to the Oregon Department of Land Conservation and Development (DLCD).
4. On January 10, 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, City Manager; City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands.

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

5. The applicant submitted supplemental information on January 17, 2022 addressing the Great Neighborhood Principles in the Comprehensive Plan.
6. The applicant submitted supplemental information regarding transportation analysis. That was superseded by a May 4, 2022 TIA and sensitivity analysis with corrections in a June 4, 2022 memo.
7. On January 19, 2022, notice of the application and February 17, 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.
8. On February 4, 2022, notice of the application and Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.
9. As requested by the applicants, on February 17, 2022, the Planning Commission continued the public hearing to March 17, 2022, without a staff report or testimony. Several additional continuances were requested and approved without a staff report or testimony: from March 17, 2022 to April 21, 2022, from April 21, 2022 to June 2, 2022, from June 2, 2022 to September 1, 2022, from September 1, 2022 to October 20, 2022, from October 20, 2022 to January 19, 2023, and from January 19, 2023 to April 20, 2023. On April 10, 2023, the applicants requested a continuance from April 20, 2023 to June 15, 2023.
10. The Planning Commission held a public hearing on _____ to consider the request.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:**
 - **Site Address:** Part of unaddressed property on SE Three Mile Lane west of Cumulus Avenue
 - **Map & Tax Lot:** Part of R4427 00100

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2. **Size:** The proposed amendment is 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, for a total of approximately 22.6 acres.
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:**
 - a. **Subject Property:** M-L (Limited Light Industrial and a portion of M-2 (General Industrial))
 - b. **Surrounding Properties:**
 - i. **North:** Across OR-18 to the north: R-1 and R-4: Parkland Village Retirement Community, Whispering Meadows Subdivision, and Kingwood Subdivision
 - ii. **South and West:** M-L to the south and west and M-2 to the southwest (the remainder of Tax Lot 100, undeveloped)
 - iii. **East:** The property to the east is zoned M-2 (the Kimco property).
5. **Overlay Zones/Special Districts:**
 - a. Three Mile Lane Overlay (Ordinance 4131 as subsequently amended)
 - b. Airport Overlay
6. **Current Development:** Undeveloped
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** DSL's comments indicate the presence of mapped SWI (Statewide Wetlands Inventory) features mapped on the property. This appears to correspond to NRCS predominantly hydric soil map units, PEM1A wetlands, and R4SBC wetlands shown on the SWI map.



8. **Other Features:**
 - a. **Slopes:** The property is generally level.
 - b. **Easements:** There are no public easements identified on the property.
 - c. **Trees:** No significant stands of trees were identified on this tax lot.

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9. Utilities:

- a. **Water:** A 24-inch distribution line is present along the OR-18 Highway frontage and a 10-inch line is present in Stratus Avenue to the west.
- b. **Sewer:** 15" sanitary sewer is present along the north side of Highway OR-18, with an 8" crossing to the south side near the NW corner of the portion of the property proposed for the map amendment.
- c. **Stormwater:** Piped stormwater facilities are present north of the highway.
- d. **Power:** Overhead power is present across the highway along the frontage, and overhead power crosses the highway near the NW corner of the subject property, approximately 300 feet east of Stratus Avenue.

10. **Transportation and Access:** The property has frontage along Highway 39 (OR-18). Stratus Avenue is stubbed to the west property line. There is an existing residential driveway approach across the property approximately 300 feet east of Straus Avenue.

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. The additional criteria for a Planned Development Overlay designation, including with a deferred development plan, are found in Chapter 17.51 of the Zoning Ordinance.

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

Applicable statewide planning goals and administrative rules also apply, including Goal 2 (Land Use Planning, Goal 9 (Economic Development), Goal 12 (Transportation), and OAR 660-012-0060, the portion of the Transportation Plan Rule that applies to plan and land use regulation amendments.

Summary of Conclusionary Findings

The application was reviewed for consistency with the applicable criteria, including:

- The provisions of the Comprehensive Plan, including the Goals and Policies in Volume II of the Comprehensive Plan and Supplemental Documents to the Comprehensive Plan, including the Three Mile Land Area Plan.
- The provisions of the Zoning Ordinance
- Applicable State Law.

With the exception of one key issue: the size of the commercial area to be designated as the Mixed Use Town Center that relates to multiple criteria, staff found that, with conditions of approval, the three applications in aggregate would otherwise satisfy applicable criteria and demonstrate consistency with the Comprehensive Plan, Zoning Ordinance, and applicable state law. With conditions addressing (1) traffic impacts and transportation mitigation, and (2) design and development standards, staff found the proposed map amendments would otherwise be consistent with applicable criteria except for criteria pertaining to the key provision of the Three Mile Lane Area Plan which includes ***"the area envisioned as a future retail center ("Mixed-Use Town Center"), a large (40 - 60-acres (not to exceed 33 net buildable acres, net being all acreage that is buildable and not encumbered in the public domain))."***

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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 (Planned Development)

FINDING: SATISFIED. 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: The applicable findings included in the narrative above demonstrate that the proposed comprehensive plan map amendment and zone change are consistent with the goals and policies of the Comprehensive Plan.

FINDING: NOT SATISFIED. This application has been coordinated with two other applications, which would together comprise a single 3MLAP C-3 Mixed-Use Town Center Planned Development Overlay subarea. Together, the three applications include 68.3 gross acres. The Comprehensive Plan identifies a need for 40 acres of land redesignated from Industrial to Commercial in this vicinity. The City has discretion to redesignate more than the minimum commercial land need, but is not required to do so. The 3MLAP was adopted on November 8, 2022, and includes a provision limiting the Mixed Use Town Center to not exceed 33 net buildable acres.

The applicants for the three map amendment applications on contiguous properties have agreed to move the applications forward in a concurrent manner, understanding that there would be a single 3MLAP C-3 Mixed-Use Town Center Planned Development Overlay subarea that would apply to the entire area to be re-designated. The submittal of the Planned Development master plan would also need to be for a single master plan for this entire Planned Development overlay area. In addition, The traffic analysis was prepared for all three applications and the applicants have understood that the transportation conditions would apply to the entire PD Overlay area, with the same conditions attached to each application, and the decision about allocating the requirements to be made between the applicants.

As submitted, the proposed area of the combined applications is inconsistent with a Mixed-Use Town Center subarea not to exceed 33 net buildable acres, and there is no proposal

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that addresses the transportation analysis, mitigation, and conditions that would be needed for a 33 net acre Mixed-Use Town Center Planned Development Overlay subarea.

See also findings under the Comprehensive Plan Goals and Policies section.

- 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: This proposed comprehensive plan map amendment and zone change address a need for additional commercial land identified in the 2013 EOA, and further supported in the recent 2020 EOA draft and the 3MLAP. The 3MLAP, although not yet adopted, responds to the identified need for a “sizable” retail center with good access and visibility, and of a size suitable to support efficient onsite circulation.

No development is proposed through this Application. This Application is timely in that needed commercial land would be designated and made available for future development under a Planned Development overlay and in coordination with the uses envisioned in the 3MLAP.

Upon future application for development, site development plans will be subject to Planned Development overlay and zone requirements and would be subject to the public hearing and review process of Chapter 17.72 of the McMinnville Zoning Ordinance.

FINDING: NOT SATISFIED. The City initiated work on the Three Mile Lane Area Plan (3MLAP) in 2018 to develop an area-wide plan for the Three Mile Lane area through a public process. In December 2020, the City and County adopted an amendment to the UGB, and McMinnville adopted amendments to the Comprehensive Plan and Zoning Ordinance.

On December 21, 2020, prior to adoption of the 3MLAP, Kimco submitted an application for a proposed map amendment with PD overlay for abutting property. Subsequently, two adjacent property owners to the east and west submitted applications for map amendments for the properties, including this application.

The public hearing process was initiated for the Three Mile Lane Area Plan. The Planning Commission held public hearings and made a recommendation to City Council. City Council held public hearings and deliberations. On November 8, 2022, City Council adopted the 3MLAP, incorporating five revisions. One of the adopted revisions is that the Mixed-Use Town Center subarea be limited to 33 net buildable acres.

To date, the three applicants have collaborated to move their applications forward together in a manner in which the combined portions of the three properties proposed for redesignation would together comprise the 3MLAP Mixed-Use Town Center commercial area. There would be designation of a single C-3 Mixed-Use Town Center Planned Development Overlay encompassing this area. Currently, the combined acreage proposed for redesignation is approximately 68 gross acres, inconsistent with the adopted provisions of the 3MLAP for a commercial center not to exceed 33 net buildable acres. As submitted, the applicants haven't met the burden of proof to demonstrate consistency with the final adopted 3MLAP and its limitation on the net buildable acres of the Mixed-Use Town Center

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Also, as previously discussed and requested by the applicants, the conditions for transportation improvements and mitigation associated with the proposed map amendments would apply as a whole to the Mixed-Use Town Center PD overlay area, and the same conditions would be attached to each application, with the allocation of those requirements among property owners being a decision to be made among the property owners. At this time, the analysis and mitigation are based on the combined area of approximately 68 acres.

Without a proposal that is consistent with the 33 net buildable acre requirement, it would be inappropriate to approve transportation analysis and mitigation based on amendments comprising a 68 gross acre Planned Development Overlay. Therefore, it is not orderly and timely to approve a 68 gross acre Planned Development Overlay.

- 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: No development is proposed through this Application. Upon submittal of a development application, proposed plans will be subject to existing Planned Development overlay and zone requirements, as well as the public hearing and review process of Chapter 17.72 of the McMinnville Zoning Ordinance. The efficient provision of utilities and services to the proposed development could be assured through conditions of approval.

FINDING: NOT SATISFIED. There is no proposal for a 33 net buildable acre Planned Development Overlay that would include the area necessary to provide the transportation facilities and utilities fully within the property under control of the applicant. The applicant would need to demonstrate the ability to provide the necessary transportation improvements and mitigation necessary for the Planned Development Overlay. Updated transportation analysis for a 33 net buildable acre subarea has not been provided, and the associated transportation improvements and mitigation haven't been identified. It is possible that a different boundary configuration than was submitted for any of the three individual applications to achieve the optimal 33 net acre area configuration would be necessary to address the buildable land needs together with the transportation improvements. Such a proposal is not currently before the Planning Commission for consideration. The applicant hasn't met the burden of proof to demonstrate services can be efficiently provided to serve the proposed uses and other uses in the area for a configuration that meets the 33 net acre requirement.

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

FINDING: 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.

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.

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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.

Section 17.74.070. Planned Development Amendment – Review Criteria

APPLICANT’S RESPONSE: No response.

FINDING: NOT APPLICABLE. The criteria in this section only apply to amendment of an existing Planned Development.

Chapter 17.51. Planned Development Overlay

17.51.010. Purpose. *The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a 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 common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.*

In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission.

The purposes in Section 17.030.020 are as follows:

17.03.020. Purpose. The purpose of the ordinance codified in Chapters 17.03 (General Provisions) through 17.74 (Review Criteria) of this title is to encourage appropriate and orderly physical development in the city through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources; and to promote in other ways public health, safety, convenience, and general welfare.

FINDING: NOT SATISFIED. The Planned Development designation and review process is appropriate and necessary to this application to ensure there are appropriate conditions and design and development standards attached to the application to ensure the issues above in Section 17.030.010 and 020 are addressed upon submittal of the development plan, which would not necessarily apply to development of properties in the C-3 zone without a PD overlay. Further, the Planned Development process provides for greater public engagement in the review of the master plan.

While some of the issues are addressed through design and development standards and review of the Planned Development development plan prior to development, the applicant hasn't met the burden of proof to demonstrate a proposed 33 net buildable acre subarea with workable

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relationships between land uses and the transportation system, adequate community facilities; and to provide assurance of opportunities for effective utilization of the land resources. The access, circulation, and proposed transportation improvements and mitigation are not under the control of any of the individual properties.

For purposes of implementing these objectives, two means are available:

- A. *The property owner or his representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances it will be carried out in accordance with Section 17.51.030. Such plan should accomplish substantially the same general objectives as proposed by the comprehensive plan and zoning ordinance for the area; (The fee charged for processing such an application shall be equal to the one charged for zone changes.)*

FINDING: NOT APPLICABLE. The applicant submitted the application under Subsection B, below.

- B. *The Council, the Commission, or the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. (The Planning Director shall note such properties and direct that no building permit be issued in respect thereto.)*

FINDING: SATISFIED WITH CONDITIONS. The application is submitted under this Subsection. No development of any kind may occur on the portion of the property subject to the PD overlay until a final plan has been submitted and approved as specified in this ordinance.

1. *A planned development overlay may be approved under these circumstances for a property which has unique characteristics (e.g., geological, ecological, location, or the nature of the surrounding property) and the development of which may have an impact upon the surrounding area or the city as a whole. A planned development overlay initiated by the Council or the Planning Commission shall address itself to the purposes set forth herein.*

APPLICANT'S RESPONSE: Comprehensive Plan Chapter IV, Policy 6 calls for “planned development overlay...be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking and landscaping...” This Application requests a Planned Development overlay. The subject sites have unique characteristics based on their location and the nature of the surrounding properties. The proposed comprehensive plan map amendment and zone change are consistent with the 3MLAP, now moving through the legislative process.

FINDING: SATISFIED WITH CONDITIONS. The Planned Development submittal is authorized under Subsection (B) because of the unique characteristics of the property and surrounding area which are recognized in the Comprehensive Plan policies specifying unique areas within the UGB where PD overlays should be applied. This property and the Three Mile Lane area are unique relative to their character, gateway entry location to the community, and the new 3MLAP for this area.

Review and any approval under this section would be subject to a condition of approval for development and design principles and standards that address

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themselves to the unique characteristics of this area and the planning objectives of the 3MLAP.

In addition, to ensure the master plan addresses the unique issues, a condition shall require that properties within the Mixed Use Town Center PD overlay shall be part of a single overlay and shall submit a coordinated master plan for the properties within the PD overlay at the time of applying for the specific development plan.

2. *The Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plans are submitted;*

FINDING: NOT SATISFIED.

Reasons for Approval: The City finds that the three applications submitted which would together comprise the 3MLAP Mixed Use Town Center Planned Development Overlay subarea together exceed the acreage per the policy consideration for a 33 net acre subarea. This issue must be addressed at the time of Planned Development overlay designation, and isn't something that can be addressed when the final plans are submitted. Therefore, the City cannot set forth reasons for approval.

Areas of Concern:

1. Development of the site should be consistent with the broader 3MLAP and its objectives. Specific areas of concern, and how to address those, are addressed in the conditions of approval, including articulation of issues addressed in the development and design principles and standards attached that were identified in the potential conditions of approval.

2. Because the applications were submitted prior to the adoption of the 3MLAP and associated implementation actions, including TSP amendments and design and development standards, this creates a timing issue which requires the development of interim design and development standards to apply until the final 3MLAP standards are adopted, with the more restrictive provisions then applying.

- C. *The Council and Planning Commission, with the assistance of the Planning Director, shall ensure that no planned development overlay granted under Section A or B above which is merely a guise to circumvent the intent of the zoning ordinance shall be approved. A denial of such a zone request based upon this principle shall be enunciated in the findings of fact adopted by the Planning Commission;*

APPLICANT'S RESPONSE: No development is proposed through this Application. Upon future submittal of an application for development, site plans will be reviewed through the process of Chapters 17.51 and 17.72 of the McMinnville Zoning Ordinance for consistency with applicable zoning regulations, planned development requirements, and comprehensive plan policies in effect.

FINDING: SATISFIED WITH CONDITIONS. The PD overlay designation concurrent with the Comprehensive Plan map amendments and zone changes is intended to provide greater oversight over the future development of the properties in the Three Mile Lane Mixed Use Town Center area. The conditions of approval, including the development and design principles and standards, clearly demonstrate a means to ensure the intent of the zoning ordinance is not circumvented. Instead, there are specific provisions to address areas of concern and ensure the PD development addresses the objectives and areas of concern. Further, the development and design principles and standards establish

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expectations up-front regarding what the future PD development plan will need to address. Further, there is a condition for a coordinated master for the properties within a single combined Mixed-Use Town Center PD overlay.

- D. A planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.72 (Applications and Review Process) of this ordinance. (A planned development overlay and change of the underlying zone may be processed simultaneously.)*

APPLICANT’S RESPONSE: The Planned Development overlay request is being considered concurrent with the comprehensive plan map amendment and zone change, consistent with this requirement. No development is proposed through this Application. Upon future submittal of an application for development, site plans will be reviewed through the process of Chapter 17.72 of the McMinnville Zoning Ordinance for consistency with applicable zoning regulations, planned development requirements, and comprehensive plan policies in effect.

FINDING: SATISFIED. The application is being processed in accordance with the applicable public hearing procedures, and the applications are being processed simultaneously.

- E. A planned development overlay proposed by the Council, the Planning Commission, or the property owner under subsection B above shall be subject to all of the hearing requirements again at such time as the final plans under Section 17.51.030 are submitted, unless those requirements have been specifically changed in the planned development approval;*

APPLICANT’S RESPONSE: No development is proposed through this Application. Upon future submittal of an application for development, the Applicants will comply with applicable procedures of Section 17.51.030. Proposed plans will be reviewed through the process of Chapter 17.72 of the McMinnville Zoning Ordinance for consistency with applicable zoning regulations, planned development requirements, and comprehensive plan policies in effect.

FINDING: SATISFIED. This procedure will be required at the time of submittal of the final plans, and this PD overlay approval does not change those requirements.

McMinnville Comprehensive Plan

Three Mile Lane Area Plan (3MLAP)

FINDINGS: NOT SATISFIED. On November 8, 2022 the McMinnville City Council approved Ordinance 5126 which adopted the Three Mile Lane Area Plan (3MLAP) as a supplemental document to the McMinnville Comprehensive Plan. The 3MLAP specified that the Mixed Use Town Center is not to exceed 33 net buildable acres. The applicant hasn’t met the burden of proof to demonstrate the proposed map amendments, in combination, are consistent with the 33 net buildable acre limitation.

Comprehensive Plan Volume II:

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

Attachments :

Attachment 1 – Application and Attachments;

Attachment 2 – Draft Design and Development Principles and Standards

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.

GENERAL FINDINGS: NOT SATISFIED. The Comprehensive Plan includes Proposal 48.70, adopted in December 2020 concurrent with the UGB amendment:

- 48.70 **Redesignation to Commercial.** As an identified efficiency measure necessary to reduce the needed size of the “Phase 2” UGB amendment to meet additional Commercial land needs, the City shall initiate a change to the Comprehensive Plan and Zone Map to redesignate and rezone 40 acres of property along the south side of the Highway 18 frontage from commercial to industrial, leaving the rear portions in an Industrial designation. This recognizes that the City will retain an Industrial surplus as a result of adding the Riverside North area to the UGB as part of the “Phase 2” UGB amendment. (Ord. 5098, December 8, 2020)

The City has discretion to establish a subarea which is larger than the minimum 40-acre (gross) need identified in Proposal 48.70, but has no obligation to designate a larger subarea than the minimum need.

The subject property is within the boundaries of the Three Mile Lane Area Plan. The Three Mile Lane Area Plan addresses the intent for a Mixed-Use Town Center subarea Planned Development overlay that would meet the identified commercial needs as part of the larger area plan.

The 3MLAP refines Proposal 48.70 with more specific policy direction. The 3MLAP limits the Mixed Use Town Center to 33 net buildable acres. The Comprehensive Plan is interpreted through this refinement.

The map amendment applications need to be consistent with this limitation. The applicants have not demonstrated that a 68.3 acre subarea is consistent with this limitation. Therefore, the applications in combination are inconsistent with this aspect of the Comprehensive Plan to be addressed as part of the 3MLAP.

The following additional 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: No response.

FINDING: NOT APPLICABLE. The 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.

Attachments :

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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 3: INCREASE PUBLIC AWARENESS AND UNDERSTANDING OF McMINNVILLE'S HISTORY AND ITS HISTORIC PRESERVATION PROGRAM

Policies:

17.04. Increase interpretation efforts of the City's historic resources.

Proposals:

3.11. Support character and place identity of neighborhoods within the City through survey and historic context research to understand the unique history and their role relative to the growth and development of McMinnville. This can help support a connection between residents and their neighborhoods' history, the preservation of buildings, and education through walking tours.

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

GOAL III 5: DOCUMENT AND PROTECT HISTORIC RESOURCES

Proposals:

3.39. Evaluate a MPD (Multiple Property Designation) for "Historic Granaries of McMinnville."

GOAL III 6: INCREASE HERITAGE TOURISM

Policies

17.14. Amplify the heritage tourism program for McMinnville.

APPLICANT'S RESPONSE REGARDING CHAPTER III GOALS, POLICIES, AND PROPOSALS: No response.

FINDING REGARDING CHAPTER III GOALS, POLICIES, AND PROPOSALS: SATISFIED WITH CONDITIONS. The Goals, Policies, and Proposals of this Chapter of the Comprehensive Plan reflect the community's desire to see its history and heritage reflected in the built environment and including increased interpretive efforts of its history and heritage. This theme is integral in the planning goals for the Three Mile Lane Area Plan (3MLAP).

In addition, this chapter reflects an understanding of the economic development benefits of heritage tourism as a competitive advantage when the built form differentiates itself from other communities by incorporating its heritage into new development as growth occurs. In the Three Mile Lane area, this is reflected in the agricultural and aviation traditions. Retaining, interpreting, and incorporating elements of the heritage into the development of the property provide an authenticity which provides a competitive advantage.

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As specified in Section 17.51.010(B)(2), the Council and Planning Commission shall set forth reasons for approval and the areas of concern that must be addressed when final plans are submitted. Reflecting McMinnville’s heritage and history in the built environment is an area of concern per Section 17.51.010(B)(2) that must be addressed when final plans are submitted.

As a condition of approval, design and development principles and standards are attached to the PD overlay designation, specifying that this issue is to be addressed in the development plan, in order to address an area of concern that McMinnville retain its unique identify and that consistency with the Comprehensive Plan requires that this issue be addressed as part of a Planned Development. Specifically, development should address use of the existing agricultural building on the property and provide for landscape elements consistent with the agricultural character of the area.

This heritage is distinctly different from the history and heritage-based characteristics of the historic downtown area. The development plan should complement the downtown, and not duplicate or mimic the experience provided downtown.

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.

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

21.00 *Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the City. Such uses shall locate according to the goals and policies in the comprehensive plan.*

APPLICANT’S RESPONSE: As noted above [see applicant’s narrative addressing Goal 9 below], the 2013 EOA documents significant retail leakage from the McMinnville market area. The City-commissioned market analysis (Leland) and draft 2020 EOA update further support the need for commercial space to meet the identified demand stemming from future growth, as well as significant retail leakage. The 3MLAP provides a concept plan for meeting those needs by identifying an area south of Three Mile Lane (Highway 18) as suitable for a “sizable retail center,” with land area adequate to accommodate a walkable “town center” type development. The subject sites represent a total of 29.11 acres (and 1.5 acres for future right-of-way dedication) within that 3MLAP area. The proposed rezone to C-3 with PD overlay will allow for retail development that will address currently unmet community needs and overall growth, as well as create employment opportunities. The proposed change in designation to C-3 / PD is consistent with Goals VI 1 and 2, and Policy 21.00.

Note: *The applicant’s narrative reflected the combined acreage of two different properties. The subject property is approximately 8 acres.*

Attachments :

Attachment 1 – Application and Attachments;

Attachment 2 – Draft Design and Development Principles and Standards

FINDING: SATISFIED WITH CONDITIONS. The application notes that retail leakage is occurring in part due to a lack of product offerings available in McMinnville. As a condition of approval, the development plan should include businesses that represent a mix of offerings, including those categories not already present in McMinnville to address retail leakage, expanding the mix of offerings rather than only duplicating those which are already available elsewhere in McMinnville, and which would not help address the retail leakage. This is reflected in the recommended development standards. However, it is included as a recommendation only, since tenant selection is outside the scope of the land use decision.

- 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: The adopted 2013 EOA documents a 235.9-acre surplus of industrial land and a 35.8 deficit of commercial land over a 20-year planning period, concluding that the industrial needs during that period would be easily met, while the commercial land supply would not meet projected demand. Consistent with Policy 21.01, the City is in the process of updating the 2013 EOA. While the draft 2020 EOA is not yet adopted, it indicates that the imbalance of commercial and industrial land is expected to grow over the next 20 years. Both the 2013 EOA and the draft 2020 EOA conclude that redesignation of excess industrial land to commercial zoning would provide adequate commercial land, without creating a deficit of industrial land. The 3MLAP concept for the area south of Highway 18 designates the area including the subject sites as appropriate for retail and commercial uses and envisions a walkable “town center” type development that would require a site of significant size. The subject sites are suitable for commercial zoning and development as explained above. The subject sites, along with the adjacent Kimco site, would provide land that is serviceable and suitable for such development. The proposed rezoning of the subject property is consistent with Policy 21.01.

FINDING: SATISFIED. As demonstrated by the EOA, McMinnville has a deficit of commercial land within the UGB, and redesignation of a portion of the industrial surplus to commercial consistent with the identified need is a corrective action that addresses the identified deficit with site characteristics which are suitable to meet the identified need. However, the City is not obligated to redesignate more than the required need.

- 21.02 *The City shall encourage and support the start up, expansion or relocation of high-wage businesses to McMinnville.*
1. *The City shall coordinate economic efforts with the Greater McMinnville Area Chamber of Commerce, McMinnville Industrial Promotions, McMinnville Downtown Association, Yamhill County, Oregon Economic and Community Development Department, and other appropriate groups.*
 2. *Economic development efforts shall identify specific high-wage target industries and ensure that adequately sized, serviced, and located sites exist within the McMinnville urban area for such industries.*

APPLICANT’S RESPONSE: No response.

Attachments :

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FINDING: SATISFIED WITH CONDITIONS. This policy is included under the “**COMMERCIAL DEVELOPMENT**” section of Chapter IV of the Comprehensive Plan, so its references to “high-wage businesses” and “high-wage target industries” are not limited to industrial use “industries.” The design and development principles and standards document attached as a condition of approval includes some “recommendations” which are advisory only. One of the “recommendations” in the document is that, where there are multiple options to select businesses that will meet the same or similar need, including the need to offset retail leakage on the property, the applicant is **encouraged** to select businesses which offer comparatively higher than average wages and/or benefits.

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

APPLICANT’S RESPONSE: The 2013 EOA identifies the significant “retail leakage” to markets outside McMinnville and Yamhill County. The document states that a “key challenge for the future is to provide more and better value-added opportunities for visitors to spend more time and money while visiting the McMinnville area.” (2013 EOA, Pg. 32-33).

The proposed comprehensive plan map amendment and zone change is consistent with the conclusions of the 2013 EOA, as noted above. In addition, the 2020 EOA and the 3MLAP support retail development on the subject sites to recapture a portion of the retail leakage. The “recapture” of retail leakage would retain consumer expenditures that are currently being made outside of the McMinnville market due to lack of retail availability— not taking away sales from existing retailers. As the sites would be suitable for a large-scale retail development, there would be potential to also draw consumers from outside the area, creating an opportunity for incidental retail expenditures at existing local businesses while those consumers are visiting the area.

FINDING: SATISFIED WITH CONDITIONS.

Note: *The 2013 EOA was completed prior to the formation of Visit McMinnville, McMinnville’s Destination Marketing Organization (DMO), and Visit McMinnville’s reports subsequent reports provided updated trends and visitor surveys regarding visitation and overnight stays.*

While direct conditions regarding specific tenants are beyond the scope of this quasi-judicial land use application, the development and design principles and standards document attached as a condition of approval includes “recommendations” which are advisory only. Consistent with the objectives of the draft 3MLAP, it is **recommended** that the applicant seek out and market to local businesses consistent with the 3MLAP principles and seek to maximize the local multiplier effect. This may include (a) supporting existing local businesses, and (b) considering the needs of locally owned, managed, and controlled small businesses that may seek a location in the Three Mile Lane Area consistent with the vision of the Three Mile Lane Area Plan. This can be in seeking to provide a mix of retail, entertainment, and hospitality uses that serve as a destination that complements the downtown and existing local businesses, serving to increase day trips and also providing additional reasons for visitors to make overnight trips and stay longer. This includes providing a development and mix of uses that support and complement local businesses and purchase of locally made products, and the planned innovation campus, providing an experiential concept that is uniquely McMinnville. The mix of uses should also be supportive of the needs of the neighborhoods planned in the surrounding area.

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While it is beneficial to reduce retail leakage, it is also beneficial to maximize the Local Multiplier Effect. In effect, it is beneficial for money to be spent in McMinnville to reduce leakage; however, it is also important that dollars spent in McMinnville stay and in McMinnville and be “recycled” in the local economy.

The applicant is encouraged to give preference to tenants that maximize the positive economic impact to McMinnville and the region, including through the “Local Multiplier Effect”

For example:

- Businesses that offer comparatively higher wages and benefits to employees
- Locally and/or regionally-owned businesses
- Businesses that use locally-based services, such as banking, accounting, marketing, printing, etc.
- Businesses that source local raw materials or products and/or sell local products
- Businesses that support community causes

21.05 *Commercial uses and services which are not presently available to McMinnville residents will be encouraged to locate in the city. Such uses shall locate according to the goals and policies in the comprehensive plan. (Ord.4796, October 14, 2003)*

APPLICANT’S RESPONSE: Please see response to Policy 21.00.

FINDING: SATISFIED WITH CONDITIONS. While some businesses may seek to maximize their saturation with multiple locations within a community, that doesn’t necessarily reduce retail leakage if that strategy doesn’t offer the diversified offerings of commercial uses and services which are not presently available to McMinnville residents. In marketing to tenants, the applicant has control over whether the mix of uses and services provides increased saturation of uses that are already present in the community, or whether the mix of uses and services offers a diversified mix and choice, more effectively reducing leakage. That is not intended to be mutually exclusive from encouraging clusters of similar or complementary uses that offer choice, may attract a greater breadth of consumers, and may help McMinnville be recognized as a destination for a cluster. As a “recommendation” in the development and design standards attached a condition of approval, the applicant is encouraged to seek and market to these uses consistent with the intent of this policy and the 3MLAP.

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.

APPLICANT’S RESPONSE: The 2013 EOA concluded that the existing supply of commercially designated lands would be inadequate to meet projected demand and that re-designating a portion of surplus industrial lands would allow the commercial land needs to be met.

No development is proposed through this application for a comprehensive plan map amendment and zone change. As the current request is for a zone change to C-3 with a Planned Development overlay, any subsequent application for development of the sites will be subject to a public hearing process and review by the Planning Commission, with recommendation to City Council for a final decision in accordance with Chapters 17.51 and 17.72 of the City’s Zoning Ordinance.

FINDING: SATISFIED WITH CONDITIONS. As addressed in the 2020 UGB amendment and Comprehensive Plan amendments, the Comprehensive Plan provisions specify that part

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of the commercial land need is to be met by the redesignation of surplus industrial acreage to commercial acreage. Otherwise, a larger industrial surplus would remain, and the City would have needed to increase the size of the UGB by about 40 acres to meet the identified commercial land need.

The Three Mile Lane Area Plan identifies the need and suitability for commercially-designated land at this general location. The 3MLAP goals are also consistent with the Goal to discourage strip development. That is achieved through a master planned development which has good circulation and connectivity to the surrounding area, while limiting piecemeal development and uncoordinated access to major streets. With the development plan subject to the development and design standards attached to the PD overlay as a condition of approval addressing site design issues, this criterion is satisfied with conditions.

There shall be a single Mixed-Use Town Center planned development overlay, and properties within this overlay shall be subject to a single coordinated master planning process as a condition.

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.*

APPLICANT’S RESPONSE: The 2013 EOA identified only three commercial-zoned tax lots over 10 acres in size available for development as of 2012, as shown in Figure 27. The majority of available commercial lots are sized 4 acres or less. More recently, the draft 2020 EOA provides a breakdown of lots by plan designation (2020 EOA, Pg. 73, Exhibit 39) and shows that only one buildable C-3 lot in the 10-19.99-acre size range is available as of 2019. Furthermore, there are no available commercial lots over 20 acres available. Few large C-3-zoned lots are available, limiting the ability to provide efficient use of existing commercial land to meet the retail needs identified in both the 2013 EOA and the Leland Market Analysis/3MLAP. Therefore, the ability of existing commercial lands to be revitalized and reused will not be impacted by this proposal because the additional commercial retail uses facilitated by this proposal cannot be met with the existing commercially zoned properties.

FINDING: SATISFIED. The designation or redesignation of lands to meet identified needs does not conflict with policies to encourage the most efficient use of existing commercially designated lands and/or the revitalization and reuse of existing commercial properties. Different commercial needs can be met through a balanced approach.

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

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. There is an identified need in the Comprehensive Plan for redesignation of industrial land to commercial designation. It is appropriate to redesignate land needed for commercial use, rather than leave it in an industrial designation if that is not the intended use.

Further, the Three Mile Lane Area Plan evaluated the broader area and identified appropriate designations and compatible mix of uses for a variety of types of residential, commercial, and industrial uses within the Three Mile Lane Plan area.

Attachments :

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Attachment 2 – Draft Design and Development Principles and Standards

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

APPLICANT’S RESPONSE: No development is proposed through this application. The current land use request is for a comprehensive plan map amendment and zone change to Commercial C-3 a with Planned Development overlay, which encourages variety in uses and development patterns, and efficient use of space. With the Planned Development overlay in place, any future proposal for development of the sites will be required to comply with applicable procedures of Section 17.51.030. Proposed plans will be reviewed through the public hearing process of Chapter 17.72 of the McMinnville Zoning Ordinance for consistency with applicable zoning regulations, planned development requirements, and comprehensive plan policies in effect. The project layout and design can be assessed at that time to ensure compliance with this policy.

FINDING: SATISFIED WITH CONDITIONS. The provisions of Section 17.51.010(B)(2) provide that the Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plans are submitted.

As a condition of approval of the PD overlay, the accompanying development and design principles and standards attached as a condition of approval specify that the development plan shall not be auto-oriented strip development, and they provide guidance on what that means for site 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: The 2013 EOA identified a commercial land deficit in McMinnville of over 36 acres and concluded that redesignation of a portion of excess industrial land to commercial designation would address the need. The 2020 EOA draft documents an increasing deficit in commercial land and further supports the need for conversion of industrial land to meet commercial land needs.

Based on the recent Leland market study, which provides an updated analysis of the “retail leakage” of consumer expenditures, there is a need for commercial uses that will address the existing leakage and increased demand stemming from future growth in the demand for certain retail categories. The 3MLAP concept proposes an area of commercial/retail uses south of Highway 18 to take advantage of the area’s accessibility, visibility, and the availability of suitable land.

FINDING: NOT SATISFIED. The acreage in this application together with two adjacent properties exceeds the minimum commercial need identified in the Comprehensive Plan and EOA, and exceeds the limitation of 33 net buildable acres for a Mixed Use Town Center identified in the 3MLAP.

As addressed in the Goal 9 findings, a City has discretion, but not an obligation, to redesignate land of more than the minimum identified need provided it doesn’t result in a deficit of other land needs, and provided it is consistent with policy.

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While the proposed map amendments are consistent with the type of commercial land needs and provide opportunities for site design consistent with the site sizes for a mix of commercial uses, the amount of commercial land would exceed the identified need and the limits specified in the 3MLAP.

- 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: The subject sites encompass 29.11 acres (and 1.5 acres for future right-of-way dedication) currently zoned M-L and M-2.*

***Staff Note:** *The applicant submitted the same narrative for two properties. This applicant’s narrative below is written relative to both properties.*

Currently, uses that surround the subject sites include the Willamette Valley Medical Center to the west, vacant industrial land to the south, office and military armory uses to the east and vacant industrial land and park land to the south and southwest. The two subject sites flank the Kimco property which is subject to a concurrent application for comprehensive plan map amendment and zone change to Commercial and C-3, with a Planned Development overlay. Given the width of Highway 18, land north of the highway is not considered “adjacent” property. Nonetheless, the uses north of the properties on the other side of Highway 18 include a single-family, apartment and senior residential development. Other uses in the vicinity include Chemeketa Community College to the northwest and the Evergreen Aviation and Space Museum to the northeast.

As shown in the 3MLAP Preferred Alternative Map, attached Exhibit G, the 3MLAP proposes a concept for future development of a 1,340-acre area that includes the subject sites and surrounding area. The 3MLAP concept for the area south of Highway 18 includes a variety of uses that will complement each other and do not conflict with residential or other uses near the plan area.

The 3MLAP area is located within the City limits and municipal services are provided to the area. Any future development application will need to confirm adequate facilities, which can be assured through conditions of approval.

The commercial development of the subject sites will have minimal impacts on the surrounding area. The primary offsite impact will be traffic. The TIAs prepared for the subject sites by Kittelson & Associates, Inc., attached as Exhibits E and F, conclude that the proposed zone change of the subject sites to C-3 can be accommodated subject to the implementation of the mitigation measures identified in the TIAs. The Highway 18 corridor has the capacity to accommodate the trips for the proposal without widening to six lanes. The TIAs support this finding and recommend mitigation measures in the vicinity to improve the safety and flow of traffic in the area with the proposed zone change and subsequent commercial development. These mitigation measures are consistent with the future improvements identified in the 1996 McMinnville (OR-18) Corridor Refinement Plan.

No specific development is proposed with this Application. With the Planned Development overlay in place, any future proposal for development of the sites will be required to comply with applicable procedures of Section 17.51.030. Proposed plans will be reviewed through the public hearing process of Chapter 17.72 of the McMinnville Zoning Ordinance to further ensure any potential conflict with surrounding uses will be minimized and the City services are available and adequate to support the commercial development.

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FINDING: NOT SATISFIED. The applicants for the three properties have not met the burden of proof to demonstrate that a Mixed-Use Town Center not to exceed 33 net acres would be configured in a boundary that would enable city services commensurate with the scale of development to be made available prior to development. Specifically, the area needed for transportation improvements and mitigation isn't within control of any of the individual applications.

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.*

APPLICANT'S RESPONSE: As explained in response to Policy 25.00, the subject sites are appropriate locations for larger commercial development. The subject sites are suitable locations for large-scale or regional shopping facilities, located on a Major Arterial with sufficient land for internal traffic circulation systems and adequate parking and service areas. The subject sites are located on Highway 18, which is classified as a Major Arterial in McMinnville's TSP. The sites are located within the plan area of the 3MLAP, which provides a vision for land uses and a multi-modal transportation system in the 1,360-acre study area. The 3MLAP, which is intended to update the 1981 Three Mile Lane Overlay Ordinance (amended in 1994) and the 1996 OR Corridor Refinement Plan, has identified the area south of Highway 18 near Cumulus as being appropriate for a "sizable" retail area due to land area, access, visibility.

The 3MLAP includes recommendations for transportation facility designs to accommodate the activity that would be generated by the concept plan. In addition, the 3MLAP addresses onsite parking, as well as pedestrian and bicycle circulation to and through the plan area with recommendations for facility improvements that will improve access, mobility and comfort for all users.

FINDING: SATISFIED WITH CONDITIONS. The general location of the proposed commercial designation is suitable for a commercial site of approximately 33 net buildable acres, including characteristics described by this policy. The Applicant's response and the additional information provided under their response to the Goal 9 regarding site suitability characteristics, effectively support the findings for this policy. Conditions of approval address coordinated master transportation and site planning, circulation, and connectivity for the three properties.

Design Policies:

29.00 *New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.*

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.*

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- 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)*
- 32.00 *Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.*
- 33.00 *Encourage efficient use of land for parking; small parking lots and/or parking lots that are broken up with landscaping and pervious surfaces for water quality filtration areas. Large parking lots shall be minimized where possible. All parking lots shall be interspersed with landscaping islands to provide a visual break and to provide energy savings by lowering the air temperature outside commercial structures on hot days, thereby lessening the need for inside cooling. (Ord.4796, October 14, 2003)*

APPLICANT'S RESPONSE (Policies 29-33): No development is proposed through this Application. With the Planned Development overlay in place, any future proposal for development of the sites will be reviewed through the public hearing process of Chapters 17.51 and 17.72 of the McMinnville Zoning Ordinance. Any subsequent development application will address applicable policies of the City's Planned Development Ordinance and Zoning Ordinance at that time. In addition, the specific design of access, circulation, pedestrian and bicycle connections, landscaping and parking elements of a development proposal will be evaluated for compliance with Policies 29 through 33 at that time.

FINDING (Policies 29-33): SATISFIED WITH CONDITIONS. The issues identified in these design policies are considered to be areas of concern identified by the Council and Planning Commission to be addressed as part of the Planned Development Overlay designation, which are included in development and design principles and standards attached as a condition of approval, and which are to be addressed during review of the specific PD development plan.

- 34.00 *The City of McMinnville shall develop and maintain guidelines concerning the size, placement, and type of signs in commercial areas.*

APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. This issue is an area of concern identified per Section 17.51.010(B)(2) to be addressed as part of the Planned Development Overlay designation, which is included in development and design principles and standards attached as a condition of approval, and to be addressed during review of the specific PD development plan, in addition to the sign standards of the Zoning Ordinance and Three Mile Lane overlay.

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;*

Attachments :

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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: The proposed redesignation of the subject sites to Commercial, C-3 zone with a Planned Development overlay is consistent with the 3MLAP, which is intended to guide development in a 1,340- acre area around Three Mile Lane in a way that efficiently organizes a variety of uses and a multi-modal transportation system, while meeting identified needs that cannot be met in the downtown core or other areas of the city.

The plan is based on unique aspects that make this area suitable for commercial use, including good access off a Major Arterial (Highway 18), large parcels of vacant land to accommodate the retail that meets identified community needs, and adequate land area to allow for efficient site design. With the Planned Development overlay in place, any future proposal for development of the sites will be reviewed through the public hearing process of Chapters 17.51 and 17.72 of the McMinnville Zoning Ordinance to further ensure compliance with these policies.

FINDING: SATISFIED. This policy addresses an overall land use pattern. Comprehensive Plan Proposal 48.70 identifies a commercial land need of 40 acres in this vicinity, which would be addressed through the Mixed-Use Town Center subarea as specified in the 3MLAP, not to exceed 33 net buildable acres. The Downtown Development policies provide strategies for the vibrancy of the Downtown core area.

- 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: The McMinnville Downtown Improvement Plan was adopted in 2000 and provides a strategic plan for specific areas in the downtown core. The proposed comprehensive plan map amendment and zone change address a need for additional commercial land identified in the 2013 EOA, and further supported in the recent 2020 EOA draft and the 3MLAP. As documented in these analyses, which account for C-3 zoned land within the City limits, additional commercial land is needed to address the leakage of consumer expenditures in certain retail categories. The proposed comprehensive plan map amendment and zone change aim to support recapture of retail expenditures made outside of the market area and will not impact potential for retail development or redevelopment in the areas east of the railroad tracks and north and south of Third Street.

FINDING: SATISFIED. The Comprehensive Plan identifies a deficit of commercial land to be met in this vicinity, which the proposed amendment would address if the property were included as part of a master planned Mixed Use Town Center planned development overlay, subject to the provisions and limitations of the 3MLAP. The Downtown Development policies provide strategies for the vibrancy of the Downtown core area, including the area immediately east of the railroad tracks and north and south of Third Street.

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

Attachments :

Attachment 1 – Application and Attachments;

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APPLICANT’S RESPONSE: The McMinnville Downtown Improvement Plan was adopted in 2000 and provides a strategic plan for specific areas in the downtown core. The proposed comprehensive plan map amendment and zone change address a need for additional commercial land identified in the 2013 EOA, and further supported in the recent 2020 EOA draft and the 3MLAP. As documented in these analyses, which account for C-3 zoned land within the city limits, additional commercial land is needed to address the leakage of consumer expenditures in certain retail categories. The proposed comprehensive plan map amendment and zone change aim to support recapture of retail expenditures made outside of the market area and will not impact potential for retail development or redevelopment in Downtown Improvement Plan area.

FINDING: NOT APPLICABLE. The Downtown Development policies provide strategies for the vibrancy of the Downtown core area. The subject property is not within the area addressed within the McMinnville Downtown Improvement Plan and doesn’t affect the implementation of the recommendations in the improvement plan.

Proposals:

- 6.00 *A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.*

APPLICANT’S RESPONSE: This Application includes a request for Planned Development overlay and is consistent with Policy 6. No development is proposed through this Application. With the Planned Development overlay in place, any future proposal for development of the sites will be reviewed through the public hearing process of Chapters 17.51 and 17.72 of the McMinnville Zoning Ordinance. Any subsequent development application will address applicable criteria of the City’s Planned Development Ordinance and Zoning Ordinance, which will address site design, on-site and off-site circulation, parking, and landscaping.

FINDING: SATISFIED WITH CONDITIONS. As specified in Section 17.51.010(B)(2), the Council and Planning Commission shall set forth reasons for approval and the areas of concern that must be addressed when final plans are submitted. An area of concern per Section 17.51.010(B)(2) that must be addressed is that re-designation for a Mixed-Use Town Center should be coordinated such that properties shall be part of a single planned development overlay to be master planned together with a coordinated access plan and cumulative analysis of transportation impacts and mitigation together as a unit. The master plan shall be subject to proposed design and development standards.

The adopted Three Mile Lane Area Plan addresses the overall development of the area, including large commercial development areas. As a condition of approval of the PD overlay, development and design principles and standards specify issues that will need to be addressed at the time of submittal of a specific development plan. Those standards include provisions addressing site design, circulation, parking, and landscaping. Those issues are also “areas of concern” that must be addressed when final development plans are submitted.

- 8.00 *The City of McMinnville should encourage the development of a commercial planned development center in the southwestern portion of the city large enough in scale to serve the needs of the area’s population. The center should be in proximity of the intersection of Old Sheridan Road, U.S. Highway 99W, and Oregon Highway 18.*

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APPLICANT’S RESPONSE: This proposed policy addresses an undeveloped area that is already zoned C-3 and is included in the City’s inventory of available commercial land, documented in the 2013 EOA. That study concluded that, in addition to the existing available commercial land, more commercial acreage is needed to satisfy an identified deficit. In addition, the study concluded that a portion of the existing surplus of industrial land could be redesignated to commercial to address the commercial land deficit. This proposal is intended to address the existing commercial land needs, which include retail leakage. The comprehensive plan map amendment and zone change will not impact the development potential of the southwest portion of the City.

FINDING: NOT APPLICABLE. Proposal 8.00 is separate from, and in addition to, the need to designate an additional 40 acres of commercial land (33 net buildable acres) in this vicinity south of Highway 18 to address the identified deficit.

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: The 2013 EOA identified an anticipated 236-acre surplus of industrial lands through 2033. Specifically, the 2013 report states that “industrial land needs can be more than amply met over the next 20 years while commercial land supply will fall short of anticipated demand.” (2013 EOA, Pg.56). The 2020 EOA indicates that the imbalance of commercial and industrial land is expected to grow over the next 20 years. Additionally, the 3MLP proposes a mix of commercial and industrial uses within this area, with a focus on commercial lands along the Highway 18 frontage.

Both the 2013 EOA and the draft 2020 EOA conclude that redesignation of excess industrial land to commercial zoning would provide adequate commercial land, without creating a deficit of industrial land.

FINDING: SATISFIED. The Comprehensive Plan and EOA identify a surplus of industrially-designated land. There is sufficient industrial acreage to redesignate the proposed area, together with adjacent properties, to a commercial designation while retaining a surplus of industrially designated land.

GOAL IV 6: TO ENSURE 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: The 2013 EOA identified a significant surplus of industrial land within the city limits and recommends conversion of excess industrial land to commercial designation as a method of addressing the commercial land deficit. This Application proposes the conversion of 30.6 acres of industrial land to commercial designation, which will help address a commercial land deficit and reduce the industrial land surplus. The City undertook the 3MLAP to guide development and transportation improvements in the SE Three Mile Lane

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area and ensure compatibility of uses. The implementation of the 3MLAP will be done through the Zoning Ordinance and the Planned Development overlay. A development application for the subject sites will be subject to the applicable criteria of the Zoning Ordinance and Planned Development overlay and the procedures of Chapters 17.51 and 17.72.

FINDING: SATISFIED WITH CONDITIONS. The adopted 3MLAP is consistent with this policy, and redesignation of land for a Mixed Use Town Center per the 3MLAP at this location is consistent with this policy. In addition, through inclusion of the property within a single master-planned PD overlay, the City would be able to prevent incompatible encroachments.

Note: The applicant’s response addresses the combined acreage for two of the properties.

- 49.01 *The City shall designate an adequate supply of suitable sites to meet identified needs for a variety of different parcel sizes at locations which have direct access to an arterial or collector street without having to pass through residential neighborhoods. (Ord. 4961, January 8, 2013)*
- 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 2013 EOA identified a significant surplus of industrial land within the City limits and recommends conversion of excess industrial land to commercial designation as a method of addressing the commercial land deficit, including a “focus on a range of size classes, increasing emphasis on redevelopment and density of development, and greater flexibility of use for mixed commercial/industrial areas.”(2013 EOA, Pg. 67) In addition, the study suggests that parcelization of some larger industrial sites may be needed to meet future demand for smaller industrial users.

The City’s 3MLAP identified the area south of Highway 18 as being suitable for a mix of uses, including retail, office, mixed use, and some flex and light industrial uses. The subject sites are located in the 3MLAP area, and this Application proposes redesignation of approximately 29.11 acres (and 1.5 acres for future right-of-way dedication) of the subject sites to C-3 zoning, consistent with the 3MLAP concept plan.

As previously explained, the redesignation of the subject sites from Industrial to Commercial will not impact the adequacy of the supply of suitable industrial sites since there will still be a significant surplus of industrial land in the City.

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 providing at least an adequate supply of suitable sites identified in the Comprehensive Plan, and retains an industrial surplus.

- 51.00 *The City of McMinnville shall encourage the location of airport-related industrial uses only on the industrial land which is adjacent to the airport. Those lands so reserved shall be designated in the planned development overlay covering this area.*

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APPLICANT’S RESPONSE: The subject sites are not located adjacent to the airport property. The airport is approximately .5 mile away, with a public park, the South Yamhill River, industrial vacant land (with farming activity) located between the airport and the subject sites.

FINDING: SATISFIED. The proposed amendment doesn’t redesignate industrial land adjacent to the airport. The 3MLAP identifies retention of industrial designations for those lands as well as industrial designation to remain on other lands for uses permitted in industrial plan designations and zones, including the innovation center identified in the 3MLAP.

52.00 *The City of McMinnville shall create a new "limited light industrial" zone which shall be placed on the industrial areas on the south side of Three Mile Lane in those areas where residential development is expected on the north side of the road. The new zone will allow only those types of industrial uses that will not conflict with the residential uses.*

APPLICANT’S RESPONSE: Policy 52.00 proposes that the City pursue a legislatively created new zoning designation to minimize industrial use conflicts with the residential uses north of Three Mile Lane. As previously explained, the commercial uses allowed under the proposed C-3/PD zone are more compatible with the residential uses north of Three Mile Lane than industrial uses. The City undertook the 3MLAP to address a land use and transportation considerations in a 1,360-acre area of the City along Highway 18. The 3MLP identified the area south of Highway 18 as suitable for a mix of uses, including commercial, mixed use, and some flex and light industrial uses. Once adopted, the 3MLP implementation through the Zoning Ordinance and the Three Mile Lane Planned Development Ordinance will require development to be compatible with adjacent uses, including potential future residential development. The subject sites encompass 29.11 acres (and 1.5 acres for future right-of-way dedication) located in the 3MLAP area and this Application proposes redesignation of the sites to C-3 / PD zoning, consistent with the 3MLAP concept plan.

FINDING: NOT APPLICABLE. The proposed amendment is to redesignate land from industrial to commercial. A limited light industrial zone wouldn’t be applicable to commercial land.

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

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.

As discussed in the 3MLAP, residential use and development is not proposed in the vicinity of the airport in order to avoid conflicting uses.

CHAPTER VI. TRANSPORTATION SYSTEM

Note: *The following Comprehensive Plan Proposal was adopted by Ordinance 5126 on November 8, 2022.*

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2) Amend the Comprehensive Plan, Volume II, Chapter VI, Transportation System, to add a proposal after policy 132.23.00 (below) that reads as follows (on the next page):

132.23.00 The McMinnville Transportation System Plan shall be updated as necessary to remain consistent with: (a) the city’s land use plan; (b) regional and statewide plans; and (c) the applicable local, State, and federal law. Ord. 4922, February 23, 2010)

20.05 The comprehensive plan map amendments and any associated rezones consistent with the Three Mile Lane Area Plan can be initiated by the City or property owners through future map amendment applications, at which time any necessary changes to the McMinnville Transportation System Plan would need to be made. Until the comprehensive plan map amendments are adopted for individual properties, the properties would continue to be subject to the use provisions of current Comprehensive Plan map and zoning map designations and provisions of any property-specific planned development overlay zones.

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.

MASS TRANSPORTATION

Policies:

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.

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. As a condition of the Planned Development overlay designation, the development and design principles and standards provide for coordination with the transit provider and provision of conveniently located transit stops as part of the final PD development plan.

Inclusion of the property as part of a single master planned Mixed Use Town Center planned development overlay would provide for coordinated planning of facilities (such as suitable locations and facilities for bus stops and shelters) for transit service at the 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 WITH CONDITIONS. As a condition of the Planned Development overlay designation, development and design principles and standards will provide for coordination and provision of conveniently located transit stops as part of the final PD

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development plan. Additional provisions address convenient and comfortable transportation facilities for other modes for all ages and abilities.

AIR

115.00 *The City of McMinnville shall encourage the development of compatible land uses in the vicinity of the airport as identified in current and future airport and comprehensive plans.*

APPLICANT’S RESPONSE: As noted in the McMinnville Municipal Airport Layout Plan Report (2004), the Airport Layout Plan specifically discourages further residential development in the vicinity of the airport. Although the Airport Layout Plan encourages agricultural and manufacturing uses, it does not explicitly address commercial use. As the proposed redesignation of industrial land to commercial use would not allow residential development on the subject sites, the proposed comprehensive plan map amendment and zone change is compatible with the land uses in the vicinity of the airport and is consistent with the recommendations of the Airport Layout Plan.

FINDING: SATISFIED. The Three Mile Lane Area Plan addresses properties in the vicinity of the airport to ensure land use compatibility. This property is within the vicinity identified for a Mixed-Use Town Center in the 3MLAP, after evaluating land uses, relationships, and compatibility, including relationship and proximity to the airport. Current comprehensive plan policies also address industrial use of properties adjacent to the airport. Some of these policies focus on the economic development aspect of compatible uses adjacent to the airport. The Airport Overlay zone also addresses safety and compatibility issues in the vicinity of the airport. Any development will be required to comply with the provisions of the different sub-areas of the Airport Overlay Zone, which include use, height, radio interference, and other safety considerations.

STREETS

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

APPLICANT’S RESPONSE: As demonstrated in the TIAs, attached as Exhibits E and F, Highway 18 has the capacity to accommodate traffic generated by commercial development on the subject sites under the proposed zone change, subject to the implementation of the recommended mitigation measures. Mitigation is proposed on existing roads that intersect with Highway 18 along the corridor and addresses safety and convenience. These mitigation measures are consistent with the future improvements identified in 1996 McMinnville (OR-18) Corridor Refinement Plan. The TIAs conclude that with the implementation of these measures there will be no significant impacts per OAR 660- 012-0060 and complies with the TPR.

FINDING: SATISFIED WITH CONDITIONS. The proposed commercial designation is located where it would be served by existing and planned major transportation corridors identified in the Transportation System Plan. Additional streets will be needed for local connectivity, to be addressed at time of submittal of a final development plan, and to address connectivity needs to be consistent with those identified in the Three Mile Lane Area Plan.

123.00 *The City of McMinnville shall cooperate with other governmental agencies and private interest to insure the proper development and maintenance of the road network within the urban growth boundary.*

Attachments :

Attachment 1 – Application and Attachments;

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APPLICANT’S RESPONSE: The TIAs prepared by Kittelson & Associates, attached as Exhibits E and F, provide an analysis of trips generated by the proposed zone change of the subject sites. In accordance with the application review process, the scope, methodology, findings and recommendations have been coordinated with the City of McMinnville and ODOT. Future development of the property will be subject to ODOT review and the procedures of Chapters 17.51 and 17.72 of the McMinnville Zoning Ordinance.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

BIKE PATHS

Policies:

- 131.00 *The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.*
- 132.00 *The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The final development plan will need to address connectivity for all modes, including potential bicycle and footpath connections to amenities and neighborhoods, consistent with the 3MLAP, and consistent with the development and design principles and standards attached as a condition of approval.

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;*

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- 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: No response.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

MULTI-MODAL TRANSPORTATION SYSTEM

132.25.00 *The transportation system for the McMinnville planning area shall consist of an integrated network of facilities and services for a variety of motorized and non-motorized travel modes. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: NOT SATISFIED. While McMinnville has adopted provisions in the TSP for a multi-modal transportation plan, the applicant hasn’t met the burden of proof to demonstrate the necessary transportation improvements are within control of the applicant for a redesignation consistent with a 33 net buildable acre subarea.

CONNECTIVITY AND CIRCULATION

132.26.00 *The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville’s parks and schools.*

APPLICANT’S RESPONSE: No response.

FINDING: NOT SATISFIED. While McMinnville has adopted provisions in the TSP for a multi-modal transportation plan, the applicant hasn’t met the burden of proof to demonstrate the necessary transportation improvements are within control of the applicant for a redesignation consistent with a 33 net buildable acre subarea.

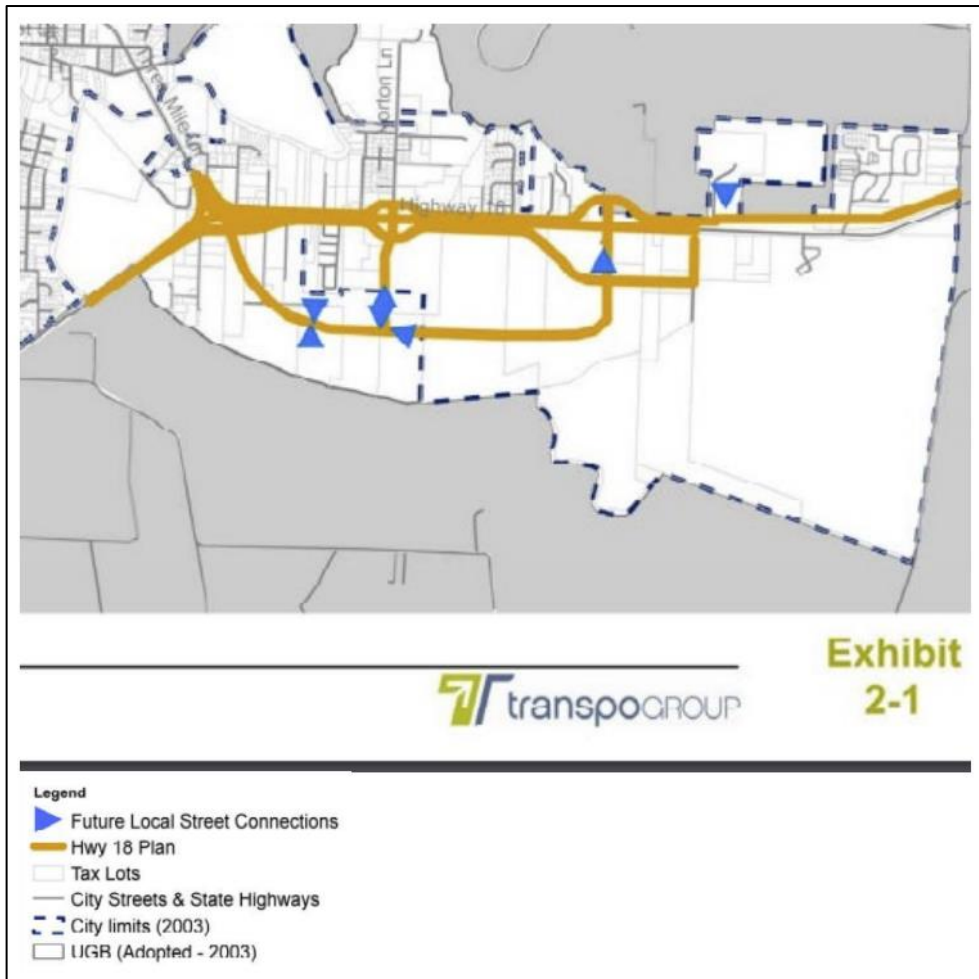
132.26.05 *New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map.*

Attachments :

Attachment 1 – Application and Attachments;

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APPLICANT’S RESPONSE: The McMinnville TSP identifies future local street connections for the Highway 18 corridor, as shown on the map below (TSP, Exhibit 2-1). As shown on the map, the TSP calls for a frontage road south of OR 18. The 3MLAP preferred facility design is consistent with this plan and places priority on multi-modal connections throughout the plan area. In addition, the 3MLAP addresses pedestrian and bicycle circulation to and through the plan area with recommendations for facility improvements that will improve access, mobility and comfort for all users. Any future development application will be required to be consistent with the McMinnville TSP and ensure appropriately planned pedestrian and bicycle features.



FINDING: NOT SATISFIED. While McMinnville has adopted provisions in the TSP for a multi-modal transportation plan, the applicant hasn’t met the burden of proof to demonstrate the necessary transportation improvements are within control of the applicant for a redesignation consistent with a 33 net buildable acre subarea.

Note: *The Local Street Connectivity Map shows critical points of local street connectivity where specific points of local street connectivity are critical for continuation of a street connection, but where the connection isn’t classified as a higher order street such as a collector or arterial and shown in the map of collectors and arterials. The Local Street Connectivity Map does not show all local street connections that may be needed to address other connectivity requirements to and within the subject property and surrounding areas and properties.*

Attachments :

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Supportive of General Land Use Plan Designations and Development Patterns

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

APPLICANT’S RESPONSE: The TIAs, attached as Exhibits E and F, evaluated both short-term (2022) and long-term (2037) impacts of the proposed zone change on the transportation system. The TIAs concluded that with the implementation of mitigation measures, the zone change would not result in significant impacts under OAR 660-012-0060. The improvements recommended through the TIAs are consistent with the adopted 1996 OR-18 Corridor Refinement Plan.

Recently, the City of McMinnville worked with ODOT and a consulting team to update the Three Mile Lane Overlay. The effort involved evaluating facility designs based on several factors, including access, visibility, multi-modal connectivity within the 3MLAP, and right-of-way requirements, among others. The resulting Preferred Facility Design supports the 3MLAP preferred land use concept.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

GROWTH MANAGEMENT

132.29.00 *The construction of transportation facilities in the McMinnville planning area shall be timed to coincide with community needs, and shall be implemented so as to minimize impacts on existing development. Prioritization of improvements should consider the City’s level of service standards.*

132.29.05 *Off-site improvements to streets or the provision of enhanced pedestrian and bicycle facilities in the McMinnville planning area may be required as a condition of approval for land divisions or other development permits.*

APPLICANT’S RESPONSE: No response.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

(Note: Off-site improvements have been identified in potential conditions of approval for the proposed 68.3 gross acres proposed for redesignation in the three applications).

AESTHETICS AND STREETSCAPING

132.38.00 *Aesthetics and streetscaping shall be a part of the design of McMinnville’s transportation system. Streetscaping, where appropriate and financially feasible, including public art, shall be included in the design of transportation facilities. Various streetscaping designs and materials shall be utilized to enhance the livability in the area of a transportation project. (Ord. 4922, February 23, 2010)*

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APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. At the time of submittal of a final development plan, the proposal will be reviewed for consistency with the policies of the Comprehensive Plan discussed above. In addition, the intent of the Three Mile Lane Area Plan is to provide a unique identity of the Three Mile Lane area that reflects McMinnville’s heritage within the context of the area. As a result, streetscape and on-site areas will be reviewed to incorporate thematic treatments consistent with the objectives of the Three Mile Lane Area plan to reflect this heritage through public art, landscaping and streetscaping treatments, interpretive information, and incorporation of existing agricultural features into the design of the streetscape and property. The development and design principles and standards adopted as conditions of approval address this issue.

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.*

APPLICANT’S RESPONSE: The TIAs, attached as Exhibits E and F, studied intersections within the City’s and ODOT’s jurisdictions and applied each jurisdiction’s applicable mobility standard as a basis for recommending mitigation measures.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

Note: *Mitigation has been identified in potential conditions of approval for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

Note: *Prior to development, a “Development Review” TIA would also be required for the specific master plan for the Mixed Use Town Center planned development overlay area.*

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: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea.

Note: *Mitigation has been identified in potential conditions of approval for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

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Note: Prior to development, a “Development Review” TIA would also be required for the specific master plan for the Mixed Use Town Center planned development overlay area.

CIRCULATION

132.41.30 *Promote Street Connectivity – The City shall require street systems in subdivisions and development that promote street connectivity between neighborhoods.*

APPLICANT’S RESPONSE: No response.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn’t include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: Connectivity is addressed in potential conditions of approval for the proposed 68.3 gross acres proposed for redesignation in the three applications.

SYSTEMS DEVELOPMENT

132.51.15 *Connecting Shared-Use Paths – The City will continue to encourage the development of a connecting, shared-use path network, expanding facilities along parks and other rights-of-way. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The final development plan would need to be reviewed for convenient connectivity with shared use path system facilities identified through the Three Mile Lane Area Plan. The site will be a key destination and attractor, and it should be well-connected to such a system, and nearby neighborhoods, and nearby parks and recreational destinations connected to that system. The connection to the system will need to consider the desirability of the system on-site, and it should be treated as an amenity connected to pedestrian gathering places on the property. It should be more than an isolated circulation route through vehicular parking lots and vehicular circulation areas. This issue is addressed in the development and design principles and standards.

TRANSIT SYSTEM PLAN

132.57.05 *Transit-supportive Urban Design – Through its zoning and development regulations, the City will facilitate accessibility to transit services through transit-supportive streetscape, subdivision, and site design requirements that promote pedestrian connectivity, convenience, and safety. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The final development plan will be reviewed for provision of transit facility location and design, coordinated to support the current and planned transit service routes, that will support safe, convenient pedestrian access from the transit stop to on-site destinations for all ages and abilities. This issue is addressed in the development and design principles and standards and the requirement for a single-coordinated master plan for the PD overlay area.

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FREIGHT MOBILITY, AIR, RAIL AND PIPELINE PLANS

132.59.10 *Airport area land use – Do not permit land uses within airport noise corridors that are not noise compatible, and avoid the establishment of uses that are physical hazards to air traffic at the McMinnville Airport. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. This policy is addressed through the Airport Overlay Zone and its sub-areas. Specific use and development will be required to comply with the standards of the Airport Overlay Zone. In addition, the planning process for the 3MLAP took into account compatibility with the airport to avoid noise impacts and physical hazards.

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: The proposed rezone of the subject sites from industrial M-L/M-2 to commercial C-3 with Planned Development overlay is consistent with the goals, objectives, policies, implementation strategies, principles, maps and recommended projects. The City’s goal and supplemental policies are addressed below:

Goal (Chapter VI): 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: The proposed rezone and subsequent commercial development work in the direction of achieving this goal by providing intersection improvements to increase the safety and traffic flow of the surrounding roadway network for all users. The proposed modifications are consistent with the implementation strategies (McMinnville (OR-18) Corridor Refinement Plan) as shown in Exhibit 4-6 (Projects and Programs) in the TSP, as well as the Street System, Pedestrian, Bicycle, Public Transportation, Freight, Rail, Air and Pipeline Plan maps set forth in the TSP.

Supplemental Policies:

1. Transportation System Plan

Future development of the subject sites will be reviewed for consistency with the TSP policies in effect at the time of development. The TIA mitigation measures and any transportation improvements associated with the future development of the subject sites will provide for transportation improvements consistent with the TSP.

2. Complete Streets

The design of transportation improvements and on-site circulation system will address the safety and convenience of pedestrians, bicyclists, transit users, freight and motor vehicle drivers—including meeting ADA guidelines in right-of-way improvements and at signalized intersections identified in the TIA.

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3. Multi-Modal Transportation System

The City's review of future development and onsite circulation plans will assure compliance with this policy.

4. Connectivity and Circulation

Future design and development of the sites will be consistent with the Local Street Connectivity map and will address future connectivity elements of the 3MLAP to provide access for pedestrians, bicycles, and motor vehicles on the sites.

5. Supportive of General Land Use Plan Designations and Development Patterns

The TIAs, included as Exhibits E and F, provide a short-term (2022) and long-term (2037) analysis of the roadway system in the vicinity of the sites and concludes that, with the implementation of recommended modifications, the proposed rezone of the subject sites would result in no significant impacts under OAR 660-012-0060.

6. Regional Mobility

The location of the proposed sites along OR 18 provides ease of access to regional centers such as downtown McMinnville, Lafayette, and Newberg. It is also anticipated that some people will stop at the sites on their way to or from the coast. In addition, the proposed uses may reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today.

7. Growth Management

The proposed zone change meets the needs of the surrounding community. The 2013 EOA, draft 2020 EOA, 2020 Leland Update and 3MLAP demonstrate that there is an over-abundance of industrial land and high demand for commercial uses in the area. Additionally, the improvements recommended in the TIAs bring local intersections (some of which do not meet level of service standards under existing conditions) up to standard. The proposed uses may also reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today.

8. Transportation System and Energy Efficiency

The location of the proposed sites along OR 18 provides opportunity for transportation system and energy efficiency with easy access to residents and employees of downtown McMinnville on their way to or from work, in some cases eliminating the need for out-of- direction travel. In addition, the proposed uses may also reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today.

9. Transportation Safety

The TIAs recommend modifications to improve the safety and the flow of traffic along OR 18 corridor and other intersections within the study area. These mitigation measures are consistent with the future improvements identified in the 1996 McMinnville (OR-18) Corridor Refinement Plan.

10. Public Safety

The site plan review process will ensure that emergency vehicle access is provided on the proposed sites. In addition, the safety improvements identified in the TIAs should result in crash reductions at a number of intersections within the study area.

11. Accessibility for Persons with Disabilities

On-site connections, as well as traffic signal and intersection improvements identified

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in the TIAs, will be designed and constructed in compliance with the Americans with Disabilities (ADA) guidelines.

12. Economic Development

The proposed rezone meets the needs of the surrounding community. A recent market study indicated an over-abundance of industrial land and high demand for commercial uses in the area.

13. Livability

The site plan review process will incorporate multi-modal facilities to increase the livability of the greater McMinnville area.

14. Health and Welfare

The proposed sites will be accessible via many modes of transportation, including transit and active transportation (by bicycle and by foot).

15. Transportation Sustainability

The location of the proposed sites along OR 18 provides easy access to residents and employees of downtown McMinnville on their way to or from work, in some cases eliminating the need for out-of-direction travel. It is also anticipated that some people will stop at the sites on their way to or from the coast. In addition, the proposed uses may also reduce regional transportation demand by capturing existing trips that travel to the greater Portland and Salem area for these uses today. The TIAs recommend some modifications to existing roadways intersecting OR 18 to improve the safety and flow of traffic in the vicinity of the sites.

16. Aesthetics and Streetscaping

The site plan review process will incorporate aesthetics and streetscaping to enhance visitor experience and livability of the greater McMinnville area.

17. Intergovernmental Coordination and Consistency

Kittelton & Associates, Inc., prepared the TIAs and TPR analyses for the proposed sites. The methodology, findings and recommendations have been coordinated with the City of McMinnville and ODOT Region 2.

FINDING: NOT SATISFIED. The applicants haven't met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn't include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

At the time of submittal of a specific development plan for the PD overlay, a development Review TIA will be required, and conditions will be attached to the development as necessary to address the level of impact.

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.*

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APPLICANT’S RESPONSE: No response.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn’t include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

At the time of submittal of a specific development plan for the PD overlay, a development Review TIA will be required, and conditions will be attached to the development as necessary to address the level of impact.

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: This Goal is targeted at rural lands that are not within the UGB and are proposed to be transitioned to urban land. The subject sites are located within the McMinnville UGB and therefore this Goal is not applicable. Nonetheless, there will be necessary public and private facilities and utilities at levels commensurate with urban development at the time of development. Public utilities currently serve the vicinity of the subject sites via main service lines located in the Highway 18 right-of-way. No development is proposed through this Application. Upon application for development of the sites, the adequacy of public and private facilities for the proposed development will be reviewed. The provision of adequate facilities can be assured through conditions of approval.

FINDING: NOT SATISFIED. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn’t include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

Sanitary Sewer System

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

138.00 *The City of McMinnville shall develop, or require development of, sewer system facilities capable of servicing the maximum levels of development envisioned in the McMinnville Comprehensive Plan.*

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APPLICANT’S RESPONSE: Municipal sewer facilities currently serve the vicinity of the sites via a main line located in the Highway 18 right-of-way. No development is proposed through this Application. Upon application for development of the sites, the adequacy of the sewer facilities for the proposed development will be reviewed. The provision of adequate facilities can be assured through conditions of approval.

FINDING: SATISFIED. No development is proposed at this time. Service providers were notified of the proposed map amendment and no concerns were noted regarding the ability to serve the property with the sanitary sewer conveyance system. At the time of development, construction and connection to the municipal sanitary sewer system will be required.

Storm Drainage

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

APPLICANT’S RESPONSE: No development is proposed through this Application. Upon application for development of the sites, the design and adequacy of the stormwater drainage facilities for the proposed development will be reviewed. The provision of adequate facilities can be assured through conditions of approval.

FINDING: SATISFIED. No development is proposed at this time. Service providers were notified of the proposed map amendment and no concerns were noted regarding the capacity of the municipal storm drainage system. At the time of development, the applicant will be required to comply with all federal, state, and local storm drainage permitting requirements, and comply with any requirements for detention and stormwater runoff quality.

WATER SYSTEM

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

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. No development is proposed at this time. Service providers were notified of the proposed map amendment and no concerns were noted regarding the ability to serve the property with municipal water. At the time of development, the applicant will be required to construct and connect to the municipal water system to serve 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.*

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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: There are no known water or sewer deficiencies in the vicinity of the subject sites. No development is proposed through this Application. Upon application for development of the sites, the availability and adequacy of the water, sewer, and stormwater drainage facilities and services to serve the proposed development will be reviewed. The provision of adequate facilities can be assured through conditions of approval.

FINDING: SATISFIED. Notice of the application 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.

Police and Fire Protection

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

APPLICANT’S RESPONSE: There are no known police or fire service deficiencies in the vicinity of the subject sites. No development is proposed through this application. Upon application for development of the sites, the availability and adequacy of the police and fire facilities and services to serve the proposed development will be reviewed. The provision of adequate facilities can be assured through conditions of approval.

FINDING: SATISFIED. Notice of the application was provided to service providers. No issues were identified with the ability of existing police and fire facilities and services to meet the needs of the property as a result of the proposed map amendment. At the time of development adequate water facilities will be required in order to meet applicable fire flow requirements of the applicable structural codes.

PARKS AND RECREATION

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

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

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

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. As a condition of approval, the amendment will be subject to development and design principles and standards applicable to the PD development plan that address incorporation of natural features, open space elements, and scenic view considerations into the site design. This is considered an “area of concern” per Section 17.51.010(B)(2) for the Planned Development.

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

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

ENERGY CONSERVATION

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

APPLICANT’S RESPONSE: The requested comprehensive plan map amendment and zone change will help meet the identified need for additional commercial land within the City limits that is caused by retail leakage identified in the 2013 EOA and 2020 EOA draft. By providing for these needs locally, travel to other markets such as Salem and the Portland Metro Area would be reduced, thereby conserving energy.

FINDING: SATISFIED WITH CONDITIONS. Subject to design and development standards as a condition of approval that will need to be addressed at submittal of the development plan, the amendment is consistent with provisions of the Comprehensive Plan, Economic Opportunities Analysis, as well as the Three Mile Lane Area Plan that identifies commercial land at this location. It would be part of an overall area plan to reduce vehicle miles travelled associated with shopping outside of the McMinnville area and to provide commercial uses in this area to meet needs of surrounding neighborhoods existing and being planned for this area. The design and development standards include provisions to ensure good connectivity to the surrounding lands to reduce out of direction travel and encourage biking, walking, and transit.

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: The requested comprehensive plan map and zone change would allow for commercial development aimed at retaining local expenditures. The 3MLAP,

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once adopted, will be implemented through the Zoning Ordinance and the Three Mile Lane Planned Development overlay to require a mix of uses with an efficient layout that is accessible to multiple modes of transportation, including bikes and pedestrians.

FINDING: SATISFIED. The commercial designation of 40 acres of land in this area was identified as an efficiency measure to as part of the December 2020 UGB amendment and Comprehensive Plan amendment by reducing a portion of the industrial land surplus to meet commercial land needs rather than adopting a large UGB amendment to address commercial land needs. This is addressed as 33 net buildable acres in the 3MLAP.

The commercial designation of this property is a key component of the 3MLAP work, which is intended to provide for a mix of land uses in a compact development pattern, form, and connectivity that is supportive and encouraging of all transportation modes, including walking, biking, and transit.

The designation of additional commercial land to meet identified needs is also intended in part to reduce identified retail leakage, which is leading residents to travel to other communities for shopping needs that could be met in McMinnville. Accordingly, the designation is expected to help reduce out of town trips and promote energy conservation by reducing vehicle miles traveled.

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 proposed comprehensive plan map amendment and zone change address a need for additional commercial land identified in the 2013 EOA, and further supported in the recent 2020 EOA draft and the 3MLAP. As documented in these analyses, the conversion of excess industrial land that exists within the City limits will be adequate for meeting the growing demand for commercial land without creating a deficit in industrial land.

FINDING: NOT SATISFIED. The proposed commercial map designations would provide more than the minimum identified commercial land needs specified in the Comprehensive Plan and EOA, but would exceed the 33 net buildable acre limit specified in the 3MLAP. The applicants haven't met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn't include analysis or proposed mitigation for a combined 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN

LAND USE DEVELOPMENT TOOLS

186.00 *The City of McMinnville shall place planned development overlays on areas of special significance identified in Volume I of the McMinnville Comprehensive Plan. Those overlays*

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shall set forth the specific conditions for development of the affected properties. Areas of significance identified in the plan shall include but not be limited to:

1. *Three Mile Lane (north and south)...*

APPLICANT’S RESPONSE: This Application requests a Planned Development overlay consistent with Policy 186.00.1. No development is proposed through this Application. Any subsequent development application will address applicable criteria of the City’s Planned Development Ordinance and Zoning Ordinance.

FINDING: NOT SATISFIED. A new Comprehensive Plan Proposal was adopted in December 2020 that provides:

Proposal 48.15. The City of McMinnville should develop an Area Plan for the Three Mile Lane area that supports and enhances the district’s economic vitality and marketability, provides opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district enhances multi-modal connections throughout the district, and creates an aesthetically pleasing gateway to the city of McMinnville.

The City Council adopted the 3MLAP, which identifies a Mixed-Use Town Center Planned Development Overlay in this vicinity, specified to be limited to 33 net buildable acres. The applicants haven’t demonstrated consistency with this provision of the 3MLAP. The applicants haven’t met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn’t include analysis or proposed mitigation for a 33 net buildable acre subarea.

For a proposed redesignation consistent with the adopted 3MLAP, the City will apply a planned development overlay, but the current proposal isn’t consistent with the adopted 3MLAP.

Note: Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.

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 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.*

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- 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.*

APPLICANT’S RESPONSE: This application for Comprehensive Plan Map and Zone Change includes a Planned Development (PD) overlay. As such, future development of the subject sites will be reviewed for consistency with the Great Neighborhood Principles under the applicable PD overlay procedures and standards of Chapter 17.51 of the McMinnville Zoning Ordinance. The subject sites are located within the Three Mile Lane Area. Accordingly, proposed development will also be reviewed for consistency with the Three Mile Lane Area Plan (3MLAP), now moving through the legislative process.

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.*

APPLICANT’S RESPONSE: The subject sites do not include wetlands, sensitive lands, slopes, trees or other significant natural features.

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.*

APPLICANT’S RESPONSE: Proposed development will be reviewed for consistency with the 3MLAP, which encourages an orientation of streets and open spaces to views. In addition, future design and development of the sites will provide connections through the plan area to the natural areas, parks and trail system in the vicinity.

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.*

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APPLICANT’S RESPONSE: Future design of the site will incorporate appropriate gathering places for users of the site, in addition to providing connections to adjacent developments and neighborhoods, natural areas, parks and the trail system in the vicinity.

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).*

APPLICANT’S RESPONSE: The future development of the sites will be consistent with the goals of the 3MLAP and will include onsite pedestrian features that provide circulation to key on-site features, and through the site and plan area to improve access, mobility and comfort for all users. The site plan design process will incorporate aesthetics and landscaping to enhance visitor experience on the site.

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.*

APPLICANT’S RESPONSE: The future development of the sites will be consistent with the goals of the 3MLAP and will include bicycle features that provide safe routes to and through the sites and the plan area to improve access, mobility and comfort for bicycle riders.

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.*

APPLICANT’S RESPONSE: Future design and development of the sites will be reviewed for consistency with the McMinnville TSP, which identifies future local street connections for the Highway 18 Corridor. The design of transportation improvements will address future connectivity elements of the 3MLAP to provide for the safety and convenience of pedestrians,

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bicyclists, transit users, and freight and motor vehicle drivers—including meeting ADA guidelines in right-of-way improvements and at signalized intersections identified in the TIA.

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.*

APPLICANT'S RESPONSE: Future design and development of the sites will be reviewed for consistency with the Local Street Connectivity map and the future access and connectivity elements of the 3MLAP. On-site connections, as well as traffic signal and intersection improvements identified in the TIAs will be designed and constructed in compliance with the Americans with Disability (ADA) guidelines.

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).*

APPLICANT'S RESPONSE: The subject sites are located in the 3MLAP area, which includes as a key feature a pedestrian-oriented retail center. Future site design will be reviewed for consistency with 3MLAP elements addressing site features such as landscaping, lighting and 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.*

APPLICANT'S RESPONSE: This application proposes rezoning of the subject sites to commercial use. Consistent with the 3MLAP concept, future development will include commercial retail and service uses that will serve the surrounding community. The site development review process will ensure that the scale of future development is appropriate.

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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.*

APPLICANT'S RESPONSE: The subject sites are located within the 3MLAP concept plan, which proposes a variety of complementary uses that will not conflict with the agricultural, aviation, residential, or other uses near the plan area. The proposed rezoning of the subject sites to commercial use is consistent with the 3MLAP and the McMinnville Comprehensive Plan. Future site design and development will be consistent with the design elements of the 3MLAP and will be reviewed under the applicable PD overlay standards.

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.*

APPLICANT'S RESPONSE: This application proposes a Zone Change and Comprehensive Plan Map change to future commercial use on the subject sites. No housing is proposed.

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.*

APPLICANT'S RESPONSE: This application proposes a Zone Change and Comprehensive Plan Map change to future commercial use on the subject sites. No housing is proposed.

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: The subject sites are located within the 3MLAP area with visibility from Highway 18. Future site design will be reviewed under the applicable PD overlay standards and will ensure that building and site design incorporate 7 Three Mile Lane Comprehensive Plan

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Map and Zone Change integrated design elements of the 3MLAP and are appropriate for commercial development in the plan area, which is considered a “gateway” to McMinnville.

FINDING – GREAT NEIGHBORHOOD PRINCIPLES: SATISFIED WITH CONDITIONS.

Subject to a single coordinated master plan for the PD overlay, and subject to development and design principles and standards to be applied as a condition of approval that will need to be addressed at submittal of the development plan, the amendment is consistent with applicable provisions of the Great Neighborhood Principles.

The development and design principles and standards recognize the type of uses that address retail leakage, but include provisions to ensure the property also meets commercial needs of surrounding neighborhoods identified in the 3MLAP. Accordingly, the development and design principles and standards address key critical aspects of the Great Neighborhood Principles which apply to commercial use and development and its relationship to surrounding uses and neighborhoods.

NEIGHBORHOOD ACTIVITY CENTERS

GOAL: NEIGHBORHOOD ACTIVITY CENTERS PROVIDE SHOPPING, SERVICES, RECREATION, HIGH-DENSITY HOUSING, OFFICE AND INSTITUTIONAL FACILITIES NEEDED TO SUPPORT A SURROUNDING NEIGHBORHOOD OR URBAN AREA.

Proposals:

- 48.15 The City of McMinnville should develop an Area Plan for the Three Mile Lane area that supports and enhances the district’s economic vitality and marketability, provides opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district, enhances multi-modal connections throughout the district, and creates an aesthetically pleasing gateway to the City of McMinnville.

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED WITH CONDITIONS. The City has adopted the Three Mile Lane Area Plan. As a condition of approval, at the time of submittal of the PD development plan, the plan shall comply with the development and design principles and standards attached as a condition of approval. If the PD development plan submittal is submitted after adoption of the implementing 3MLAP standards, the development shall comply with those development and design principles and standards, and the most restrictive provisions shall apply.

- 48.70 **Redesignation to Commercial.** As an identified efficiency measure necessary to reduce the needed size of the “Phase 2” UGB amendment to meet additional Commercial land needs, the City shall initiate a change to the Comprehensive Plan and Zone Map to redesignate and rezone 40 acres of property along the south side of the Highway 18 frontage from commercial to industrial, leaving the rear portions in an Industrial designation. This recognizes that the City will retain an Industrial surplus as a result of adding the Riverside North area to the UGB as part of the “Phase 2” UGB amendment.

APPLICANT’S RESPONSE: No response.

FINDING: NOT SATISFIED. This is one of three properties currently under concurrent review for redesignation from Industrial to Commercial with a PD Overlay, totaling approximately 68.3

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gross acres. The adopted 3MLAP identifies a Mixed Use Town Center not to exceed 33 net acres.

The applicants haven't met the burden of proof to address the necessary transportation improvements commensurate with a 33 net buildable acre subarea or control of the land needed for the necessary improvements for a 33 net buildable acre subarea. The application doesn't include analysis or proposed mitigation for a 33 net buildable acre subarea.

Note: *Potential conditions of approval are identified to address these policies for the proposed 68.3 gross acres proposed for redesignation in the three applications.*

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.

APPLICANT'S RESPONSE: The City has undertaken several initiatives in recent years with the intention of updating the Comprehensive Plan. These initiatives, including the draft 2020 EOA and the 3MLAP which, upon adoption will become a chapter of the Comprehensive Plan, have involved extensive public involvement. Adoption of these documents will require additional public input through the legislative process. As such, the recommendations and changes generated by these initiatives reflect changes in community circumstances and citizen needs. The redesignation of the subject sites to commercial zoning is consistent with this goal.

FINDING: NOT SATISFIED. This is one of three properties currently under concurrent review for redesignation from Industrial to Commercial with a PD Overlay, totaling approximately 68.3 gross acres. This exceeds the identified need, and the 3MLAP, developed through an extensive public process, specifies a subarea not to exceed 33 net buildable acres.

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: No response.

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 map amendment and PD overlay, as well as the subsequent PD development plan provided for citizen involvement through the quasi-judicial amendment to the adopted and acknowledged Comprehensive Plan and implementing ordinances. Due to the timing of the application, the conditions of approval specify development and design principles and standards which will be applicable to the PD development plan for the Mixed-Use Town Center subarea

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Planned Development Overlay, thus capturing the publicly-informed objectives of the Three Mile Lane Area Plan. When the development plan is submitted, it follows the same public process for public hearings as this application, so there will be an opportunity for comment on the proposed development plan.

Statewide Planning Goals

Goal 2: Land Use Planning **OAR 660-004**

APPLICANT’S RESPONSE: Goal 2, Part I, requires that a local land use authority’s quasi-judicial decision must be based on “an adequate factual base.” A study or assessment constitutes an adequate factual base for purposes of Goal 2 when it is “incorporated” into the jurisdiction’s comprehensive plan or acknowledged planning documents. *1000 Friends v. Dundee*, 203 Or App 207, 216 (2005). For an assessment to be “incorporated” into these authorities, it must be both adopted and effective. *1000 Friends v. Dundee*, LUBA Nos. 2004-144 and 2004-145, (Remand Order, dated February 23, 2006); *Craig Realty Group v. City of Woodburn*, 39 Or LUBA 384, 396 (February 2, 2001) (affirming City’s use of then-effective housing inventory, despite that new inventory was being developed, because on the current inventory “describe[d] the...provisions of the comprehensive plan”).

Though these Goal 2 requirements apply to all “land use actions,” they are particularly important when an action involves “estimate[ing] the amount of needed land.” See *D. S. Parklane Development, Inc. v. Metro*, 165 Or App 1, 22-23 (2000) (holding Metro could not rely on urban growth report not yet adopted as part of the comprehensive plan because “[u]nder Goal 2, the computation of need must be based upon the functional plan and/or Metro’s other applicable planning documents”). Nor may a jurisdiction avoid these requirements by attempting to merely “update” an assessment that was previously adopted and incorporated by reference into planning standards. *Lengkeek v. City of Tangent*, 54 Or LUBA 160, 166 (April 25, 2007).

The Court of Appeals explained the purpose behind these requirements as follows:

The comprehensive plan is the fundamental document that governs land use planning. Citizens must be able to rely on the fact that the acknowledged comprehensive plan and information integrated in that plan will serve as the basis for land use decisions, rather than running the risk of being “sandbagged” by government’s reliance on new data that is inconsistent with the information on which the comprehensive plan was based. *1000 Friends v. Dundee*, 203 Or App at 216.

Unadopted planning efforts, such as the draft 2020 EOA or 3MLAP, which are not adopted, effective and acknowledged do not by themselves constitute an “adequate factual base” on which the City may base its land use findings during this quasi-judicial planning process. However, these unadopted analyses and the supporting data may be relied upon to confirm further support for approval of this Application, so long as the primary basis for the approval is the adopted and acknowledged information, such as the 2013 EOA. *McDougal Bros. Investments v. City of Veneta*, 59 Or LUBA 27 (2009); *Shambrock Homes LLC v. City of Springfield*, 68 Or LUBA 1, 12 (2013); *Gunderson, LLC v. City of Portland*, 62 Or LUBA 403, rev’d in part on other grounds and remanded, 243 Or App 612, 259 P3d 1007 (2011), aff’d on other grounds 352 Or 648, 290 P3d 803 (2012).

Therefore, so long as the acknowledged information such as the 2013 EOA provides an adequate primary basis for the City’s approval, the decision can be further supported with new unacknowledged data. The findings below comply with this requirement. The 2013 EOA and

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acknowledged portions of the adopted Comprehensive Plan support the conclusion that some of the City's excess industrial land should be converted to satisfy the deficit of commercial land and describe conversion suitability factors. While the Applicants' analysis could stop there, the Application also evaluates the data and analysis in updated but unadopted planning efforts, such as the 3MLAP, which provide further support for the Application because those analyses show that the commercial deficit is growing and that the Three Mile Lane area is a suitable location for commercial development.

FINDING: SATISFIED. As described above, the decision is based on an "adequate factual base." The 2013 EOA and the MGMUP adopted with Comprehensive Plan Proposal 48.70 provide an adequate primary basis for the City's decision, further supported with supplemental information where noted.

Goal 9: Economy of the State
OAR 660-009

APPLICANT'S RESPONSE: The aim of Goal 9 is to ensure the availability of land suitable for economic growth and development opportunities over a 20-year planning period. Goal 9 requires the City to "provide at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses." Goal 9, Section 3 (emphasis added). See also OAR 6660-009-0025(2). The Goal 9 rules require the City to adopt an EOA that applies to areas within the UGB that, among other things, "compare[s] the demand for land for industrial and other employment uses to the exiting supply of such land." OAR 660-009-0015. The outcome of this analysis determines whether the City has an adequate supply of needed land, identifies any deficit or surplus, and adopts policies committing to providing an adequate supply of industrial and commercial land. OAR 660-009-0020.

Once the Comprehensive Plan and EOA are acknowledged, post-acknowledgement plan amendments, such as the proposal in the Application, "...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," must demonstrate consistency with Goal 9. OAR 660-009-0010(4). One option to do so is to "[d]emonstrate that the proposed amendment is consistent with [the city's] most recent [EOA] and the parts of its acknowledged comprehensive plan which address the requirements of this division[.]" OAR 660-009-0010(4); see also *Shamrock Homes LLC v. City of Springfield*, 68 Or LUBA 1, 5 (2013).

To demonstrate that a proposed plan amendment (a) maintains "at least an adequate supply of sites or suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses" and (b) is "consistent with" the City's most recent EOA, the City must find that the amendment will not cause the quantity of the City's commercial or industrial land supply to be reduced below the minimum thresholds identified in the most recent acknowledged EOA. The City must evaluate whether "the amendments physically reduce the acreage of land in the goal 9 inventory" or "threaten to convert lands inventoried for Goal 9 uses to uses not protected by Goal 9." *Shamrock Homes LLC*, 68 Or LUBA at 8.

Goal 9 is implicated when a land use decision "has the effect of depleting" the available lands inventory or "could reduce" the available supply of industrial or commercial land beyond the minimum threshold identified in the EOA. *Grahn v. Cit of Newberg*, 50 Or LUBA 219, 223 (2005) (emphasis added). "The key is whether the amendment affects one or more of the assumptions that underlie the Goal 9 inventory so that the Goal 9 inventory may be rendered inadequate." *Shamrock Homes LLC*, 68 Or LUBA at 9. See also *Opus Development Corp. v. City of Eugene*, 141 Or App 249, 254 (1996); *Volny v. City of Bend*, 37 Or LUBA 493, 510-11 (2000). Goal 9 does not restrict a city from encouraging commercial economic development beyond the

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minimum level identified in the EOA or providing land in excess of the minimum quantity identified in the EOA. Therefore, Goal 9 does not preclude an amendment simply because it would cause a city's commercial land supply to exceed the minimum threshold identified in the acknowledged EOA.

To satisfy Goal 9, the City prepared, and periodically updates, an Economic Opportunities Analysis (EOS) to reflect changing economic factors that impact land availability. The most recently adopted 2013 EOA provided an inventory of available land use types. The 2013 EOA concluded that the City has a deficit of 35.8 acres of commercial land and a surplus of 235.9 acres of industrial land.

The City is currently in the process of updating the EOA. Although not yet adopted, the draft 2020 EOA estimates the commercial land deficit to be 286 acres, and the industrial land surplus is approximately 159 acres over the 20-year planning horizon. The analysis provides an indication that the current imbalance of commercial and industrial lands is expected to continue to grow significantly.

This Application proposes to redesignate 29.11 acres of land from industrial to commercial for future commercial development and redesignate 1.5 acres intended to be dedicated as a public right-of-way at the time of development. If the City approves the Application and Kimco's proposed amendment, the City will still retain a surplus of over 173 acres of industrial land. The Application will not impact the adequacy of the city's future industrial or commercial land supply, and it will not preclude other property owners from seeking to redesignate their property from industrial to commercial land in the future. It will simply enable the City to accommodate the existing commercial land deficit identified in the 2013 EOA and address the growing deficit identified in the draft 2020 EOA.

Goal 9 defines "suitable" land as "serviceable land designated for industrial or other employment use that provides or can be expected to provide the appropriate site characteristics for the proposed use." OAR 660-009- 0005(12). The 2013 EOA recommends that the re-designation of excess industrial lands be focused on sites most suitable for commercial development. The report identifies factors relating to the suitability of a site proposed for redesignation from industrial to commercial to include "transportation access, compatibility with neighboring uses, infrastructure capacity, and site size distribution." (2013 EOA, pg. 57)

These suitability factors as they relate to the subject sites are addressed below:

Conversion of "sites with the greatest suitability for commercial development" (2013 EOA, pg. 62)

The 2013 EOA lays the groundwork for subsequent and more detailed analysis of "retail leakage" when it notes:

- "Retail sales leakage occurring due to lack of major comparison retail. As described by the 2007 MEDP Strategic Plan, there is considerable retail sales leakage of an estimated \$192 million annually throughout Yamhill County – as residents travel to other counties for a significant 23% of their shopping needs. Full recapture of this sales leakage together with anticipated population growth that was anticipated through 2011 was estimated to support as much as 800,000 square feet of added commercial retail space in Yamhill County. Recapture is dependent on the ability to identify sites and attract retailers that could serve much of the county's population from locations readily accessible to major travel corridors." (2013 EOA, Pg 32)

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- "...the ability to provide a full range of commercial services in McMinnville may reduce the need for out-shopping from this trade area – with area customers at present often traveling further to more distant destinations as in the Portland Tri-County or Salem area." 2013 EOA, pg. 71.

Retail leakage, and related suitability considerations are described in detail in the 3MLAP and 2020 EOA. These studies provide evidence in support of the subject sites' suitability for commercial development, particularly retail leakage:

- "Retail prospects are relatively strong for certain retail sectors, despite relatively weak market conditions (including rent, vacancy, absorption, etc.). The Three Mile Lane study area likely checks off many site selection criteria and market characteristics typically desired by prospective retailers. While there are few retailers currently in the area, desired physical characteristics, such as visibility, vacant developable land, and ease of access are all present. Further, McMinnville's central location between the Oregon Coast, the Portland Metro, and Salem provides access to a wide variety of markets. Significant household growth and the burgeoning tourism industry will continue to improve retail prospects." 3MLAP, pg. 2.
- 3MLAP, Table ES-3 summarizes that the market area demand is for 539,200 sf of retail and estimates that the Three Mile Lane area will provide 150,000 sf of that demand, noting "the study area is wellposition for new retail development, particularly large-format retail. Neighborhood-serving retail may be a mid-to long-term aspiration when additional residential construction occurs." However, the plan emphasizes that "it is important to note that these numbers are not specific recommendations; rather they simply provide an indication of the potential program mix based on market strength. Changes to the mix and specific numbers are anticipated with changes to the zoning, land supply, and public interventions, among other market disrupters." 3MLPA, 4.
- The 2020 EOA refers back to the 3MLAP and retail leakage to conclude "an additional 539,000 square feet of retail development in the McMinnville market area over the coming decade, with 150,000 square feet (or about 28%) being captured in the Three Mile Lane area." 2020 EOA, pg. 47.

Transportation access: The subject sites are located on Highway 18, with frontage that is highly visible to passing traffic. In addition to serving local transportation needs, Highway 18 serves as a major route for regional travel, providing access to the coast as well as large regional centers, including Salem and the Portland Metro area. As the sites are located within the 3MLAP area, the sites' access to/from Highway 18 is proposed to be located at Cumulus Avenue. The 3MLAP outlines proposed transportation enhancements for the plan area based on analysis that was coordinated with ODOT. As a result, the 3MLAP makes recommendations through its preferred facility design for the plan area that would address access and facility capacity.

Compatibility with neighboring uses: Currently, uses that surround the subject sites include the Willamette Valley Medical Center to the west, vacant industrial land to the south, office and military armory uses to the east and vacant industrial land and park land to the south and southwest. The two subject sites flank the Kimco property which is subject to a pending application for a comprehensive plan map amendment from Industrial to Commercial and zone change from M-2 to C-3 with a PD overlay. Across Three Mile Lane, uses include single-family, apartment and senior residential development. Other uses in the vicinity include community college, and the Evergreen Aviation Museum.

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The proposal to redesignate and rezone the properties to commercial land for retail use is compatible with these surrounding uses, and in fact would provide goods and services to nearby residents, students, employees and visitors. Furthermore, as part of the 3MLAP, future development of the plan area is proposed to include a variety of uses that would provide a daytime market base, including office, mixed-use, entertainment and innovation/light industrial uses.

Infrastructure capacity: As the sites are located within the 3MLAP area, the sites' access to/from Highway 18 is proposed to be located at Cumulus Avenue. The 2013 EOA, pg. 66, notes that "as a general condition, no major deficiencies have been identified through this EOA update process to date with respect to adequacy of public transportation and utility facilities to serve vacant and underutilized commercial and industrial properties." The TIAs, included as Exhibits E and F, conclude that the proposed zone changes can be approved without creating significant impacts under OAR 660-012-0060 assuming the recommended mitigation measures are implemented and occur at the time of development. The TIAs identify recommended modifications to the existing transportation system that address additional trips generated by commercial activity on the sites. These modifications are consistent with the OR Highway 18 Corridor Plan. Adequate on-site circulation would be ensured through the Planned Development overlay and would be consistent with the design and development standards of the 3MLAP.

Site Size Distribution: As noted in the 2013 EOA, an analysis of the 2012 inventory revealed the average commercial parcel size is approximately two acres, with the majority of commercial land (53%) made up of parcels of under 5 acres. Only three sites of 10 acres or more in size were identified—one of which is part of the Evergreen PUD.

The 2020 EOA draft provides an update of the inventory, concluding that there is still a deficit of large, buildable commercially designated land with sizes in the 10-to-20 acres range—and notes that many existing commercial developments are located on multiple tax lots. The Leland Market analysis states that as "one of the few locations with large, contiguous vacant tracts within the city limits," the 3MLAP area is poised to capture a significant portion of the retail demand in the market area over the next decade.

Section 4 - OAR 660-009-0010(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, and:

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
- (c) Adopt a combination of the above, consistent with the requirements of this division

APPLICANTS' RESPONSE: As this Application proposes to convert over two acres of industrial land to a non-industrial use, Section 4 – OAR 660-009-0010(4) is applicable.

As noted above, the 2013 EOA identified a 235.9-acre surplus of industrial land and deficit of 35.8 of commercial land (2013 EOA, Figure 26, Pg. 56). The draft 2020 EOA updated the commercial and industrial land inventories and projected demand for the 20-year planning

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horizon and identifies a much larger deficit of commercial land. The demand is expected to increase due to overall growth, as well as “retail leakage” of expenditures being made outside the McMinnville market area due to a lack of supply in certain retail categories.

In order to recapture a portion of the “retail leakage” identified in the 2013 EOA and more recently updated in the Leland market analysis and the 2020 EOA, the 3MLAP Preferred Alternative concept plan has envisioned a walkable town center area located on Three Mile Lane at Cumulus Drive that would serve as a destination for shopping, dining and services. The subject sites are located within the area proposed for Commercial/Retail Center use in the 3MLAP.

The Application will assist the City in accommodating the growing commercial land needs and there will still be an excess of industrial land supply available. With the proposed conversion of the subject sites from Industrial to Commercial designation through this Application, and accounting for the proposed conversion of 33.5 acres from Industrial to Commercial on the Kimco site, the surplus of industrial land remains in excess of 173 acres. Additionally, the 2013 EOA states that there are 5 industrial parcels that are 20+ acres in size so the City will continue to have an adequate supply of larger industrial parcels.

The Planned Development overlay designation would allow for commercial development that would accommodate the retail categories identified as being needed by the local market, while ensuring that future development is consistent with McMinnville’s long-term goals and policies as envisioned in the 3MLAP

FINDING: NOT SATISFIED. The above narrative was submitted as part of the original application. In addition, the applicant for Kimco, one of the three concurrent contiguous applications, subsequently submitted a memo dated June 21, 2021 addressing how Goal 9 applies to designation of more than the minimum identified land need for a land use category. In short, Goal 9 requires that Comprehensive Plans for urban areas shall...“provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.” The City can designate more than the minimum identified need. As described in the June 21, 2021 memo, the need is a “floor” not a “ceiling.” The analysis provided in this memo was previously reviewed by the City Attorney and DLCDC, and they concurred with this analysis regarding the applicability of Goal 9 as it relates to this issue.

Consistent with Comprehensive Plan Proposal 48.70, the City needs to redesignate a minimum of 40 acres from industrial to commercial land for its commercial land needs, but may designate more, provided that doesn’t create a deficit. Redesignation of 60 acres would not create a deficit of industrial land, as there would still be surplus of industrially designated land.

“An adequate supply” is not only a measure of total acreage, but requires sites of “suitable sizes, types, locations, and service levels,” as addressed above in the applicant’s response.

The proposal includes three concurrent applications for three properties. If approved as requested, together, these applications would exceed 40 gross buildable acres. **However, this is compliant with Goal 9, when “consistent with plan policies.”**

These three properties correspond to the Mixed Use Town Center area identified in the Three Mile Lane Area Plan (3MLAP), which includes local policy limiting the Mixed Use Town Center to 33 net buildable acres.

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Goal 12: Transportation
OAR 660 Division 12

APPLICANTS' RESPONSE: The TIAs addressing the requirements of Goal 12 and the Transportation Planning Rule (TPR) were completed by Kittelson & Associates and are attached as Exhibits E and F. The TIAs demonstrate that the proposed Comprehensive Plan Map Amendment and Zone Change is consistent with Goal 12 and the TPR.

FINDING: NOT SATISFIED. The findings and associated conditions are based on traffic analysis for the proposed acreage and map amendment as proposed for all three properties, which includes approximately 68.3 acres.

If the Planning Commission recommends approval of the map amendments as submitted in the three applications, totaling 68.3 acres, then the findings below are satisfied with conditions, subject to potential conditions listed in Section II. However, that would be inconsistent with the 3MLAP. Otherwise, there is insufficient information to make findings regarding specific analysis, mitigation, or conditions related to the requirements of the Transportation Planning Rule for a 33 net acre Mixed Use Town Center, which is not what is before the Planning Commission.

OAR 660-012-0060 applies to plan and land use regulations amendments. The applicant prepared a TIA to address the provisions of this of OAR 660-012-0060. The TIA was submitted with the application for this property, and was subsequently updated to also address the cumulative affects of the proposed map amendments for this property and the two adjacent properties. A sensitivity analysis was also subsequently performed to update the analysis for these properties to address comments and ensure the analysis is consistent with key aspects of ODOT's 2015-2041 Regional Travel Demand Model, and to include analysis of transportation projects in the McMinnville TSP which are "reasonably likely" to be completed by the end of the planning horizon consistent with OAR 660-012-0060.

The decision document includes potential conditions of approval for mitigation of certain traffic impacts. The conditions are written to apply to the properties in total with the combined development plans and development being required to comply with these conditions prior to "opening day" of new development on any of the properties. The property owners have stipulated to this requirement, and allocation of these requirements among the three properties will be through their own private contractual terms and agreements.

The findings below are based on the updated analysis as reflected in the May 4, 2022 memo from Kittelson and Associates. The reviews have been undertaken in coordination with the City, Yamhill County, and ODOT.

OAR 660-012-0060
Plan and Land Use Regulation Amendments

(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);

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(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.

FINDING: SECTION (1) IS SATISFIED WITH CONDITIONS.

Subsection (a) is not applicable. The proposed amendments would not change the functional classification of an existing or planned transportation facility.

Subsection (b) is not applicable. The proposed amendments would not change standards implementing a functional classification system.

Subsection (c) is applicable. The applicants prepared transportation analysis consistent with the direction provided by the City and ODOT. The applicants' analysis indicates that, at some locations, if unmitigated, the proposed amendments would result in effects listed in Subsection (c).

Specifically, the memo addresses twelve study intersections. Table 4 shows and compares the forecast 2041 conditions for the existing and proposed map designations for those intersections.

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Table 4. Comparison of 2041 Background and Total Traffic Operations for Weekday PM Peak Hour

	Study Intersection	Mobility Target (V/C) ¹	2041 Background		2041 Total		V/C Change > 0.03?	
			CM	V/C	CM	V/C		
1	NE 3 rd Street/NE Johnson Street	0.90	-	0.86	-	0.93	Yes	
2	NE Three Mile Lane/NE 1 st Street	0.90	EB	1.40 ²	EB	1.83 ²	Yes	
3	NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27 ³	WB	1.14 ³	No	
4	SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48	EB	0.50	No	
5	OR-18/SE Norton Lane	0.80	-	0.80	-	0.79 ⁴	No	
6	OR-18/NE Cumulus Avenue	0.80	-	0.98	-	1.33	Yes	
7	OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29	NB	0.31	No	
8	OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39	SB	0.48	No	
9	OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64	NB	1.63 ⁵	No	
10	OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53	WB	0.54	No	
11	OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed					
12	SE Norton Lane/NE Stratus Avenue	0.90	WB	0.36	EB	0.54	Yes	

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right

V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)

CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

²Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix G and Appendix I. Under 2041 total traffic conditions in Vistro, the delay for the critical westbound left-turn movement is so high that it is not reported. It can be assumed that with higher delay, the true V/C under 2041 total traffic conditions is also higher if Vistro were capable of reporting it. Sidra 8 was used to verify this assumption.

³Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix G and Appendix I. Under 2041 total traffic conditions in Vistro, the rezone from industrial to commercial site use increases inbound (southbound) and decreases outbound (northbound) flow from the site through Intersection #3, resulting in improved capacity for the critical eastbound left-turn movement compared to 2041 background traffic conditions. Sidra 8 was used to verify this condition.

⁴Pass-by trips associated with the rezone from industrial to commercial site use decrease eastbound and westbound through volumes on OR-18, resulting in improved capacity compared to 2041 background traffic conditions.

⁵The rezone from industrial to commercial site use increases inbound (westbound) and decreases outbound (eastbound) flow from the site through Intersection #9, resulting in slightly improved capacity for the critical northbound left-turn movement compared to 2041 background traffic conditions.

Of those, under 2041 conditions:

Unmitigated, the proposed map amendments are forecast to have a “significant effect” on three intersections:

- Subsection (1)(c)(B) is applicable to one intersection (Intersection 1).
- Subsection (1)(c)(C) is applicable to two intersections (Intersections 2 and 6).

The proposed map amendments are not forecast to have a significant effect on the other intersections.

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- Six intersections (Intersections 4, 5, 7, 8, 10, and 12) are forecast to meet performance standards in 2041 under both current map designations and proposed map designations.
- One intersection (Intersection 11) outside the UGB would be closed when the roundabout in the County TSP is constructed at Highway 18 and Lafayette Highway.
- Two intersections (Intersections 3 and 9) are forecast to exceed performance standards under current map designations, but would not be further degraded under proposed map designations. The applicants' analysis shows improvement at those intersections under the proposed map designations when compared to the existing map designations.

The applicants have identified proposed mitigation and also proffered voluntary conditions, and staff has recommended conditions of approval to put in place measures as provided in Subsection 2.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

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(B) The providers of facilities being improved at other locations provide written statements of approval; and

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

FINDING: SECTION (2) IS SATISFIED WITH CONDITIONS. Subsection 2 provides if there is a significant effect as specified in Subsection 1, the local government **must** ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in Subsection 2, **unless** the local government chooses to apply its discretion under Subsection 3 below to allow mitigation to a “no further degradation” standard, when compared to the existing map designation, rather than mitigation to the standards specified in Subsection 2 “consistent with the identified function, capacity, and performance standard.”

Table 6 shows the 2041 conditions for the existing map designations, the proposed map designations without mitigation, and the proposed map designations with mitigation.

Table 6. Comparison of 2041 Background, Total and Mitigated Total Traffic Operations for Weekday PM Peak Hour

Study Intersection	Mobility Target (V/C) ¹	2041 Background		2041 Total		2041 Total with Mitigation	
		CM	V/C	CM	V/C	CM	V/C
1 NE 3 rd Street/NE Johnson Street	0.90	-	0.86	-	0.93	-	0.85
2 NE Three Mile Lane/NE 1 st Street	0.90	WB	1.40	EB	1.83	-	1.05²
3 NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27	EB	1.14		
4 SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48	EB	0.50		
5 OR-18/SE Norton Lane	0.90	-	0.80	-	0.79	-	0.72
6 OR-18/NE Cumulus Avenue	0.80	-	0.98	-	1.33	-	0.79
7 OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29	NB	0.31		
8 OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39	SB	0.48		
9 OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64	NB	1.63		
10 OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53	WB	0.54		
11 OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed					
12 SE Norton Lane/NE Stratus Avenue	0.90	WB	0.36	WB	0.54		

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right

V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)

CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

²Mitigation improves V/C at the intersection to be better than the 2041 background traffic conditions

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For two of the three intersections where there was determined to be “significant effect” as a result of the proposed map amendments (Intersections 1 and 6), the applicant has proposed mitigation that would be consistent with the capacity and performance standards for those intersections in 2041.

For the third intersection where there was determined to be “significant effect” as a result of the proposed map amendments (Intersection 1), the applicant has proposed mitigation - a signal - that would improve the 2041 performance of the intersection compared to both existing and proposed map designations. However, with the proposed mitigation, that intersection would still exceed the performance standard and capacity, with a v/c ratio of 1.05. Table 7 indicates that additional mitigation at that intersection – an eastbound right-turn lane - with the proposed map amendments would achieve consistency with the performance standards and capacity for that intersection.

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Table 7. Comparison of 2041 Background, Total, Mitigated Total, and Further Mitigated Total Traffic Operations for Weekday PM Peak Hour

Study Intersection	Mobility Target (V/C)*	2041 Background		2041 Total		2041 Total with Mitigation		Year 2041 Recommended Mitigation	2041 Total with Further Mitigation		Year 2041 Further Mitigation
		CM	V/C	CM	V/C	CM	V/C		CM	V/C	
1 NE 3 rd Street/NE Johnson Street	0.90	-	0.86	-	0.93	-	0.85	NBL Turn Lane	-	-	-
2 NE Three Mile Lane/NE 1 st Street	0.90	WB	1.40	EB	1.83	-	1.05	Install Traffic Signal	-	0.85	EBR Turn Lane
3 NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27	EB	1.14	-	-	-	-	0.90	Install Traffic Signal
4 SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48	EB	0.50	-	-	-	-	-	-
5 OR-18/SE Norton Lane	0.90	-	0.80	-	0.79	-	0.72	SBR Turn Lane, Modify Traffic Signal	-	-	-
6 OR-18/NE Cumulus Avenue	0.80	-	0.98	-	1.33	-	0.79	EBR Turn Lane, NBL Turn Lane, NBR Turn Lane	-	-	-
7 OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29	NB	0.31	-	-	-	-	-	-
8 OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39	SB	0.48	-	-	-	-	-	-
9 OR-18/SE Cruckshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64	NB	1.63	-	-	-	-	0.72	Reroute of 50% NBL to Lafayette/OR-18 Intersection
10 OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53	WB	0.54	-	-	-	-	-	-
11 OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed									
12 SE Norton Lane/NE Stratus Avenue	0.90	WB	0.36	WB	0.54	-	-	-	-	-	-

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right
V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)
CM= Critical Movement

*Mobility targets at intersections #5 through #11 provided by ODOT based on Table 6 in the DHP (Reference 1) and the functional classification and location of each section of roadway.

As shown in Table 7, with the further mitigation for consideration by the City and/or ODOT, all study intersections would satisfy applicable review agency mobility targets under year 2041 total conditions.

Table 7 also identifies additional mitigation at two additional intersections (Intersections 3 and 9) that would achieve consistency with the performance standards and capacity for those intersections. However, the analysis did not find “significant effect” at those intersections.

In addition, the proposed amendments are not forecast to have a significant effect on Intersection 5 per the TPR, but the applicant has identified potential queuing distance issues at that intersection and has proposed mitigation that would improve the performance standard at that intersection compared to both the existing and proposed map designations.

With conditions of approval, mitigation of three intersections which were found to be significantly affected by the proposed map amendments would bring the intersections into consistency with the applicable performance standards and capacity. This would require the mitigation proposed by the applicant, as well as the additional mitigation for Intersection 2 which is identified in Table 7.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve

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consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

FINDING: SECTION (3) IS NOT APPLICABLE. For facilities that would be significantly affected by the proposed map amendments, conditions of approval would provide mitigation that achieves consistency with the applicable performance standards and capacity of the facilities. Therefore, no further findings are required to address Subsection 3.

Staff has recommended the additional mitigation identified in Table 7 for Intersection 2 as a condition of approval, which is not part of the mitigation proposed by the applicant. However, if the additional mitigation in Table 7 isn't included as a condition of approval for Intersection 2, it would be necessary for the City to exercise its discretion to allow mitigation to a "no further degradation" standard and to make findings regarding Subsection 3 because the City is not proposing to use its discretion that would allow significant effects without mitigating to the applicable performance standard.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

FINDING: SECTION (4) IS SATISFIED. Review of the transportation analysis, findings, and mitigation under Sections (1)-(3) has been coordinated between the City of McMinnville, ODOT, and Yamhill County.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

FINDING: SEE FINDINGS FOR SUBSECTIONS (b) and (c) BELOW.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement

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Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

FINDING: SUBSECTION (4)(b) IS APPLICABLE AND SATISFIED. Subsection (b) defines which facilities are to be addressed in the analysis conducted in Sections (1)-(3) above when the area is outside of an interstate interchange area as defined in Subsection (d) below. This area is outside of any interstate interchange areas.

The analysis considers existing facilities and planned facilities consistent with Subsection (b). The analysis addresses planned facilities in the McMinnville TSP, which are identified for funding through use of SDC revenues, which includes the frontage road/collector road system. The analysis also addresses planned facilities in the Yamhill County TSP, specifically the planned roundabout at Highway 18 and Lafayette Highway, which would be a state-funded facility. ODOT has commented that this is identified in the County TSP and reasonably likely to be provided by the end of the planning period. ODOT has been working to include this project on the STIP.

(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

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(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

FINDING: SUBSECTION (4)(c) IS NOT APPLICABLE. This area is not within an interstate interchange area.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

FINDING: SUBSECTION 4(d) IS SATISFIED. Subsection (d) provides definitions used to apply Subsection 3. Subsection 3 was interpreted and applied consistent with these definitions.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

FINDING: SUBSECTION (4)(e) IS SATISFIED. Subsection (b) was applied consistent with these determinations, which are therefore conclusive. ODOT provided written comments regarding the roundabout at Highway 39 (OR-18) and Lafayette Highway. The City of McMinnville relied on its planned transportation facilities and staff provided written statements to that effect.

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

FINDING: SECTION (5) IS NOT APPLICABLE. No residential, commercial, institutional, or industrial development is proposed on rural lands by the applications.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full

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credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

FINDING: SECTION (6) IS NOT APPLICABLE. The land within the area proposed for map amendment is not located in a mixed-use, pedestrian-friendly center or neighborhood as defined in Section (8) below, which is the applicable definition for applying Subsection (6). Therefore, no credits as provided in Subsections (a)–(d) above were given credit for potential reduction in vehicle trips.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for

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on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

FINDING: SECTION (7) IS NOT APPLICABLE. Subsection 7 only applies when all three of the criteria listed in subsections (a)-(c) are met.

Per Subsection (a), the proposed amendment would result in designation of two or more acres of land for commercial use. Per Subsection (c), the proposed amendment would significantly affect a transportation facility as provided in Subsection 1 (to be mitigated with conditions of approval).

However, Subsection (b) is not applicable. The property is not within Metro and therefore Metro's requirements don't apply. The City has adopted a TSP which complies with OAR 660-012-0020(2)(b). The City has adopted a local street plan which complies with OAR 660-012-0020(2)(b).

Table H-1 of the Transportation System Plan addresses compliance with the TPR. As part of the TSP adoption, findings were made regarding OAR 660-012-0020(2)(b) as follows:

**TABLE H-1
CITY OF MCMINNVILLE TRANSPORTATION PLANNING RULE COMPLIANCE**

TSP Elements			
TPR Requirements	Summary of Current Plans, Policies and/or Zoning Ordinance Requirements	Current Compliance (Yes/No/Partial)	Summary of Adopted Plan, Policy and/or Zoning Ordinance Amendments
OAR 660-12-020 (2) (b) TSP shall include a road plan including a functional classification consistent with state and regional TSPs. Road standards for local streets to: 1) address extensions of existing streets 2) connections to existing /planned arterials and collectors 3) connections to neighborhood destinations	City's Transportation Master Plan (1994) defines functional classification and basic design elements. 1) Plan and adopted policies address street extension requirements. 2) Plan policies require new streets to conform to existing street patterns. 3) Plan policies and zoning ordinance describe access requirements.	Yes 1) Yes 2) Yes 3) Yes	Adopts supplemental roadway standards as identified in the TSP, Chapter 2; and revisions to City Street Standards as noted in Appendix G. Adopts transportation policies as included in the TSP, Chapter 2 affecting connectivity and circulation and complete streets, and in Chapter 4 affecting circulation; and future, local street connections as identified in Chapter 2, Ex 2-1.

Therefore, the proposed amendment is not required to “include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3).”

However, at the time of submittal of the Planned Development development plan, the applicant will need to demonstrate the proposed development plan is consistent with the planned street

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connectivity identified in the TSP and the Three Mile Lane Area Plan. This is addressed with a condition of approval.

Note: The provisions of OAR 660-012-0020(2)(b) may be accessed at the following link:

<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=175275>

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major

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driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

FINDING: SECTION (8) PROVIDES DEFINITIONS. THE SECTION DOES NOT PROVIDE SEPARATE STANDARDS. It provides a definition for purposes of applying provisions of the Transportation Planning Rule, including Section (6) above. Findings regarding Section (6) are provided above consistent with the definition provided in Section 8.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

FINDING: SECTION (9) IS NOT APPLICABLE. Section (9) is only applicable if (a)-(c) are all met. The proposed zoning is not consistent with the existing Comprehensive Plan map, and the proposed amendment includes a change to the Comprehensive Plan map. Therefore, the proposal does not meet Subsection (a), which is one part of the three-part test under Section (9). Therefore, the proposal doesn't meet the test that would be needed to make a finding that an amendment to a zoning map does not significantly affect an existing or planned transportation facility under the provisions of Section (9)

(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

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(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the

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local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

FINDING: SECTION (10) IS NOT APPLICABLE. Subsection (a) specifies that a proposed amendment qualifies for Section 10 if it is within an MMA. Subsection (b) provides a definition of an MMA as used in this Section. The lands subject to the applications for the proposed amendments don't meet the definition of an MMA as defined in Subsection (b), and therefore they don't qualify for application of Section 10. No MMA designation is proposed, so Subsections (c), (d), and (e) are not applicable.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

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(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for “Other Employment Use” or “Prime Industrial Land” as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

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FINDING: SECTION (11) IS NOT APPLICABLE. In order for the City to approve an amendment with partial mitigation under section (2) of this rule, the amendment must comply with subsection (11)(a) - both (11)(a)(A) **and** (11)(a)(B) or (11)(a)(D), meet the balancing test in subsection (11)(b), **and** the local government must coordinate as provided in subsection (11)(c).

Subsection (11)(a)(B) specifies that the proposed amendment must “not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.”

The proposed amendment would allow retail uses, including those which are not incidental to industrial or traded sector development. Therefore, the two part test under Subsection (11)(a)(A) and (B) is not met.

The proposed amendment is not within a City of less than 10,000 population or outside the Willamette Valley. Therefore, the test under Subsection (11)(a)(D) is not met. Therefore, the test under (11)(a) is not met. Therefore, the three part test under (11)(a), (b), and (c) cannot be met. Therefore, partial mitigation as provided in Section (2) of this rule is not authorized under the provisions of Section (11).

Attachments :

Attachment 1 – Application and Attachments;
Attachment 2 – Draft Design and Development Principles and Standards

CPA 2-20/ZC 3-20

C-3 PD Overlay Zone

Development and Design Principles and Standards

For Review of PD Development Plan

Part of 3310 SE Three Mile Lane, R4426 00700

I. Intent and Purpose.

II. Consistency with Other Documents

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V. Development and Design Principles, Standards, and Recommendations

V.1. Overall Thematic and Stylistic Design

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V.7. Views

V.8. Signs

V.9. Landscaping

V.10. Parking and Parking Lot Landscaping

V.11. Screening

V.12. Special Features

V.13. Lighting

V.14. Economic Benefit

VI. Examples with Attributes Noted and Discussed

(not all examples fully illustrate the intent or requirements of these principles and standards)

VI.1. Old Mill District, Bend

VI.2. Bridgeport Village, Tigard

VI.3. Old Town Square/Fred Meyer, Wilsonville

VI.4. The Village at Sunriver

VI.5. Keizer Station

VI.6. The Village at Sunriver

Attachments:

- **Attachment 1.** Three Mile Lane Area Plan (3MLAP) Design Booklet (Draft)
- **Attachment 2.** Three Mile Lane Area Plan (3MLAP) Preferred Alternative: Land Use and Design Analysis (March 23, 2021), including “Design Features” section

I. Intent and Purpose

- These principles and standards provide the basis for the review of the PD Development Plan to be submitted for the subject property.
- These supplement the standards in the Zoning Ordinance to achieve specific objectives for the development of the Three Mile Lane Area.
- The application for the PD overlay designation is submitted in advance of the adoption of the Three Mile Lane Area Plan. A draft preferred alternative has been developed, and the formal public review process will be initiated after May 2021, with adoption expected to occur no later than June 2022. The Development and Design Principles and Standards in this document will apply to the PD Development Plan for the subject property, unless the Three Mile Lane Area Plan and its design principles and standards are adopted prior to submittal of the PD development plan for the subject property. If they are adopted prior to submittal of the PD development plan for the subject property, the more restrictive provisions shall apply in the event of a conflict.

II. Consistency with Other Documents

1. The PD development plan shall be consistent with the Draft Design Booklet of the Three Mile Lane Area Plan (3MLAP), attached as **Attachment 1**.
2. The PD development plan shall be consistent with the Preferred Alternative of the Three Mile Lane Area Plan (3MLAP), including the “Design Features” Section, attached as **Attachment 2**.
3. The PD development plan shall be consistent with the final 3MLAP design principles and standards if adopted prior to submittal of the PD development plan.
4. In addition to these development and design principles and standards, the development shall be consistent with all provisions of the Zoning Ordinance, including the Large Format Commercial Development Standards of Chapter 17.56 of the Zoning Ordinance, except where they may conflict. In the event of a conflict, the standards that are more specific to the 3MLAP shall govern.
5. In addition to these principles and standards, the development shall be consistent with the provisions of the current Three Mile Lane Planned Development Overlay (originally adopted by Ordinance 4131, and subsequently amended), unless repealed prior to submittal of the PD development plan. In the event of a conflict, the more restrictive provisions shall apply.
6. The PD development plan shall pay special attention to the great neighborhood principles in the Comprehensive Plan which are applicable to commercial development, including its relationship to surrounding use and development, and consideration of special features on the site and iconic views.

III. Amendments

The City may amend these development and design principles and standards through the PD amendment process.

IV. Organization

This document is organized by topic, providing principles and standards by topic in each section, as well as recommendations in some sections.

- **3MLAP Design Booklet and Preferred Alternative (Draft)**. These are attached as **Attachment 1 and 2** and shall serve as guiding documents in interpreting and applying the development and design principles and standards in this document.
- **Design and Development Principles & Standards**. The PD overlay designation is subject to a condition of approval requiring that the PD development plan shall comply with these

development and design principles and standards. These will be used by the review body to evaluate the PD development plan when it is submitted for review through the applicable public hearing process. Design and development that meets individual minimum standards, but which as a whole is inconsistent with guiding design and development principles shall not be deemed consistent with this document.

- **Recommendations:** “Recommendations” are provided in some sections of this document. These are encouraged and advisory, but non-binding, as some of these may be outside the scope of land use review.

V. Design Principles, Standards, and Recommendations

V.1. Overall Thematic and Stylistic Design

1. Development shall be consistent with the draft Design Goals of the Three Mile Lane Area Plan attached as **Attachment 1**.
2. Development and site design shall be sensitive to the first impressions created at this gateway location into McMinnville, and the unique attributes of this location, to reflect a unique high-quality appearance, maintain iconic views, and welcome visitors and residents to McMinnville and its unique identity.
3. The site shall have a cohesive design vocabulary.
4. The thematic and stylistic design choices and vocabulary of the architecture and site shall reflect the unique aspects of McMinnville in the context of Three Mile Lane – predominantly drawing from its agriculture and aviation museum design cues, interpreted in a meaningful way. These architectural design cues include features such as the sloping roofs, glass, and grain cellar elements. Landscape elements include agricultural crops, vineyards, agricultural wind breaks, stands of natural trees, tree cover like what is present at Galen McBee Airport Park, riparian vegetation, etc.
5. The thematic and stylistic choices shall not seek to mimic or replicate the vocabulary of the historic downtown area.
6. Corporate branding, identity, and logos of individual tenants should be addressed in the signage, and not in a generic architectural vocabulary or in corporate “logo buildings” which are repeated in other communities, and which are not consistent with the unique identity of Three Mile Lane. There shall be a consistent thematic treatment of the site and development. The site shall not be a collection of corporate “logo building” designs.

V.2. Uses

1. **Number of stores larger than 135,000 square feet.** There shall be a limit of two anchor stores which have gross square footage exceeding 135,000 square feet, except that one additional anchor store exceeding 135,000 square feet may be permitted if the majority of the façade includes separate liner shops with individual exterior entrances.

Liner Shops Rather than Blank Walls



2. **Use Restrictions.** The following uses otherwise permitted in the C-3 zone shall not be permitted in this PD Overlay: self-storage units, mini-storage units, outdoor storage, outdoor sales uses including auto and equipment sales lots, except (a) as may be incidental to an indoor retail use and may include pedestrian-oriented outdoor retail use such as sidewalk sales, farmers' and/or crafters' markets, sidewalk activities; and (b) those which are predominantly the sale of living plant materials, such as nurseries and garden centers, where the predominant appearance of the outdoor sales areas is plants and living landscape materials.
3. **Drive-Through Uses.** The number and concentration of drive-through uses may be limited overall, and/or shall be restricted to certain portions of the site as determined necessary to achieve the pedestrian-orientation provisions of these principles and standards. Drive-throughs shall be limited if they disrupt pedestrian continuity of a building or buildings by creating drive-through aisles which wrap-around three or four sides of a building and/or require buildings to be separated into individual pad structures rather than a continuous multi-tenant row with pedestrian orientation and continuity.

Drive-throughs shall be designed and located to minimize drive-through dominated design and pedestrian disruptions. Drive-throughs shall be limited in design and configuration to achieve this purpose. To achieve this principle, this may include limiting them to u-shaped configurations at end units of buildings so the drive-through aisle doesn't separate the building from adjacent pedestrian street areas and pedestrian features, outdoor dining areas, etc. (See below). Drive-through kiosks may also be limited to a one-sided drive-through, with a second walk-up window allowed when the kiosk located is between a drive through aisle and a pedestrian street as needed to achieve this principle.



4. **Recommendation: Mix of Uses.** The applicant is encouraged to include a complementary mix of retail and entertainment uses, as well as “maker” businesses that make and sell artisan/craft products, including those which are complementary to the innovation district which is proposed as part of the 3MLAP.

V.3. Architectural Design

1. **Thematic and Stylistic Design Elements.** The architectural design shall be consistent with the provisions of the “Overall Thematic and Stylistic Design” section above.
2. **Scale and Massing.** Except upon findings by the review body that the design qualifies for “Exceptions to Scale and Massing” below, buildings shall meet the Large Commercial standards of the Zoning Ordinance in order to provide pedestrian-scaled buildings and facades designed for a comfortable walking environment.



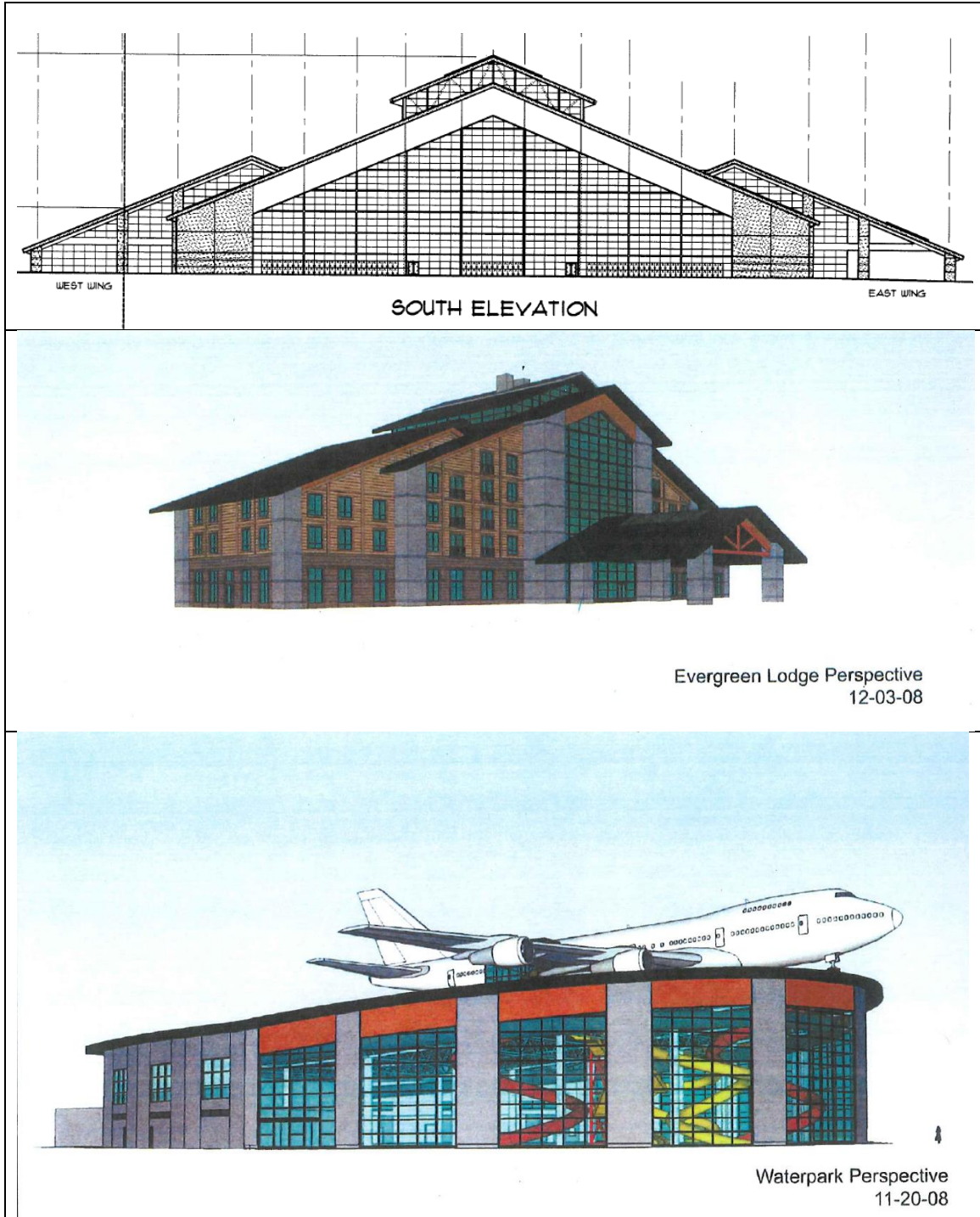


Reference Designs in 3ML Area for Design Treatments for Large Format Retail Stores
(from Evergreen Campus Concept Graphics)



Evergreen Lodge Perspective View

Group Mackenzie 2080153.01



3. **Exceptions to Scale and Massing.** As part of the PD development plan review, exceptions to some aspects of the scale and massing requirements of Chapter 17.56 of the Zoning Ordinance may be authorized by the review body if the review body finds the designs of larger format anchor buildings instead provide for high quality design treatments and elements integral to the building design with features that draw from the larger scale aviation museum and agricultural building themes of the area. Two-dimensional facade treatments will not be considered sufficient to meet this intent. The designs must incorporate predominant elements including

roof forms, glazing, and variation in building height consistent with the design of reference buildings in order to qualify for this exception.

4. **Three-Dimensional Treatments.** Massing and façade articulation treatments shall be designed to provide a three-dimensional appearance that appears as changes in the volume of the building. Two-dimensional treatments, such as vertical changes in parapet height without corresponding changes in the horizontal depth are insufficient to meet the scale and massing requirements of the standards.
5. **Design Elements and Façade Treatments Should Reinforce and Complement One Another.** Changes in vertical height, horizontal depth, materials, trim, glazing, and color should correspond with one another to reinforce and complement one another.
6. **Colors and Materials.**
 - a. The site design shall include one or more color and material palettes for the buildings. Colors and materials shall be consistent with the overall thematic and stylistic design principles. Color and materials selections shall be consistent with the character of the Three Mile Lane area and influences. The intention isn't monotony. Variety rather than a single design treatment is encouraged to contribute to the feeling of organic development of the area occurring over time.
 - b. The 3MLAP Design Booklet and Preferred Alternative attached as **Attachments 1 and 2** encourage vibrant colors. This shall be achieved consistent with the provisions of this section. Colors of principle facades should avoid pure saturated primary and secondary colors. These may be used for accent colors, typically with some variability of hue, saturation, and brightness. In addition, neon or day-glo colors are not permitted as wall surface colors. Pure black or white are generally not permitted as predominant wall surface colors, but may be reviewed as a color for a portion of an exterior wall as part of a cohesive color palette.
 - c. The 3MLAP Design Booklet and Preferred Alternative attached as **Attachments 1 and 2** encourage certain material treatments, especially noted in the "Design Features" section of **Attachment 2**. Exterior material treatments shall be consistent with those allowed in the Large Format Commercial standards in Chapter 17.56 of the Zoning Ordinance, except as otherwise specified in the 3MLAP Design Goals and principles, but some materials authorized in Chapter 17.56 may be further limited in certain amounts or applications to achieve consistency with the design principles and cohesive color and material palette for the site.
7. **Design for Microclimate.** The architectural design shall include features designed for the microclimate as articulated in the "Design Features" Section of the March 23, 2021 Three Mile Lane Area Plan "Preferred Alternative: Land Use and Design Analysis" attached as **Attachment 2**.

V.4. Site Design

1. The site design shall provide for a relationship between buildings, streets, and drive-aisles that provides for multi-tenant structures to be aligned along pedestrian streets or pedestrian street-like drive aisles. These are typically 2-lane and may include on-street parking, typically angled or parallel. Building entrances are oriented to sidewalks and other pedestrian areas such as plazas

and outdoor dining areas. These are lined with buildings and/or outdoor pedestrian areas along the majority of their length, providing both pedestrian-oriented connectivity and continuity. Site design that is predominantly isolated pads for smaller tenant spaces dispersed throughout the parking area without pedestrian-oriented connectivity and continuity of buildings in close proximity along a pedestrian street will generally not meet this requirement.

Larger multi-aisle parking lots shall be located to reduce their visual prominence, and may be located near larger anchor stores, to the side or rear of buildings along a pedestrian street or street-like drive aisle.

An example of a site design meeting this standard is a “barbell” configuration, where a pedestrian street lined with smaller buildings connects anchors at either end, with the larger parking areas located near the anchors, as well as behind buildings, maintaining a pedestrian experience on a portion of the property and meeting the parking needs of larger anchors and other users at locations that encourage a “park once and stroll” experience.

2. Site design shall avoid “through-building” designs in which a building faces a parking lot and street, but is designed with the main entrance facing the parking lot, while the predominant side facing the street is treated as the back of the building with a predominance of service entrances with security doors, meter panels, etc. Those shall be designed to face to the side away from the street, or where impractical, may to a limited extent be minimized and screened with additional landscaping.

V.5. Building Orientation

1. Site design and building orientation shall locate service areas (truck docks, trash and recycling facilities, box crushers, etc.) toward service areas rather than facing the street and screened. Service areas include public and private alleys, service drives, service courtyards, and location at the rear of a site which isn’t visible from and doesn’t face a street, parking area, or amenity intended for use by the public. These locations shall require screening walls and/or landscape screening if the end area at the point of access may be visible. These locations are required rather than site locations which face streets or other areas used by the public and rely entirely on screening walls and landscaping.

V.6. Transportation Connectivity and Facilities

1. The site design shall provide for good transportation connectivity between buildings on the site, and shall provide for good transportation connectivity between the site and adjacent streets and properties.
2. The site shall provide for street connections, and any separated bike and/or pedestrian connections to and/or through the site as specified in the draft 3MLAP preferred alternative, or subsequently adopted 3MLAP if adopted prior to submittal of the PD development plan. When consistent with the intent of the plan, the connectivity through and across the site may be private with access easements designed to a similar public standard, rather than a public facility in a public right-of-way.
3. Bike and pedestrian connectivity shall be designed to be comfortable for all ages, separated from vehicular traffic and parking for safety, and provide relatively direct routes to make connections to connecting facilities or nearby amenities -such as trail systems, Airport Park, riverfront, innovation campus, neighborhoods, etc.

4. Adequate provisions shall be made for shared access, circulation, and parking among properties to allow for circulation between properties while minimizing out of direction travel requiring the need to access the abutting public street system to get from one part of the site to another that could be achieved with a more direct connection.
5. The site design shall accommodate all transportation modes. The site shall provide a location for a covered transit stop with the location coordinated with the transit provider. It shall be located to provide convenient access to on-site uses and pedestrian facilities on-site.
6. Covered bicycle parking shall be provided at a location within 50 feet of a building entrance of anchor stores, and bike parking shall be provided near entrances of other buildings, preferably covered.

V.7. Views

1. Site design, landscape design, architectural design, building orientation, and sign placement/design shall preserve and enhance iconic views of natural and cultural landmarks and landscape features, and should consider views from on-site buildings as an amenity.
2. View features include Mt Hood, and the mountains and hills visible from Three Mile Lane, etc.

V.8. Signs

1. The size and number of building-mounted signs shall be limited to one per exterior public entrance per façade. “Through buildings” may have an additional sign on the opposite façade.
2. Signage should be integral to the varied architectural design and façade treatments of the buildings. Signage should not be predominantly provided through a series of taller “sign parapets” at building entrances. If a limited number of taller parapets are provided, the height of entry parapets and signage at building entrances should be proportional to the height of the principal façade and underlying entryway, so that the parapet and signage are secondary and subordinate to the main façade and underlying entry.

Example. Complies. (Above). The architecture is varied, and signage is integrated into the architectural design - façade-mounted without a separate taller entry parapet, and sized and located to be subordinate to the façade.

Below. Parapet heights and signage in limited instances are not the predominant feature relative to principal adjacent façade height and underlying entry. Parapets are about less than one-fourth in height taller than the principal façade, a ratio of about 1:3 or 1.5 to 2 relative to the underlying entryway, and signage is accordingly subordinate rather than the predominant feature.





Example. Doesn't Comply: Each building entrance has a predominant over-height entry parapet for signage. Parapet heights are more than twice the height of the ground floor entry and/or the height of the principal adjacent façade. Signage is the predominant feature with underlying entryway and main building façade subordinate to parapets and signage.



V.9. Landscaping

1. Landscaping shall be consistent with the 3MLAP Design Goals (Draft) attached as ***Attachment 1***.
2. Landscaping provisions of these principles and standards are in addition to the provisions of the Zoning Ordinance.
3. To provide an enhanced gateway treatment, larger landscape areas shall be provided near the front of the site by Three Mile Lane and the frontage road, to provide space for clusters of mature canopy trees and landscape treatments. These areas shall include a combination of landscape features which include a natural appearance of native trees and landscape materials, and intentionally-designed working landscape features related to the agricultural and viticultural characteristics of the area.

Grocery Store on SW Century Drive, Bend, OR with Tree Preservation



V.10. Parking and Parking Lot Landscaping

1. Portions of the site which have larger multi-aisle parking lots shall be divided into smaller modules, approximately 250 feet x 250 feet, containing approximately three aisles in width, which have more continuous perimeter landscaping and larger landscape areas for larger canopy trees and groupings than would be provided in typical end-island planters. Landscaping at the edges of these modules also provides opportunities for greater landscape buffering and separation for pedestrian circulation through parking areas. Continuous landscaping and pedestrian connectors may also be placed on alternating rows, provided the design is consistent with the pedestrian connectivity requirements of the Large Format Commercial standards of the Zoning Ordinance.



2. Parking aisles shall have end islands which provide space to support of the health of larger shade trees that provide shading and canopy structure that extends over paved areas.
3. Parking lot landscaping areas shall be planted predominantly with living groundcover that will achieve full coverage at maturity.
4. Site grading shall maintain the appearance of natural and gradual contours rather than stark cut and fill forms.
5. If surface stormwater detention facilities are provided on site, they shall be designed to similarly appear as natural landforms, with natural plantings, and a design that appears as an amenity rather than a utility. They shall be predominantly vegetated. If fencing is required, treatments other than chain link fencing shall be used. Chain link fencing with slats is not permitted.
6. If retaining walls over two feet tall are used, they shall have the appearance of natural materials and may include landscaped terracing and/or climbing vines or other vegetation to provide landscape screening. Plain concrete, plain CMU, prefabricated highway panels, etc. shall be avoided unless they can be adequately designed with veneers and/or landscape screening.
7. **Recommendation:** Low-impact stormwater practices are encouraged. If the parking area is graded to drain to stormwater swales or detention features, breaks in the continuous curb will be allowed, subject to adequate provisions for proper runoff treatment.

V.11. Screening

1. Utility vaults shall be located away from prominent public locations and screened or placed underground.
2. Areas adjacent to walls on large format commercial buildings that predominantly lack public entrances and/or windows shall incorporate landscaping areas adjacent to these areas, with enough depth to allow for a more naturalistic planting with a combination of trees and shrubs to de-emphasize the blank walls, rather than strictly a narrow uniform row of evergreen screening materials, which may emphasize and reinforce the presence of the blank wall.
3. Where the Zoning Ordinance specifies that screening walls shall be designed with materials and colors similar in appearance to the main façade, this PD overlay shall also allow for more natural treatments with the appearance of stone and landscape screening with materials and colors intended to de-emphasize and camouflage the visibility of the screening wall consistent with the appearance of landscape treatments rather than building materials.

V.12. Special Features/Spaces for Special Events

1. The site shall incorporate special features such as:
 - a. Preservation and incorporation of the existing agricultural building into a design element such as a gateway feature, entry element to the site, and/or functional use element.
 - b. Public art
 - c. Interpretive information about natural and cultural aspects of the location
 - d. Larger pedestrian and people gathering areas with spaces such as plazas, pedestrian boulevards, green space, outdoor dining patios, linkages between site amenities and nearby amenities.
2. See examples in Section IV for amenities such as:
 - a. Old Mill District, Bend: plazas, public art, landscape features, plazas, waterfront dining areas, fly-casting pond, lawn areas by the river for events etc., pedestrian connections across river to amphitheater.
 - b. Fred Meyer development area in Wilsonville: McMenamin's Old Church and Pub: Outdoor grass terraced amphitheater for outdoor live music

- c. Bridgeport Village: pedestrian area with covered gazebo, play structure with seating, fountains, public art, seating walls, kiosks, hosting of outdoor music and other events.

V.13. Lighting

1. To further the Dark Skies Lighting provisions in Chapter 17.56 of the Zoning Ordinance, any use of LED lighting for parking lot lighting shall consider recommendations in the guidelines from the International Dark Sky Association (IDA), including the following:
 - Use fully shielded fixtures that don't emit light upward.
 - Use “warm white” or filtered LEDs with a color temperature of 3000K or less to minimize blue light emission (and at or below 2700K for ambiance).
 - Use products that enable use of dimmers, timers, motion sensors, and networking.
 - Consider dimming or turning off lights during overnight hours.
 - Avoid over-lighting.
2. If ground-level parking lot illumination can be achieved with lower illumination levels by spacing light poles more closely, with lower heights and lower illumination levels from the source, that shall be provided rather than higher light poles with higher illumination levels from the source with greater spacing between poles.
3. Building-mounted “wall packs” that shine outward into parking areas without downward shielding shall not be employed, except as allowed into service areas not visible from other portions of the site, public right-of-way, or other properties.

V.14. Economic Benefit/Local Multiplier Effect

- **Recommendation:** The applicant is encouraged to give preference to tenants that maximize the positive economic impact to McMinnville and the region, including through the “Local Multiplier Effect”

For example:

- Businesses that offer comparatively higher wages and benefits to employees
- Locally and/or regionally-owned businesses
- Businesses that use locally-based services, such as banking, accounting, marketing, printing, etc.
- Businesses that source local raw materials or products and/or sell local products
- Businesses that support community causes



VI. Examples of Developments, Including Some Experiential Places and Mix of Uses:

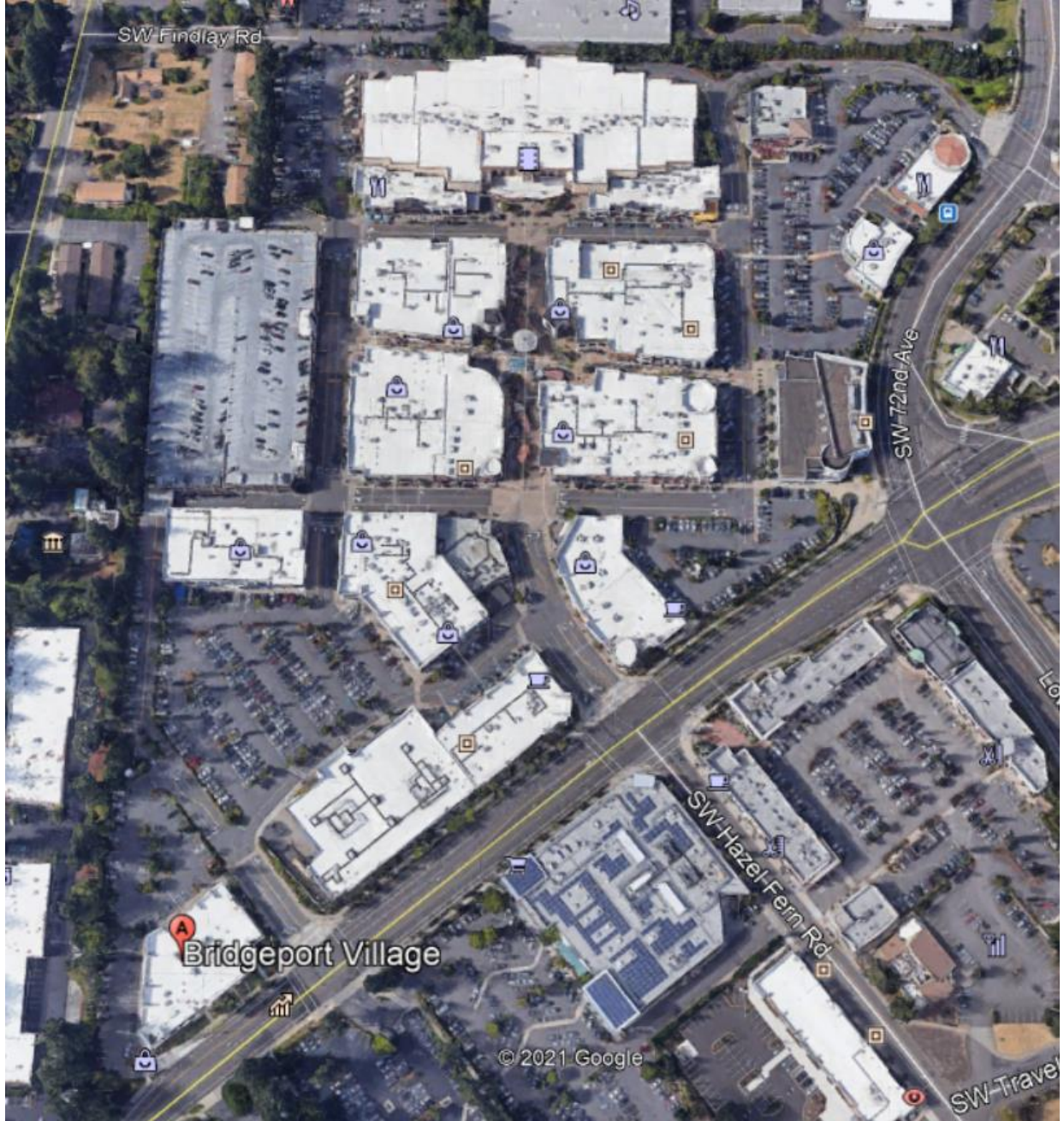
VI.1. Old Mill District, Bend, Oregon

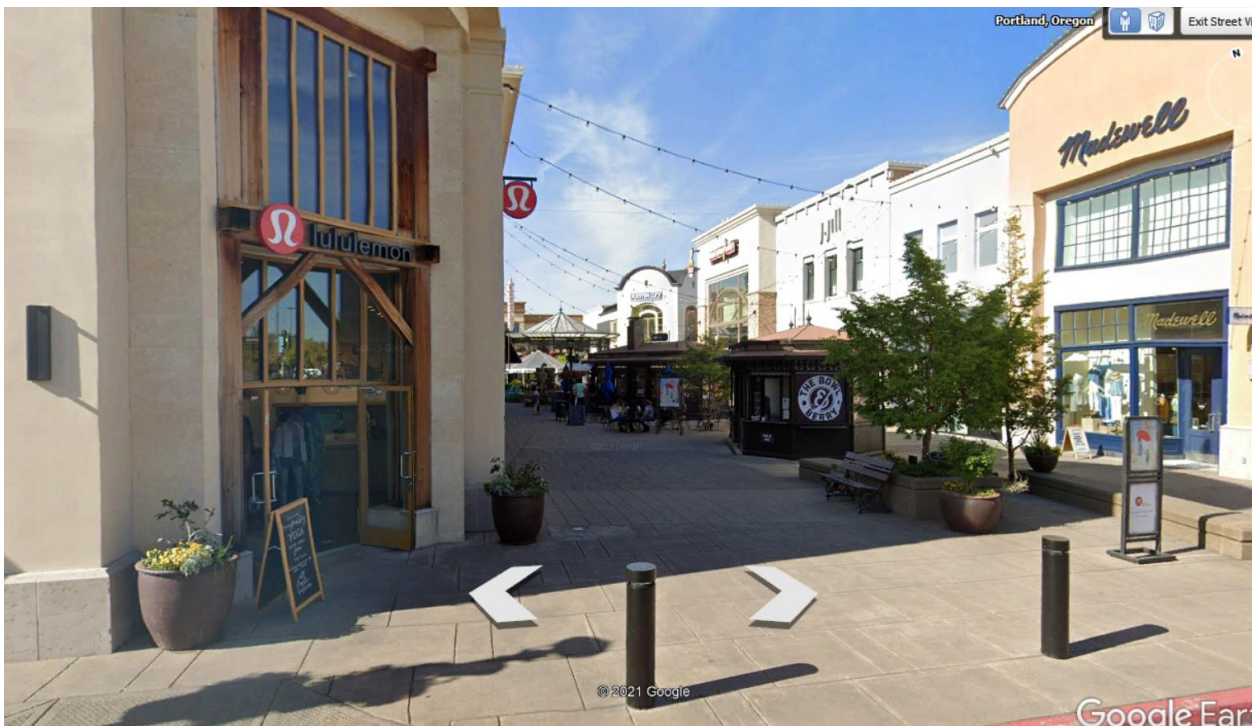
Contains Multiple Attributes Consistent with These Principles and Standards



- Mix of entertainment and retail uses
- Maximizes relationship to site context
 - Linkages to riverfront bike/ped trail system
 - Outdoor dining areas oriented to riverfront and pedestrian street
 - Bike/pedestrian linkages to nearby entertainment venues (amphitheater, brewery, etc.)
 - Connectivity to nearby neighborhoods
- “Barbell” vehicular circulation and parking configuration: Buildings oriented to pedestrian street through site: two lane double-loaded street with angled parking, with wider sidewalks, plazas, etc. adjacent to the street at key locations. Larger multi-aisle parking lot areas are located at convenient but less prominent locations at the ends of the pedestrian street (near the theater, etc.) and behind buildings predominantly out of view of the pedestrian street.
- Pedestrian emphasis of street design includes numerous pedestrian crossings, well-marked with crosswalks, different paving treatments at intersections, and other pedestrian treatments to slow vehicles.
- Experiential destination, encourages lingering and “park once and stroll”
- Unique features, public art, sculptural elements, seating and gathering areas, and interpretive elements on-site. (fly-casting pond and artwork, interpretive/historic information and signage)
- Adaptive reuse of historic elements and structures on-site
- Larger areas for landscape plantings within the pedestrian areas and plazas
- Generous green spaces at prominent locations on the site for aesthetics and use.
- Compatible architecture scaled to pedestrian experience with façades that encourage strolling
- Signage scaled and placed consistent with pedestrian experience and subordinate to facade

VI.2. Bridgeport Village, Tigard, OR
Contains Several Attributes Consistent with These Principles and Standards





- Mix of entertainment and retail uses
- (Somewhat self-contained, not well connected to surrounding properties)

- “Barbell” vehicular circulation and parking configuration: Buildings oriented to pedestrian-oriented streets and exclusive pedestrian areas through site. Larger multi-aisle parking lot areas are separated and located at convenient but outer areas of the site, but near larger anchors like the theater and former grocery store, predominantly out of view of the pedestrian streets and pedestrian ways.
- Experiential destination, encourages lingering and “park once and stroll”
- Unique features, public art, sculptural elements, seating and gathering areas on-site.
- Continuity of pedestrian-oriented areas

VI.3. Old Town Square/Fred Meyer, Wilsonville

Does Not Contain Majority of Attributes Consistent with Standards, but Provides Examples of Certain Attributes Consistent with Standards







- Outlying pads generally provide for good continuous pedestrian continuity.
- The designs provide varied architectural forms, rooflines, etc. which avoid the appearance of a retail strip complex.
- There are some pedestrian pass-throughs
- There are pedestrian visual cues and seating, streetlights, etc.
- There are some entertainment uses incorporated onto the site, with adaptive reuse of an architecturally significant building.
- True pedestrian orientation is limited by 4-5 lane and 7-8 lane adjacent streets (even with landscaped medians), and lack of pedestrian orientation of buildings across the street. Some buildings lack true pedestrian entrances on that side, and/or windows are used for auto-scaled promotional decal signage only

VI.4. Keizer Station

- Example of “Drive and Park Multiple Times” Type of Retail Complex
- Example of a Different Type of Retail Complex with Attributes Which Are Different Than Envisioned and Outlined in These Principles and Standards.



- Large multi-aisle parking lot areas and distance between buildings without connecting pedestrian streets lined with pedestrian-oriented buildings (lack of areas of interest between buildings, dominated by vehicular accommodation, increases perceived distance of walking).
- Separated building pads that discourages pedestrian activity between buildings (lack of continuity of pedestrian-oriented spaces).

- Buildings designed to accommodate drive-through areas that fully wrap around the building pad, or are designed with a high concentration of drive-through uses that dominate the design and discourage pedestrian activity or outdoor dining and gathering spaces.
- “Power Centers” that include a continuous row of large format retail stores where even continuous sidewalks, if present along front of buildings, are dominated by blank walls between building entrances with no pedestrian interest. Decorative Building façade treatments along face of building to break up large blank, unarticulated walls may improve aesthetics, but don’t offer any pedestrian interest.
- Smaller retail buildings meet letter of the law but not intent:
 - Buildings are abutting the street, but are not really accessible from the street, instead back up to the street but are only accessible from parking lot, with no easy pedestrian pass-through areas.
 - Buildings are principally oriented to the parking lot, and where they abut a street, it is a busy, high speed/high volume street or highway with significant road noise lacking buffering or desirable pedestrian experience. Outdoor dining areas are incidental and oriented to a large parking lot without elements present to make the outdoor spaces more appealing, such as narrow sidewalks without low walls or landscaping to enhance and/or separate the pedestrian areas from parking lot area.
- Lack of recreational uses
- Food and beverage options are on isolated pad sites without strong pedestrian connectivity or continuity – facing onto and surrounded by large multi-aisle vehicular parking lots and circulation areas.
- While there are with landscape-buffered sidewalks, only a few buildings are oriented to these streets, and where these is pedestrian connectivity at those locations, they are individual pads isolated from one another and lacking pedestrian/building continuity.

VI.5. The Village at Sunriver
Another Example of Pedestrian-Only Area with Parking at Perimeter
Includes Recreational Uses, Linkages



ATTACHMENT 1

TO DEVELOPMENT AND DESIGN PRINCIPLES AND STANDARDS

DRAFT

ATTACHMENT 2A
TO STAFF REPORT



THREE MILE LANE AREA PLAN DESIGN BOOKLET



DRAFT

HOW TO REVIEW THE LAND USE CONCEPTS:

GOALS AND OBJECTIVES

GOAL 1: SUPPORT AND ENHANCE THE DISTRICT'S ECONOMIC VITALITY AND MARKETABILITY

This plan aims to support development of significant industrial and commercial parcels within the study area, enhance existing business by diversifying goods and services available in the area, and increase tourism.

GOAL 2: PROVIDE OPPORTUNITIES FOR A COMPLEMENTARY MIX OF LAND USES, CONSISTENT WITH THE VISION OF A DIVERSE & VIBRANT DISTRICT.

This plan aims to provide a mix of land uses that support one another to create a unique part of the city. McMinnville is in the process of adopting a set of "Great Neighborhood Principles" to evaluate land use concepts for the Three Mile Lane area. A draft of these is included below!

GOAL 3: ENHANCE MULTI-MODAL CONNECTIONS THROUGHOUT THE DISTRICT

This plan aims to create a complete, multimodal transportation network that serves the north and south sides of Three Mile Lane within the district, and that connects the business community, the hospital, residential neighborhoods and tourism amenities to each other and to the city center.

GOAL 4: CREATE AN AESTHETICALLY PLEASING GATEWAY TO MCMINNVILLE

The study area is a primary gateway to the City of McMinnville. Because the land use concepts are fairly high-level, urban design considerations explore aesthetic elements that could be applied in the area.

GREAT NEIGHBORHOOD PRINCIPLES (draft)

- Natural Feature Preservation
- Scenic Views
- Parks and Open Spaces
- Pedestrian Friendly
- Bike Friendly
- Connected Streets
- Accessibility
- Human Scale Design
- Mix of Activities
- Urban Rural Interface
- Housing for Diverse Incomes
- Housing Variety
- Unique and Integrated Design

COMMON ELEMENTS

Overall

- Boundaries remain the same: UGB is in the same location, developable land is always approx. 400 acres
- Airport remains the same
- Roadway designs can be selected independently and combined with any land use concept



Transportation

- Cumulus Avenue is connected to SW Norton Lane through or adjacent to the Chemeketa Community College campus.
- New public 'complete' streets are added to new developments south of Three Mile Lane.
- Three Mile Lane bridge is improved for bicycle and pedestrian safety.
- There are new and improved bicycle and pedestrian connections throughout the area.



Urban Design

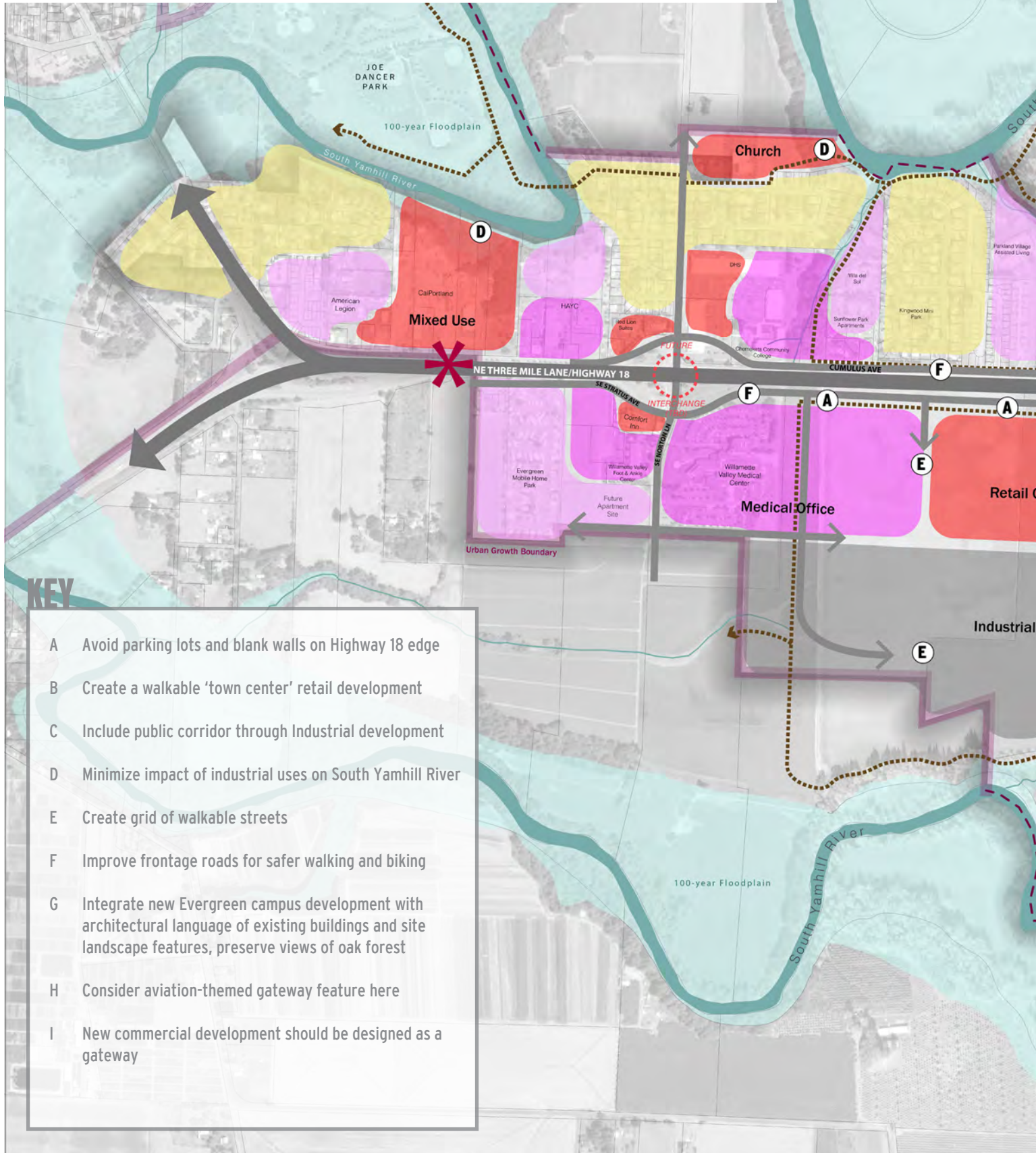
- Landscape and architectural design standards are recommended to ensure new development is designed to reflect regional agricultural and historic forms and support this area's function as a gateway to McMinnville.
- Preserve views to natural features like mountains and the river
- Gateway elements are included to mark the entrance to McMinnville



Parks and Trails

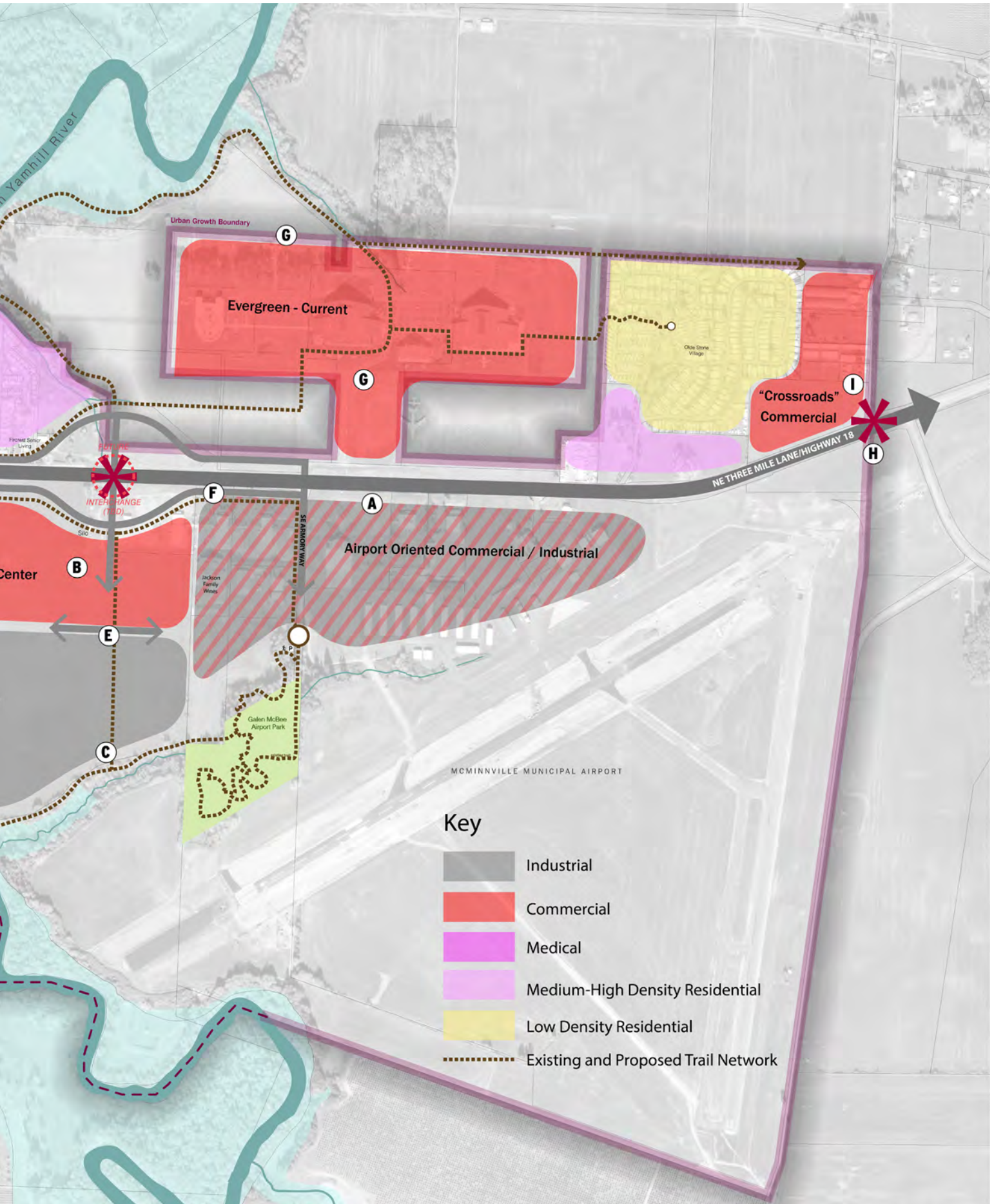
- A trail system connects the South Yamhill River, Galen McBee Airport Park, Evergreen Campus, and Joe Dancer Park along riparian corridors and through new development. The location of these trails changes slightly per concept, but they are always present.
- Recreational access is added to the Yamhill River and riparian corridors and oak stands are protected

INDUSTRIAL CAMPUS



KEY

- A Avoid parking lots and blank walls on Highway 18 edge
- B Create a walkable 'town center' retail development
- C Include public corridor through Industrial development
- D Minimize impact of industrial uses on South Yamhill River
- E Create grid of walkable streets
- F Improve frontage roads for safer walking and biking
- G Integrate new Evergreen campus development with architectural language of existing buildings and site landscape features, preserve views of oak forest
- H Consider aviation-themed gateway feature here
- I New commercial development should be designed as a gateway



INDUSTRIAL CAMPUS

This concept is most similar to existing zoning south of Three Mile Lane. With a large industrial user, this concept is likely to result in the largest building square footage. There are many contemporary examples of light industrial development that integrate well with other land uses. Agricultural building forms could relate well with the existing character of the area. An old grain elevator building is a prominent feature at the west end of this area and inspired the design for the nearby Jackson Family Winery and processing center.

A cluster of new medical office space near Norton Lane on both sides of Three Mile Lane, builds off the central attractor of the Medical Center. This could include space for expansion of the Medical Center.

The Cal Portland site is changed to a mixed-use designation, allowing for a mix of commercial and residential development. On the north side of this parcel, protection of the South Yamhill river edge, potentially with public access, is a key urban design goal.

A significant retail center south of Three Mile Lane at Cumulus Avenue could serve as a regional retail attractor and local amenity.

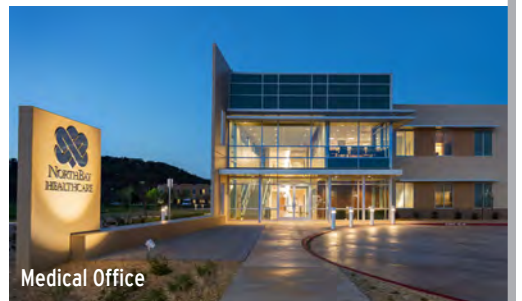
Another commercial node and additional housing are proposed in the East Neighborhood with gateway signage and context appropriate buildings. At CCC, infill commercial uses support an active street presence.

Gateway markers in this concept are located at mixed-use / commercial areas to draw attention to those uses and support their role in creating a gateway to McMinnville.





Wine industry buildings

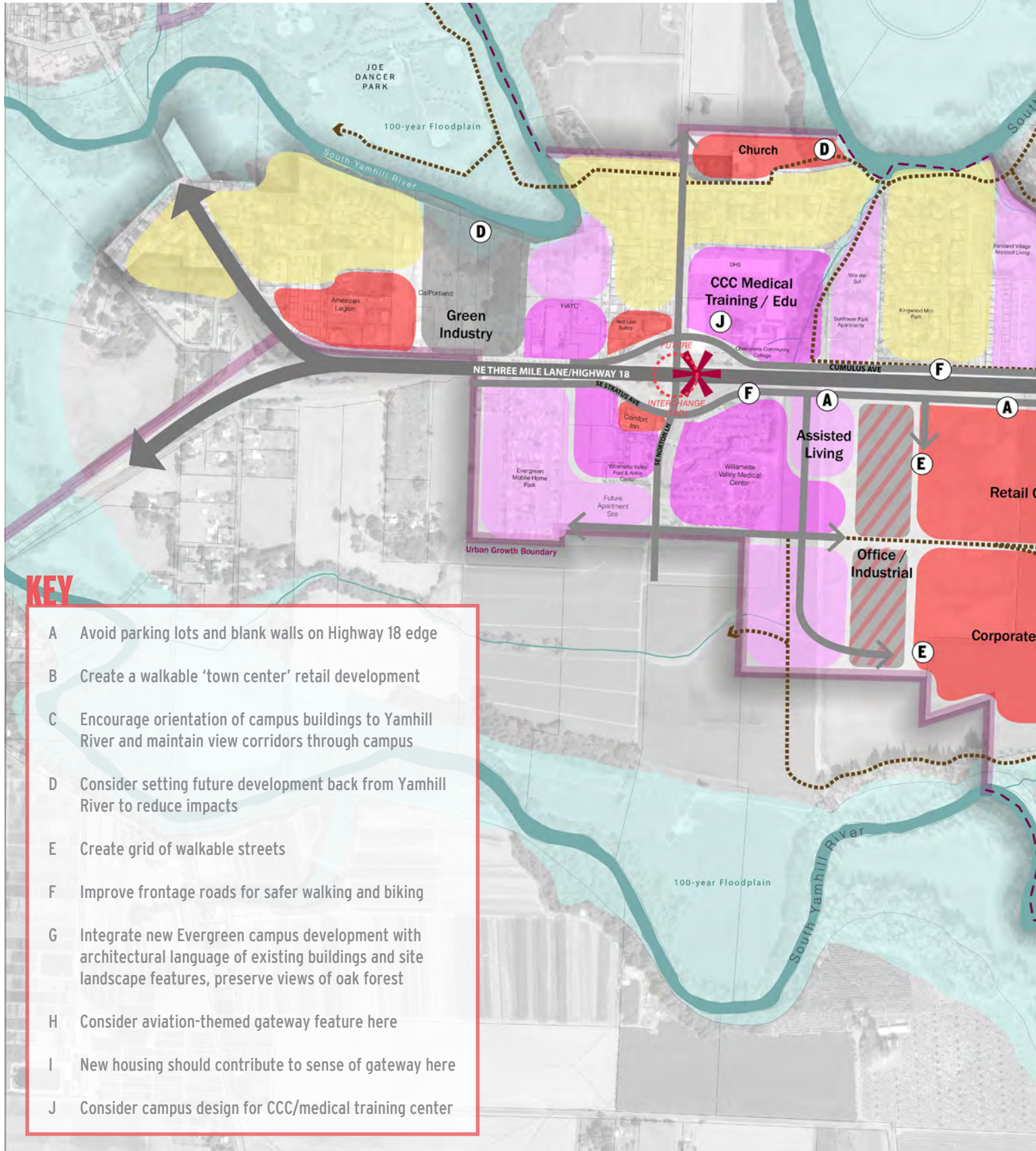


Medical Office



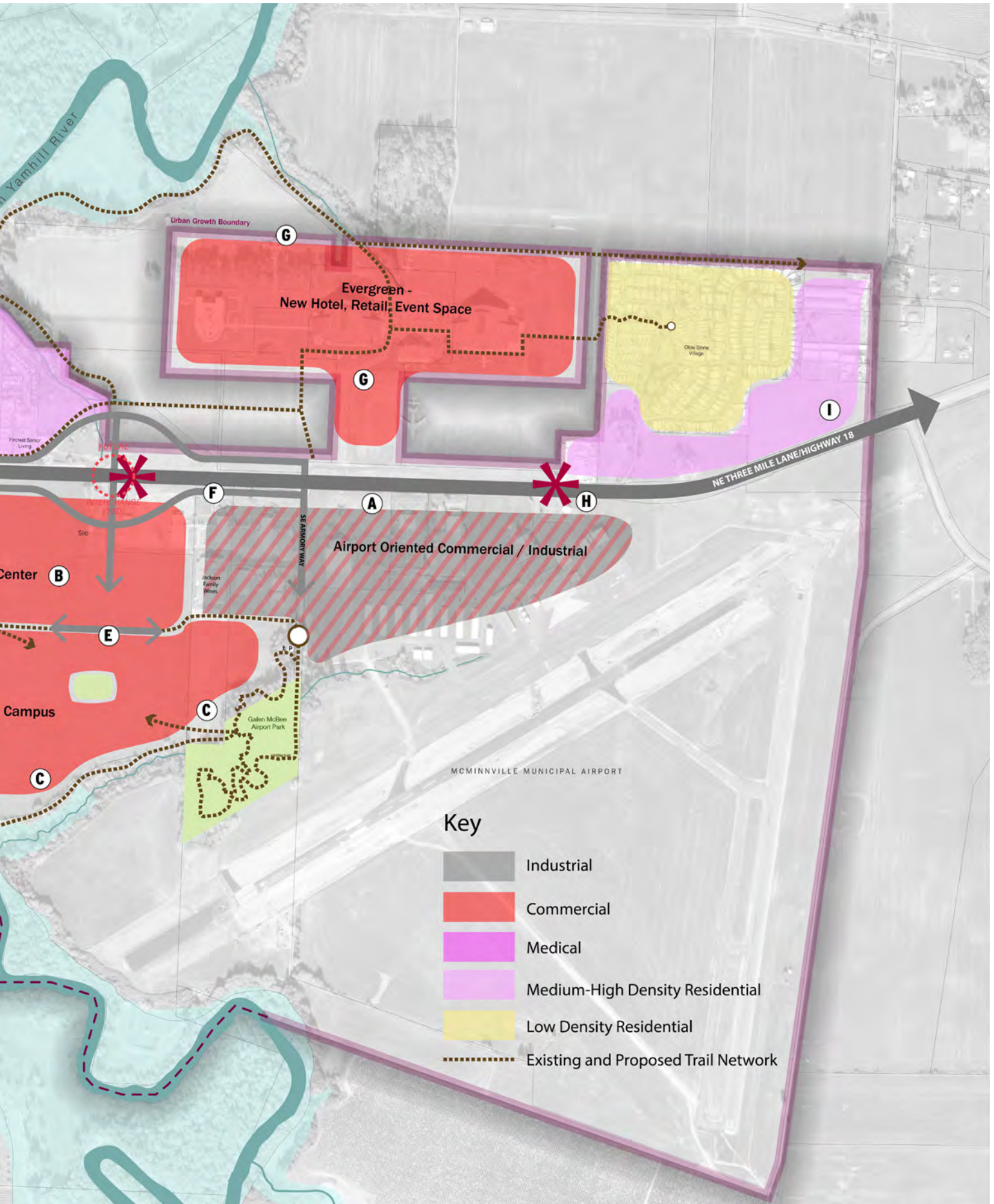
Retail Center

CORPORATE CAMPUS



KEY

- A Avoid parking lots and blank walls on Highway 18 edge
- B Create a walkable 'town center' retail development
- C Encourage orientation of campus buildings to Yamhill River and maintain view corridors through campus
- D Consider setting future development back from Yamhill River to reduce impacts
- E Create grid of walkable streets
- F Improve frontage roads for safer walking and biking
- G Integrate new Evergreen campus development with architectural language of existing buildings and site landscape features, preserve views of oak forest
- H Consider aviation-themed gateway feature here
- I New housing should contribute to sense of gateway here
- J Consider campus design for CCC/medical training center



CORPORATE CAMPUS

A corporate campus and mix of office/industrial south of Three Mile Lane add significant new office space. The large corporate campus could be attractive to a tech company looking for an affordable community with natural amenities and an airport with corporate jet capacity. This area would be a walkable hub of activity and could drive demand for additional local business services. A new park is proposed with trail connections to the Galen McBee Airport Park and the campus could be oriented south to the river, mountain views and the scenic backdrop of agricultural lands.

Evergreen is envisioned to add a new hotel, retail, and event space on undeveloped land in its campus.

New medical office space near Norton Lane and additional assisted living near the Willamette Valley Medical Center are complementary uses which benefit from co-location. Chemeketa Community College's focus on health and medical-related education is also strengthened with complementary uses, including potential out-patient clinics with training for students.

A significant retail center south of Three Mile Lane at Cumulus Avenue could serve as a regional retail attractor and local amenity.

Cal Portland remains industrial, but transitions to a greener industry that is a better neighbor to residential uses with a green edge to the South Yamhill River.

A mix of new housing is added to the Eastern Neighborhood.

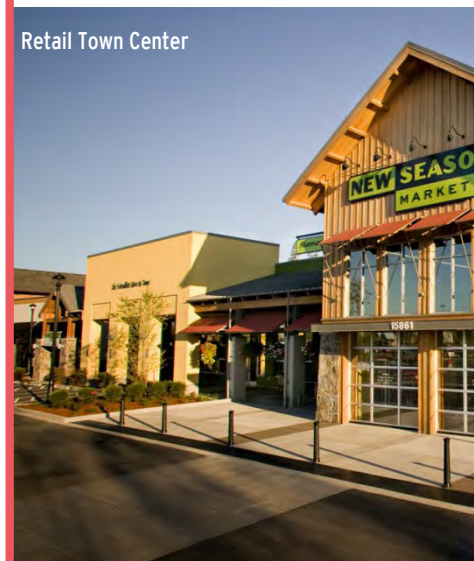
Gateway markers are located at commercial and residential areas to draw attention to those uses and support their role in creating a gateway to McMinnville.



Corporate Campus



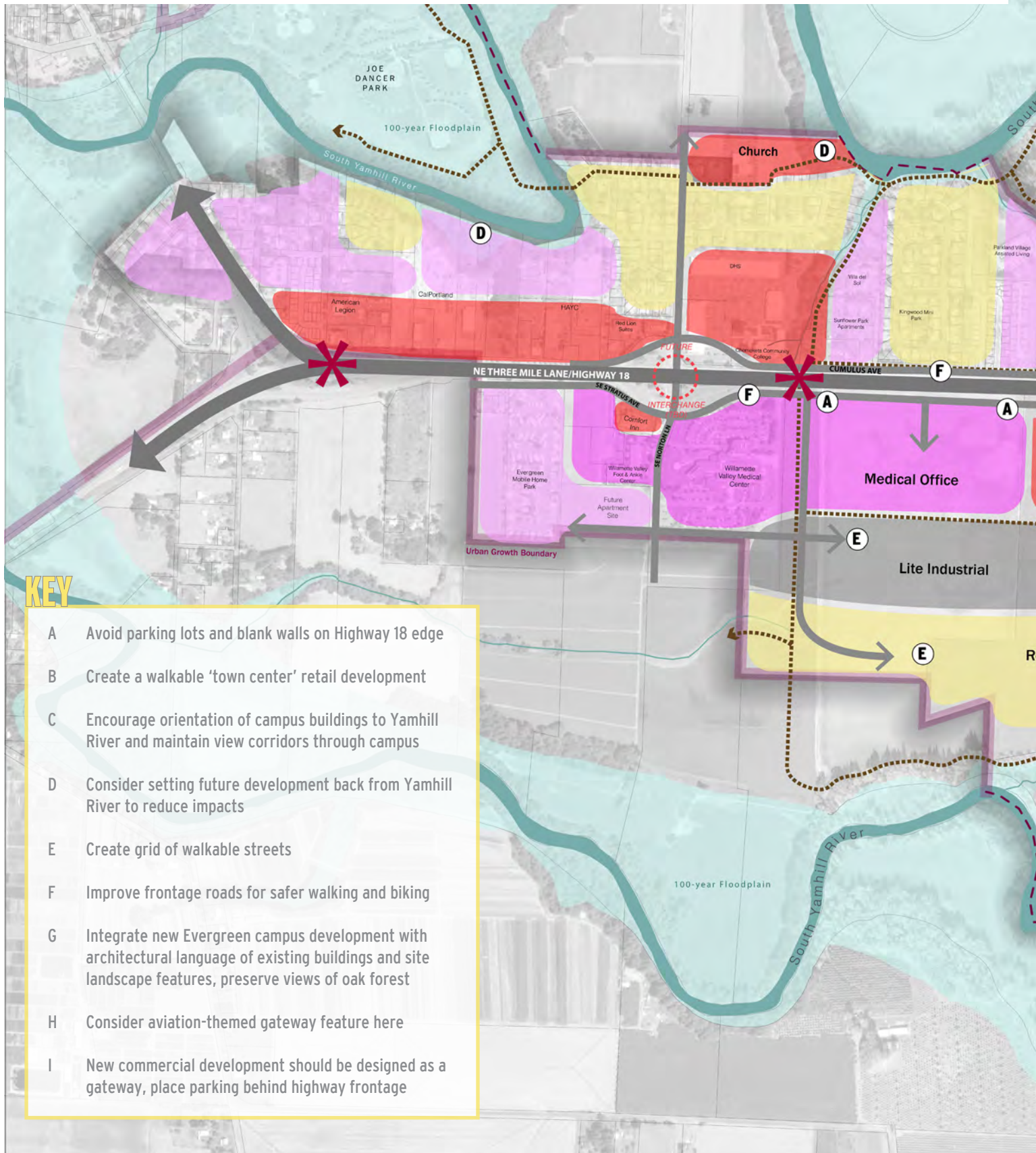
Medical Office Building



Retail Town Center

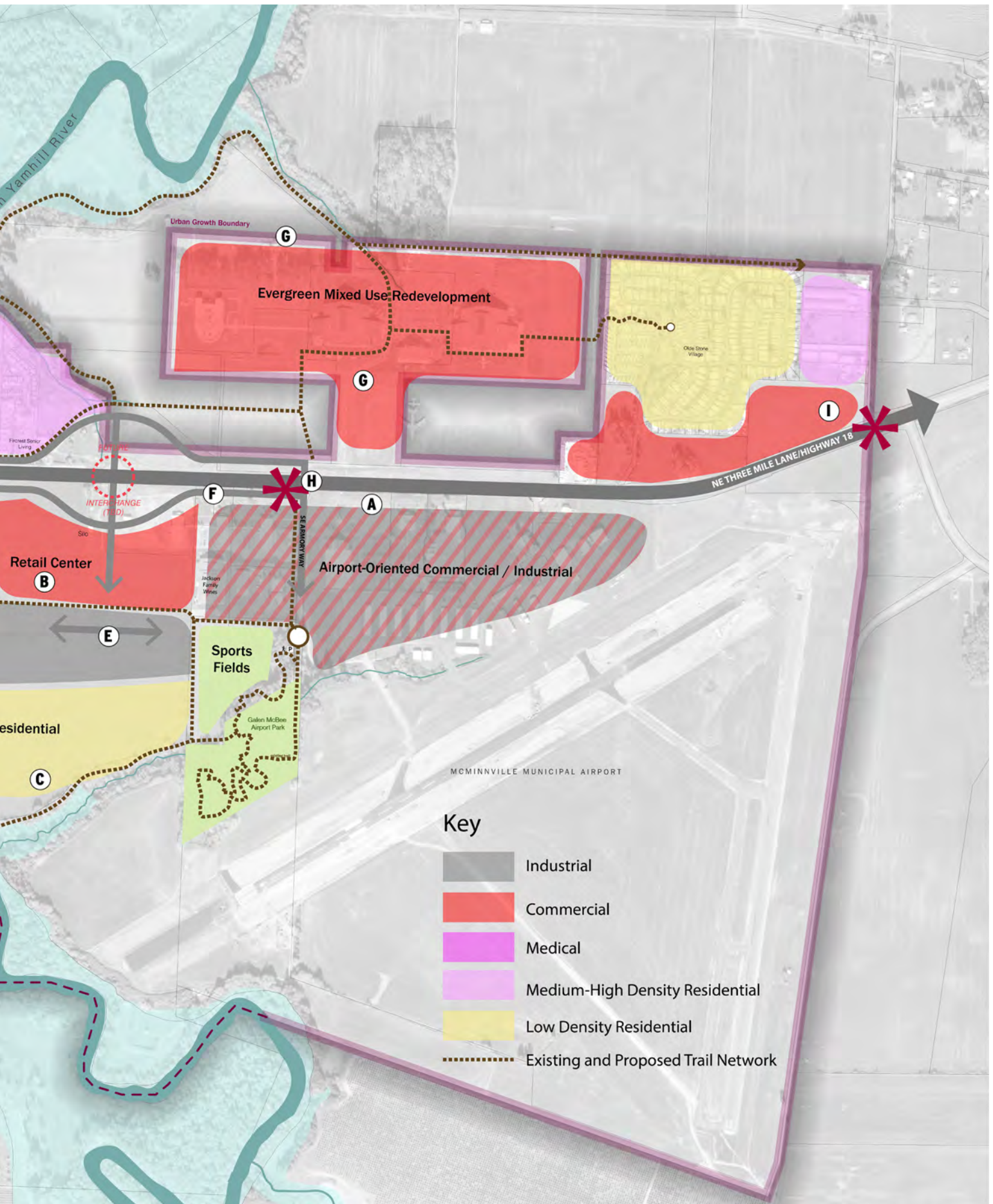


S. YAMHILL NEIGHBORHOOD



KEY

- A Avoid parking lots and blank walls on Highway 18 edge
- B Create a walkable 'town center' retail development
- C Encourage orientation of campus buildings to Yamhill River and maintain view corridors through campus
- D Consider setting future development back from Yamhill River to reduce impacts
- E Create grid of walkable streets
- F Improve frontage roads for safer walking and biking
- G Integrate new Evergreen campus development with architectural language of existing buildings and site landscape features, preserve views of oak forest
- H Consider aviation-themed gateway feature here
- I New commercial development should be designed as a gateway, place parking behind highway frontage



S. YAMHILL NEIGHBORHOOD

Providing a range of housing types and densities can help address the City's housing needs. New residences are paired with a greater array of amenities such as parks, trails, and services. This concept includes an expanded Airport Park to serve new residents in the study area, with new trail connections west to new residential development. Design standards could promote site-specific landscape and building forms, including potential 'agrihoods' with integrated community gardens.

This concept roughly doubles the area for medical office space and potentially new hospital facilities near the Willamette Valley Medical Center south of Three Mile Lane.

A mixed-use redevelopment of the Evergreen Tourism Site includes a mix of residential uses like multifamily buildings or townhomes, office uses, and retail.

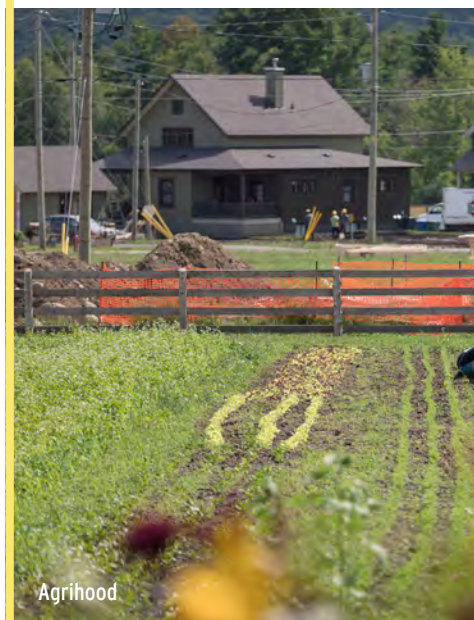
The Cal Portland site is redeveloped with commercial frontage on Cumulus Ave and residential uses to the north along the Yamhill River, matching the overall pattern of the rest of the neighborhood north of Three Mile Lane.

A light industrial area south of Three Mile Lane could include uses that minimize noise, traffic and night-time activity like warehousing, food and beverage, or light manufacturing. The southern edge should include a landscape buffer and link to the residential areas.

Gateway markers in this concept are located at the entrances to new recreation trails and serve as signals of entry to vehicles and to mark the pedestrian trail network.



River's edge greenway



Agrihood



Cottages



Commercial Town Center



Small-scale light industrial



Agrifood



Townhouses



Affordable multi-family

GATEWAYS

Three Mile Lane will serve as a figurative gateway to McMinnville, and future design of Highway 18 improvements should consider opportunities for corridor design that respects the area's agricultural heritage and landscape character. There will also be opportunities for specific gateway features that physically mark this entrance to McMinnville. The images below present some design considerations for these features.



Large landscape design gestures, visible from fast-moving vehicles (and the air)



A modest-height, scrolling sculpture, perhaps with backlighting at night



A large-scale public art piece, perhaps dramatically lit at night

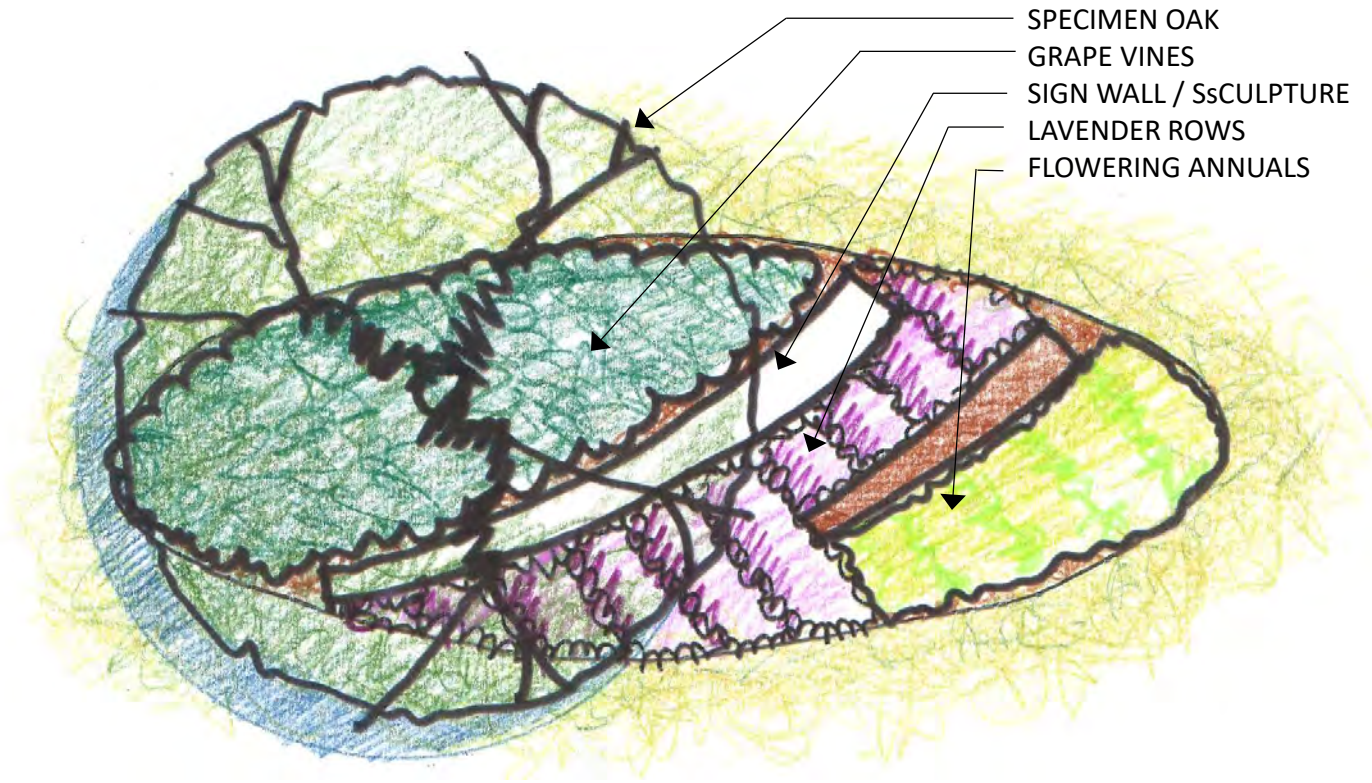


'Super-graphic' lettering on overpasses

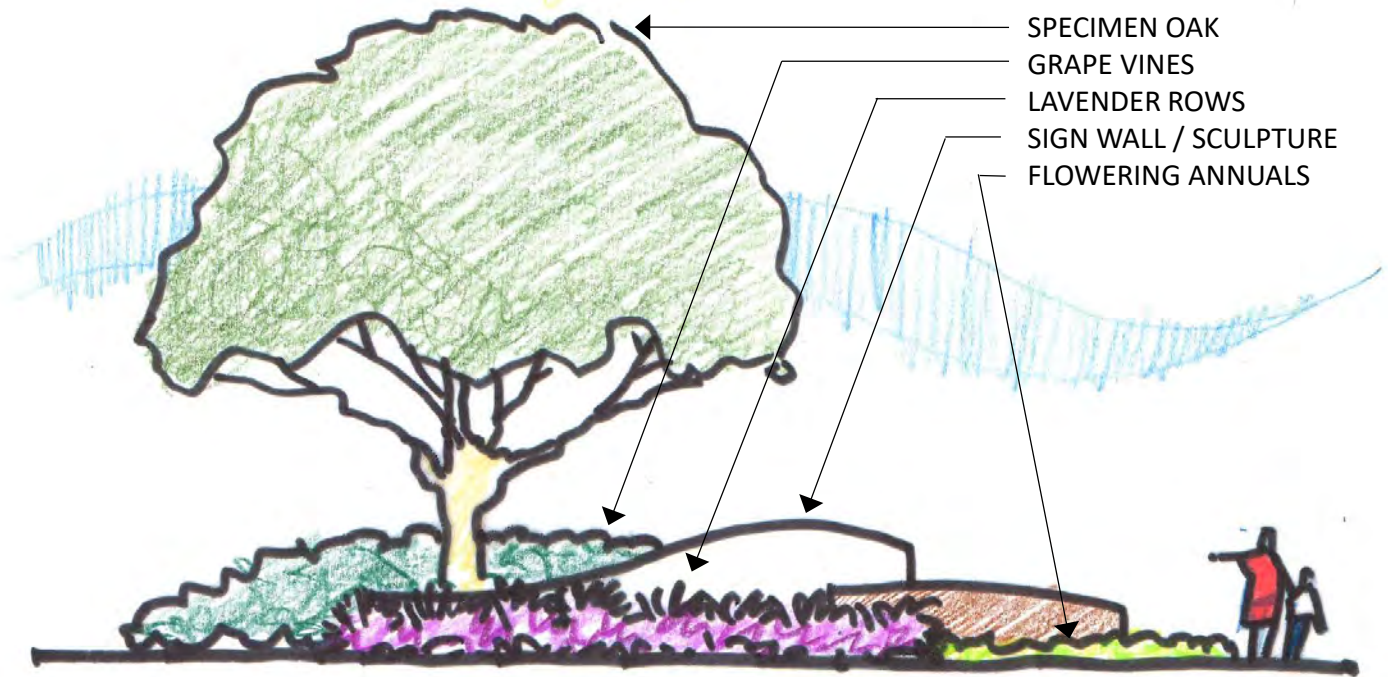


Vertical markers can be effective gateways and wayfinding features
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PLAN VIEW



ELEVATION VIEW

COMPLETE STREETS DESIGN

The following table summarizes the street standards proposed in McMinnville's 2010 TSP, with potential adjustments noted to enhance cyclist and pedestrian comfort.

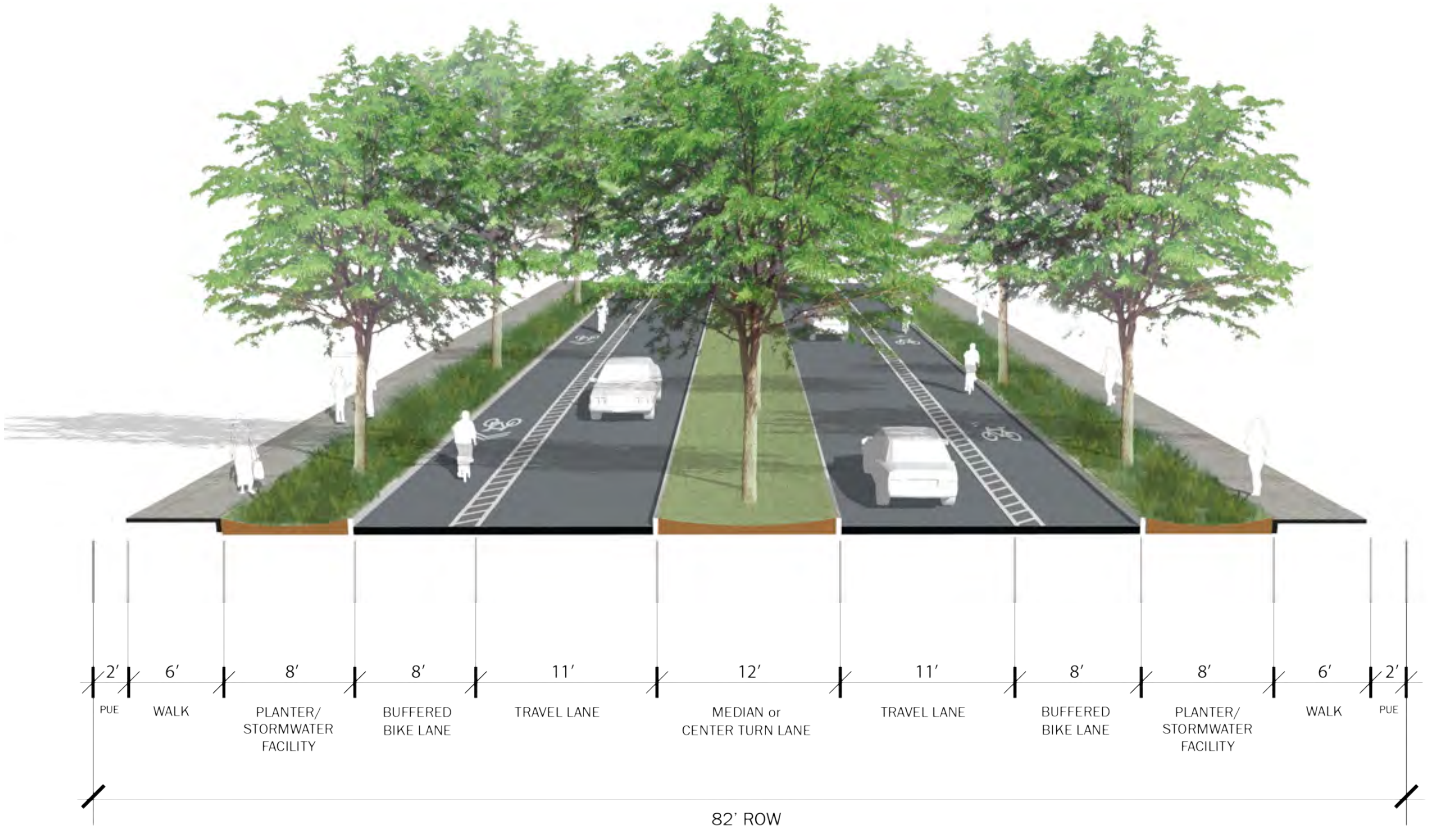
	Major Collector Existing Standards	Notes	Local Residential Existing Standards	Notes
Right-of-Way	74'	<i>Increase to 80'</i>	50'	<i>Increase to 58'</i>
Speed	25-30 mph		15-25 mph	
Maximum Average Daily Traffic (ADT)	16,000		1,200	
Adjacent Land Use Intensity	Medium		Low	
Sidewalks	5' residential 10-12' commercial	6'	5'	<i>Increase to 6'</i>
Planter Strips	6' residential N/A commercial	8'	5'	<i>Increase to 6'</i>
Curb-to-Curb Street Width	44'	<i>Suggest 50'</i>	28'	
On-Street Parking Two Sides	N/A	<i>Possible in urban/ town center area</i>	yes	<i>Switch to one side parking if travelway too narrow...see below</i>
Bike Facility	2 lanes (5')	<i>Change to 8' buffered bike lanes (or cycle tracks)</i>	Shared Lane	<i>OK, with sharrow markings</i>
Median / Center Turn Lane	12'	<i>Ensure canopy trees planted</i>	None	
Travel Lane Width	2 Lanes (11')		See street width	<i>With on-street parking on both sides, the resulting travelway will be 14', two-way, which is narrow.</i>



Buffered Bike Lane



Cycle Track



PROPOSED 3ML MAJOR COLLECTOR STREET CROSS-SECTION



PROPOSED 3ML LOCAL RESIDENTIAL STREET CROSS-SECTION





Preferred Alternative: Land Use and Design Analysis

McMinnville Three Mile Lane Area Plan

DATE March 23, 2021

TO Heather Richards and Jamie Fleckenstein, City of McMinnville

FROM Darci Rudzinski and Andrew Parish, Angelo Planning Group
Ken Pirie, Walker Macy
Sam Brookham and Chris Zahas Leland Consulting Group

CC Michael Duncan, ODOT

INTRODUCTION

Background and Purpose

The goal of the McMinnville Three Mile Lane Area Plan planning project is to create a long-range, 20-year+ plan guiding future growth in the eastern-most area of the City. The purpose of this memorandum is to describe and evaluate the Preferred Alternative for the McMinnville Three Mile Lane Area Plan. The alternative is an outcome of a visioning and refinement process conducted with stakeholders, two advisory committees, and members of the public as described in the Process section.

This memorandum is organized as follows:

1. A brief overview of the process and context of the Three Mile Lane Area Plan project.
2. A detailed description of the Preferred Alternative along with illustrative graphics and precedent photographs.
3. An evaluation of the preferred alternative – how it meets the project’s goals and objectives and how the key features of the preferred alternative can be implemented.
4. A description of the next steps in developing the Three Mile Lane Area Plan.

Members of the project’s Technical Advisory Committee (TAC) and Citizens Advisory Committee (CAC) will be asked to review this memorandum, provide suggested modifications to the Preferred Alternative, and provide direction for implementation. The material contained herein will be adapted for a public event, tentatively scheduled for April 2021.

Process

The Preferred Alternative reflects community comments, the work of the project's advisory committees, and collaborative efforts between City staff and the consultant team. It is informed by a series of technical memoranda that are available on the project website, www.threemilelane.com.

Goals, Objectives, and Scoring Criteria.

An aspirational vision statement, community goals and objectives, and potential criteria to evaluate land use and transportation options for the Three Mile Lane area were developed early in the project. They were created to articulate the Three Mile Lane Area Plan's desired outcomes and help in the evaluation of options for the area. These materials were discussed in project advisory committee meetings and the subject of an online survey and a public open house.

Three Mile Lane Area Plan: Vision Statement and Project Goals

Project Vision Statement: The Three Mile Lane District is a vibrant community that serves as the gateway to Downtown McMinnville and Oregon Wine Country. Employment opportunities, attractive housing options, and tourist destinations characterize the area. Residents and workers enjoy safe and efficient options to travel to Downtown McMinnville and benefit from close proximity to a variety of goods and services, all easily reached by motorist, bicyclist, pedestrian, and transit rider alike. The connection to McMinnville's rich history and the surrounding landscape is reflected in urban design elements throughout the area, highlighting the uniqueness of this special place.

Goal 1: Support and enhance the district's economic vitality and marketability

Goal 2: Provide opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district.

Goal 3: Enhance multi-modal connections throughout the district.

Goal 4: Create an aesthetically pleasing gateway to the City of McMinnville.

Based on this vision statement and project goals, the project team developed qualitative and quantitative criteria to evaluate land use and transportation alternatives. These will be discussed in the Evaluation section of this memorandum.

Alternatives Evaluation

Three alternative concepts were created to provide three distinct approaches for the buildout of new land uses, local street networks, and open space amenities. These land use concepts were

developed with input from the community and the project advisory committees, and through in-depth discussions between City staff and the consultant team. The purpose of this evaluation was to identify benefits and drawbacks, rather than to simply pick the highest-scoring concept, and incorporate the best-performing elements into the Preferred Land Use Alternative.

The three land use concepts are described generally below.

Concept 1: Industrial Campus. This concept is most similar to existing zoning south of Three Mile Lane. It allows for a large industrial user, potentially engaged in manufacturing or warehousing, in close proximity to retail services, Three Mile Lane, and other supportive or ancillary uses to the primary industrial employment use.

Concept 2: Corporate Campus. The most significant feature of this concept is a sizable commercially-zoned “corporate campus” and a mix of office/industrial uses south of Three Mile Lane, which would add a significant amount of new office space.

Concept 3: South Yamhill Neighborhood. Concept 3 includes residential land in the southern portion of the study area. Along with a greater number of housing units comes a greater need for amenities such as parks, trails, and services to serve the population.

These land use alternatives were complemented by two alternative designs for Three Mile Lane/Highway 18. The preferred facility option will be informed by additional transportation analysis and modeling and will be the focus of a separate memorandum.

Refinement of the Preferred Alternative

These three concepts were discussed and critiqued by City staff, the project’s TAC and CAC, and the broader public at a July 11, 2019 Town Hall meeting. Feedback received from these groups, particularly the CAC, led to the creation of the Preferred Alternative, described in detail in the next section. This feedback included:

- Support for a Retail Center and Corporate Campus for land south of Highway 18 (elements of Concept 2).
- Support for a mixed-use designation including residential uses at the CalPortland site (elements of Concept 1).
- Concern about the appropriateness of community-scale park uses and new residential uses in the eastern part of the study area due to their proximity to the McMinnville Municipal Airport.
- The need for road connections and public open space as part of the Corporate Campus concept.
- Concern with changing land use designations for developed residential areas.

Great Neighborhood Principles

In April 2019, the City of McMinnville adopted the Great Neighborhood Principles into the City’s Comprehensive Plan. Their purpose is to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. These 13 principles are listed in Figure 1, with additional details that suggest how these principles can be expressed in a site and context-specific way for the unique setting of the Three Mile Lane area.

Figure 1. Great Neighborhood Principles: Design Elements that express “McMinnville-ness”

1. Natural Feature Preservation

- Strive to protect tree groves
- Strive to protect individual trees
- Protect riparian corridors and adjacent native landscape



2. Scenic Views

- Provide and protect views to rolling hills and volcanoes
- Provide visual and physical access to North Yamhill River
- Orient streets and open spaces to views



3. Parks and Open Spaces

- Connect to Galen McBee Airport Park
- Create new gathering spaces that incorporate natural areas and views
- Plant landscapes that incorporate natives and exhibit seasonal variation



4. Pedestrian Friendly

- Provide a network of sidewalks and trails to connect people to key locations
- Incorporate shade streets with mature tree canopy

5. Bike Friendly

- Plan safe routes for residents and touring cyclists

6. Connected Streets

- Connect to existing street grid in the Three Mile Lane area



7. Accessibility

- Design new development for ease of use by all ages and abilities

8. *Human Scale Design*

- Respect typical scale of commercial uses in McMinnville
- Design to reflect the micro-climate—outdoor life, porches, balconies
- Promote inclusion and interaction within the right-of-way



9. *Mix of Activities*

- Encourage mixed-use development where feasible



10. *Urban-Rural Interface*

- Reflect patterns of wine industry—eg, rows of vines, southern orientation, shelter belts of trees
- Consider adjacency to agricultural fields and respect this heritage through careful transitions
- Design simple roof forms (industrial and agricultural). Height and distinctive forms of silos can be inspiration
- Consider functional site planning of vineyard and farm complexes as conceptual model for new development



11. *Housing for Diverse Incomes and Generations*

- Allow for a mix of future housing forms and types, respecting the current character of Three Mile Lane



12. *Housing Variety*

- Respect existing variety of housing types in Three Mile Lane and ensure diversity of design for future housing



13. *Unique and Integrated Design Elements*

- Ensure visibility from highway; Welcome to McMinnville
- Make functions of sites visible (airplanes, wine-making); continue expression of industry/making where applicable
- Aviation legacy: display large planes; consider sensation of low-flying planes, potential visual impact of sites from the air
- Consider local materials for cladding and building structure (timber, corrugated steel cladding, red brick)
- Use vibrant color

The Preferred Land Use Alternative

Key Features

The Preferred Land Use Alternative is shown in Figure 2. The defining characteristics south of the highway include a large (90-acre) area envisioned as a future retail center, and a large site for a potential corporate “Innovation Campus” to the south of this retail center. To the west, in areas near SE Norton Lane and the Willamette Valley Medical Center, opportunities for office and medical uses are envisioned. North of the highway is a new mixed-use designation is proposed on the current Cal-Portland site.

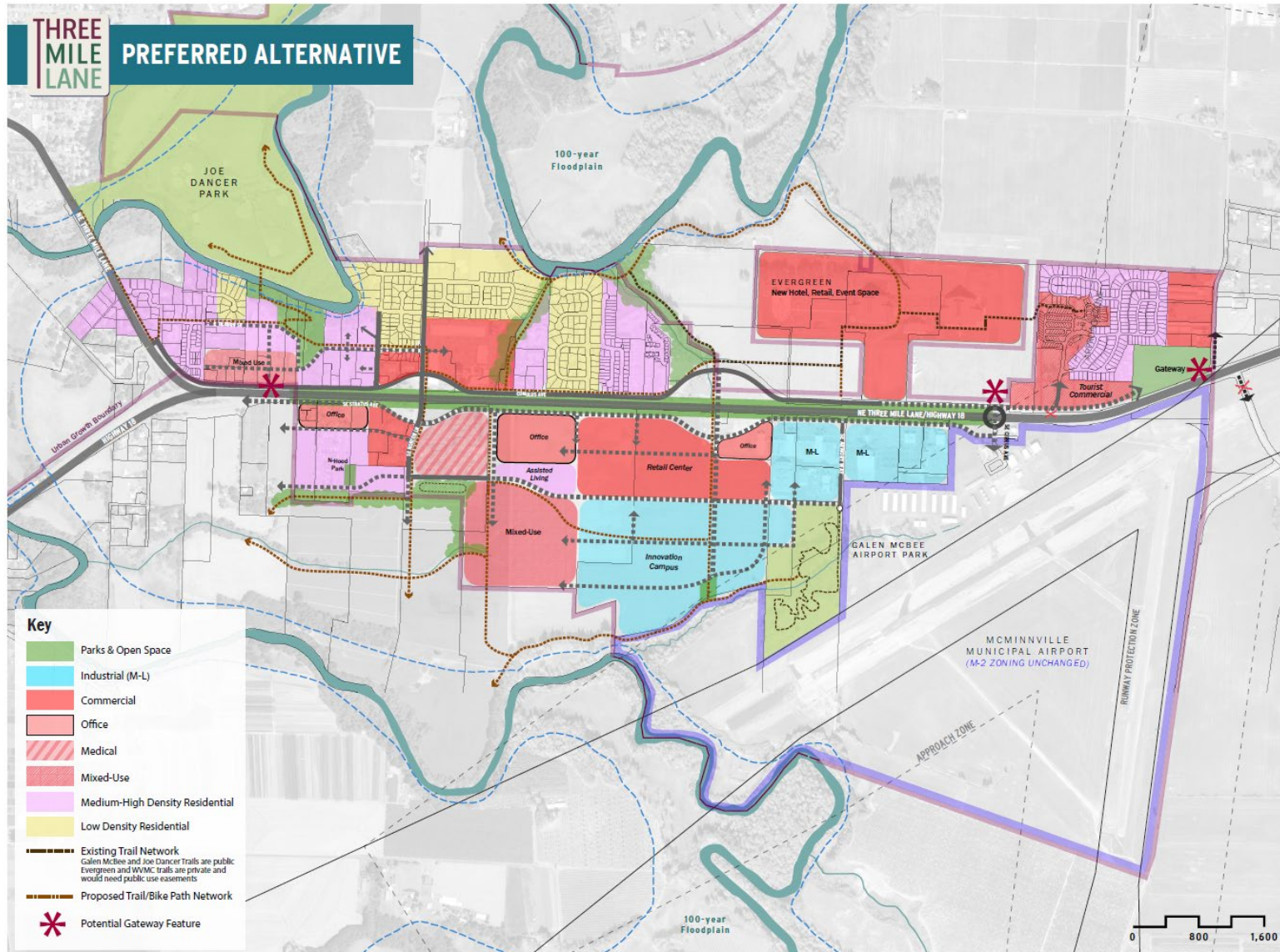
The Preferred Alternative is accompanied by context-sensitive urban design considerations that build on the Great Neighborhood Principles. These include:

- Avoid parking lots and blank walls on Highway 18 edge
- Create a walkable retail development with a “town center” feel (as described in following pages)
- Encourage orientation of industrial campus buildings to Yamhill River and maintain view corridors through campus
- Consider setting future development back from Yamhill River to reduce impacts
- Create grid of walkable streets
- Improve frontage roads for safer walking and biking
- Integrate new Evergreen campus development with architectural language of existing buildings and site landscape features, preserve views of oak forest
- Consider aviation-themed gateway features

Other land uses and features embodied in Figure 2 were discussed by project participants and viewed to be beneficial. Key features include the following:

- **Walkable Retail Development.** A central feature of the Preferred Alternative is a sizable, (over 30-acre) retail center south of Three Mile Lane at Cumulus. The quality of this development’s architecture and streetscape, the connectivity it provides to the street system south of Highway 18, and generally, how well it responds and contributes to McMinnville’s Great Neighborhood Principles will be key to the success of this plan in gaining public approval.
- South of this retail development is a prime location for a mix of corporate office and industrial users in an **Innovation Campus**. Due to its proximity to the Yamhill River, the campus has the potential for “Trail-Oriented Development,” an increasingly popular amenity-driven development trend which offers future users and tenants an appealing orientation to views of natural features.
- West of the retail center and industrial campus site, a **flexible zone of mixed office or industrial** uses is offered, providing potential sites for users drawn by the synergy of being close to larger corporate users, with subcontractors or suppliers in office or light industrial spaces.

Figure 2. Preferred Alternative Map



- **New mixed-use and health care-related uses** have been identified near the existing hospital. Housing, especially senior housing, is a very strong market opportunity. Building forms are expected to be horizontal mixed-use, rather than vertical mixed-use.
- The **Evergreen Tourism Area** is identified as a good location for new hotel, retail, and event space. The site is highly visible and suitable for a clustering of mutually beneficial uses. Travel-related commercial development is envisioned in the northeastern portion of the study area. This area is advantageously situated near the Evergreen complex, making it a good site for additional services and attractions for the traveling public.
- **New residential neighborhoods and continued development of existing neighborhoods** in locations in the western parts of the study area.
- **A cohesive trails system** that ties together major amenities and neighborhoods, with safe crossings of Highway 18 and a potential connection to Joe Dancer Park.

Opportunity Sites

The Preferred Alternative features some distinct areas where change is expected to occur over time. North of Three Mile Lane, the most notable change is the mixed-use designation in the northwest. South of the highway, land use designations that are distinctly different than what exists today include Medical commercial, office, and residential designations near the Willamette Valley Medical Center and the area of Commercial between the hospital and the McMinnville Municipal Airport. Specific features and design considerations for the Three Mile Lane's diverse areas are discussed in this section.

Mixed-use Area (CalPortland Site)

The Three Mile Lane Area Plan envisions continued growth and development in the northwest of the study area between Cumulus Ave and the Yamhill River. Additional households in the Three Mile Lane area will require and support local services, as well as the improved transportation connectivity envisioned with the Three Mile Lane Area Plan that will provide alternatives to Highway-18 for local trips. Existing residential neighborhoods are anticipated to see gradual infill and redevelopment in this area.

Locally serving retail and services have been a major discussion item during this planning process. As the area continues to evolve, providing more opportunities for a mix of uses, employment, and tourism, the existing industrial site on NE Cumulus Avenue may prove to be a more a lucrative site for something other than a ready-mix concrete plant. Allowing for a variety of commercial and residential uses in this area can provide additional housing, locally serving retail and other amenities, and enhanced multi-modal transportation connectivity. This area is well-suited for mixed-use development because it is large enough to accommodate and separate several uses in a way that responds to different context conditions. The site is also mostly flat with potential for good connections to the east and west.

This opportunity site extends between Highway 18 and a steep bluff overlooking the North Yamhill River, two adjacencies which will shape its eventual development. Most of McMinnville's Great Neighborhood Principles can be honored through future site master planning. This infill development can protect natural areas and views, connect to parks and open spaces, provide a

connected, bike and pedestrian-friendly neighborhood, and encourage mixed-use development with diverse housing types and unique, high-quality design. Retail or office uses are better suited to the more visible and accessible southern half of the site. Residential uses are best suited to the northern half, further away from the freeway, with views to the river and Joe Dancer Park.

KEY URBAN DESIGN ELEMENTS:

- Local street grid. Local streets can be logically extended through the site from the west (NE Atlantic) and the east (NE Dunn Place), creating access to the commercial and residential halves of the site, while a new central 'Main Street' can be extended north from NE Cumulus Avenue, bisecting the site and creating two crossroads intersections. The proposed street extending east-west across the northern half of the site follows the top of the bluff and should be designed as a well-landscaped parkway, with an adjacent multi-use trail which will eventually extend throughout the Three Mile Lane study area as a safe parallel route to Hwy 18.
- Building orientation. New buildings should be located to form an urban frontage, with no setbacks, at the intersections of local streets.
- Building and site design. Pedestrian-scaled ground floors, prominent entries, and canopies over sidewalks with street trees, on-street parking, and safe crossings. Surface parking will be located behind these frontages, separated from adjacent uses by well-landscaped green buffers.
- Natural features. Where the Main Street meets the bluff-top street, a public overlook can provide views to Joe Dancer Park and perhaps even a trailhead for a nature trail switch-backing down the bluff to a riverside trail system and a potential footbridge over the river connecting to the park and beyond to downtown.

Tourist Commercial

The Evergreen complex continues to draw visitors to McMinnville who support other local businesses in the Three Mile Lane area and beyond. The Preferred Alternative foresees the continuation and intensification of tourism-related uses as allowed by existing zoning designations. East of Evergreen, land is currently zoned for commercial uses along the highway and has the possibility of hosting more tourism- and travel-related commercial uses in the vicinity of the Aviation & Space Museum and waterpark. The Preferred Alternative envisions activities and uses related to visitors and the traveling public that could boost tourism and be mutually beneficial to existing attractions. A cluster of these uses in the northeast part of the study area could have a synergistic effect, strengthening McMinnville's and the region's reputation as a destination

KEY URBAN DESIGN ELEMENTS:

- Connectivity to the Evergreen complex. Perhaps the most important design element of this visitor-oriented area is connectivity to exiting Evergreen tourist uses. Providing a safe walking and biking connection parallel to Highway 18 would help integrate future development with the Evergreen attractions, which will continue to attract significant amounts of visitors.
- "Gateway" location. In addition, with a prominent location on the east entrance to McMinnville, this development opportunity area should be required to meet the City's Great Neighborhood Principles with high-quality design.

Health Care Area

Vacant parcels surrounding the Willamette Valley Medical Center are a significant opportunity for medical offices, housing for people reliant on medical services, and other uses that benefit from a health care cluster. As envisioned in the Preferred Alternative, existing industrial and high-density residential land and uses fronting the highway and in close proximity to the Medical Center could, over time, develop with housing – including assisted living and long-term care facilities - office uses, and services related to the hospital.

KEY URBAN DESIGN ELEMENTS

- Transitions between health care facilities and surrounding residential areas. Health care facilities are often active around the clock with bright lighting and they generate significant vehicle traffic. They also require a lot of delivery traffic and, in the case of a major medical center, helicopter use. Buffering between uses should be considered, particularly senior housing or market-rate apartments. Assisted living or nursing care facilities, however, would benefit from close proximity to the hospital.
- Transitions between health care facilities and other commercial uses. The scale and orientation of existing uses, as related to future uses should be considered. For example, while Senior Housing might benefit from a location within walking distance of a retail center, there should be careful site planning to ensure the housing isn't directly adjacent to loading or parking facilities. It may be most feasible to place health-care related housing with an orientation south towards views and the river.
- Walkability between uses. Convenient, safe connections between a variety of uses in this area will be important to current and future users.
- Visual quality of buildings facing Highway 18. New development should avoid placing loading docks or creating blank walls visible from passing vehicles.

Retail Center/Innovation Campus

A large area of currently vacant or farmed land stretching from the highway south to the Yamhill River provides a unique opportunity for future development. The design envisioned in the Preferred Alternative is the latest iteration in a process that began with a Property Owners' Workshop. This half-day workshop held at City offices included a presentation of existing site conditions, with confirmation from property owners of natural features, parcel ownership, access, and previous uses. A summary of market conditions was presented, with some suggested adjustments from the owners to reflect their individual research. The workshop concluded with a roundtable discussion of opportunities and constraints, including an exercise where prototypical program 'chips' scaled to the sites, were placed in a variety of potential arrangements to inform initial sketches of concept alternatives.

In addition to the focused property owner workshop, the City of McMinnville held a design charrette for the entire corridor study area with the Citizen Advisory Committee on April 8, 2019. Project participants have identified a number of key strengths, including high visibility from Highway 18, many large and/or underutilized parcels, proximity to the airport, concentration of

tourist amenities and medical uses, strong connections to regional assets, and an abundance of natural features. Specific opportunities the participants identified included: pedestrian bridges over the highway could provide needed connections at key points, the creation of special complete street standards to encourage biking and walking, requiring stormwater treatment and extensive street tree plantings on all study area streets, considering shared parking standards and ‘shadow platting’ to encourage future infill on surface lots, and opportunities for new residential at the south edge of the case study site and west of the hospital.

The retail market continues to evolve rapidly in response to the challenges of competing with online retail and market consolidation. One tactic that the retail industry has successfully used to attract and retain shoppers to brick and mortar establishments is the creation of mixed-use “town centers” that offer gathering spaces, walkable streets and more dining options than typical strip suburban developments or enclosed shopping centers. Mixed-use town centers offer a greater diversity of uses that typical retail developments, particularly as it pertains to entertainment and some office uses, with the latter providing critical daytime population for retailers.

Figure 3. Retail Center Precedent: Old Mill District, Bend, Oregon



Regionally-inspired architecture



Walkable Streetscape with Active Ground Floors

A retail center at Cumulus Ave. is a central feature of the Preferred Alternative. The design of this development, the connectivity it provides to the street system south of Highway 18, and how well it contributes to McMinnville’s Great Neighborhood Principles will be key in the success of this plan.

This almost 60-acre parcel is one of the largest regional sites with easy highway access. The site is flat and developable—a unique characteristic for a site of this size, and has a locational advantage being both near to the highway and the McMinnville Municipal Airport. Attachment A provides an example of how this site could develop, implementing design features desired in the Three Mile Lane Area, as well as provides photographic examples of many of the design elements discussed for this area.

Flexibility is key to attracting a corporate Innovation Campus. The City and/or developer would have to be opportunistic and actively market the property and McMinnville as a corporate destination. Early infrastructure investments and construction of housing and commercial amenities within walking distance of the property would help attract a corporate user, as would a clear but flexible vision and development plan for the property.

Figure 4. Retail Center Precedent: Northwest Crossing, Bend, Oregon



The overall goal is for new developments in the Three Mile Lane Area is to echo the features of traditional, older retail districts like downtown McMinnville. Figures 3, 4, and 5 show examples from other Oregon communities, with similar common features that include:

- Walkable, narrow main streets connecting through the center, with parallel or angled on-street parking in front of retail storefronts.
- Public gathering spaces, bordered by dining and entertainment attractions, featuring play areas and flexible space for programmed public events.
- Parking lots, generally located behind buildings, featuring wide pedestrian walkways, integrated stormwater treatment and ample landscaping including shade trees.

- High-quality architecture, sometimes themed in a regionally appropriate way, with buildings placed in prominent locations that contribute to the quality of the pedestrian experience, versus behind large surface parking lots.
- Building edges that create ‘frontage’ on walkable streets or pedestrian walks, with higher-quality materials, generous windows and pedestrian-scale signage in the first 20-30’ of elevation.
- Proximity and connection to a mix of other uses, to encourage walking from residential or office areas to the retail center.
- Generous landscape buffers between the retail center and roadways or parking lots while maintaining maximum visibility for retailers.
- A prominent entry to the site, with signage or a gateway feature.

Figure 5. Retail Center Precedent: Orenco Station, Hillsboro, Oregon



KEY URBAN DESIGN ELEMENTS

- Local identity. Maintaining the local identity through gateway design elements and development opportunities; establishing formal view protection corridors for Mt Hood, Mt Jefferson, and Amity Hills encouraging mixed uses whenever feasible; and mitigating the visual impact of development on the Highway 18 edge.
- Connectivity. Transportation and connectivity have been major themes during the planning process. Connectivity—in terms of internal circulation to parks and recreational features and surrounding neighborhoods—is essential.
- Parks and open space. The community has provided input on parks and open space opportunities, identifying the following: prioritizing connections to existing trails and open space (such as connections into Joe Dancer Park), creating a public greenway along South

Yamhill River with trail and connections to the study area and McBee Park, and increasing open space opportunities in the study area adjacent to residential uses.

EVALUATION

The Preferred Alternative provides a framework for potential future land use, transportation, and design elements in the Three Mile Lane area. This section evaluates the merits of the alternative and highlights the changes it represents, as compared to existing land use and development requirements. The next sections examine how the alternative meets the expressed goals and objectives for the area, the changes in land use it suggests, and how desired design elements may be achieved. Answers to questions embedded under these topic areas will lead to recommended actions that will help the City realize the vision of the Preferred Alternative over time.

Meeting Project Goals

The land use concept is intended to meet the goals for the area, included earlier in this memorandum, and help the City realize specific objectives associated with each of these goals. Earlier in the planning process evaluation criteria were suggested to help assess how well alternatives meet community goals and objectives.¹ The evaluation table included in this section employs these criteria once again to show how the Preferred Alternative can help achieve the City’s goals. The table includes specific objectives related to individual project goals and indicates how elements of the land use concept perform.

Table 1. Project Goals and the Preferred Land Use Alternative

Evaluation Criteria	Preferred Land Use Alternative Findings
<i>Goal 1: Support and enhance the district’s economic vitality and marketability</i>	
Amount and Type of Employment Land	A significant amount of commercial land is envisioned south of Three Mile Lane, refined to suit desired characteristics of a retail “town center.” A corporate industrial campus is envisioned between the commercial area and the river. There is also an area identified for health-care related uses near the medical center and continued industrial/office opportunities near the McMinnville Municipal Airport.
Opportunities for Additional Goods and Services in the Area	The retail center, a mixed-use site, and the Evergreen complex and nearby Tourist Commercial area provide the opportunity for goods and services to serve locals and visitors alike.
Relationship with and Impacts	Land designated for employment uses within close proximity to

¹ See Evaluation of Land Use Concepts Section in the *Land Use and Transportation Facility Options and Evaluation* memorandum, June 5, 2019.

Evaluation Criteria	Preferred Land Use Alternative Findings
To the McMinnville Municipal Airport	the airport will not change; new opportunities for a neighborhood-serving commercial center and industrial campus with good connection to the airport.
Compatibility of uses adjacent to airport	The proposed commercial designation in the northeastern part of the study area and connections to the park and river have been refined from previous alternatives to better support the airport and its planned expansion.
Support for existing and new tourism opportunities	Significant commercial opportunities are identified throughout the district. Tourism-focused development of the Evergreen site and the “Tourist Commercial” area in the northeastern part of the study area will cater specifically to the travelling community.
<i>Goal 2: Provide opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district.</i>	
McMinnville Great Neighborhood Principles	New residential areas are located in the western portion of the study area to create a greater concentration of activity, support new mixed-use development, and increase the likelihood of success for neighborhood-serving commercial. New roadway and trail connections will better connect the neighborhoods of Three Mile Lane to surrounding amenities and services. <i>Also, see Figure 1 and Table 7.</i>
Residential uses, mix, and location	Residential uses are located in the western portion of the study area. The CalPortland site has the opportunity for mixed residential and employment uses, and areas south of Highway 18 may be suitable for senior housing due to the proximity to the medical center.
Transit-supportive land uses	Major new retail, corporate industrial campus, and tourism areas, as well as higher-density housing, can help support transit in the area. The reconnection of Cumulus through the Chemeketa Community College site will be important for improving transit access.
<i>Goal 3: Enhance multi-modal connections throughout the district</i>	
Impacts to OR 18 as a key intercity/freight route.	Key trail and local roadway connections are shown in Figure 2. <i>Specific impacts to OR 18 will be evaluated as part of more detailed analysis for the preferred land use alternative.</i>
Vehicular connectivity through land use types (street density)	
Bicycle/pedestrian connections to key locations outside of the study area	
<i>Goal 4: Create an aesthetically pleasing gateway to the City of McMinnville</i>	

Evaluation Criteria	Preferred Land Use Alternative Findings
<p>Gateway features</p>	<p>The Preferred Alternative has three locations identified for gateway features to signal entry into the City of McMinnville and to help define the Three Mile Lane Area’s identity. Future design of Highway 18 improvements should consider opportunities for corridor design that respects the area’s agricultural heritage and landscape character. There will also be opportunities for specific gateway features that physically mark this entrance to McMinnville.</p>
<p>Building Design</p>	<p>Creating clear requirements for building and site design for the retail center, corporate industrial campus, and other opportunity areas is a priority for this process and will be expanded upon later in this memorandum.</p>
<p>Landscaping and Street Trees</p>	<p>The corporate industrial campus, retail center, and other uses can be compatible with high-quality landscaping. Implementation of these features will be the responsibility of private development and will be required as part of development review. Specific requirements for this area can be included in the City’s development requirements.</p>

Economic Findings

Mixed-use

There is strong demand for additional housing development of all types in McMinnville, and the area shown in the Figure 2 for Mixed-use is an attractive location for significant new construction. Mid-rise development will not only help diversify the housing stock but also improve prospects for neighborhood-scale retail by adding rooftops. The dominant use should be residential, with small opportunities for retail to support the needs of the neighborhood, for reasons detailed below.

The CalPortland site is positioned between downtown and large development sites along Highway 18, both of which are either currently or are planned for significant retail development. Retail on this site, therefore, should focus on serving the needs of the local neighborhood rather than looking to compete with either of these locations. Retail should be limited to the south of the site along Cumulus Ave, which provide around 700 feet of frontage and therefore plenty of development flexibility. The combination of existing market conditions and more competitive retail projects may result in horizontal, rather than vertical mixed-use projects, with housing behind frontage retail. At 11 acres, the site is large enough to accommodate high-quality, horizontal mixed-use product.

While Cumulus, the frontage road, provides good access and connectivity to the surrounding neighborhoods, other nearby locations, such as Chemeketa Community College and uses on college-owned property, have more direct access and better visibility to and from the highway for retail. Existing retail vacancies are therefore more likely to fill before there is demand for new development on the CalPortland site.

Parking will drive the scale and type of development on the CalPortland site. High minimum parking requirements for both residential and retail uses are likely to drive a low-density development type not necessarily in keeping with the City's vision for the area. While the market is unlikely to support the high costs of structured parking, alternative plans for parking should be explored to reduce the burden on the developer but still maintain an adequate parking supply, such as encouraging and codifying shared and on-street parking.

Developing a mixed-use project at greater density may require the City to explore incentives or partnerships that would bridge the feasibility gap. With that said, there are opportunities for additional development on adjacent land parcels, so this site could serve as a catalyst project and build market momentum, thereby improving prospects for a denser mixed-use project at a later date. Facilitating coordination efforts between property owners in the area can help.

For residential development, the existing frontage road (Cumulus) currently provides good access and connectivity to the surrounding area, but improving multimodal connectivity to adjacent land is critical to fostering a high-quality, pedestrian-friendly place. The site benefits from proximity to the river, so improving access to this amenity should be prioritized.

For retail, visibility, access, parking, and signage are critical. Enhancing Cumulus as a multimodal thoroughway to downtown and the center to the east would improve retail prospects for the CalPortland site, as well as for retail in general.

Travel Commercial

While the existing aviation-oriented uses in the Evergreen Tourism Area are already a regional attraction, there is a significant opportunity to build a substantial tourism hub which integrates additional compatible uses that leverage the region's strong wine industry and build and refine McMinnville's brand.

Specifically, the development of additional lodging and hospitality-related uses would help this area become a premium destination that continues to attract tourists of many different backgrounds and brings additional revenue into the City. Lodging would also likely add to the area's event space inventory, improving McMinnville's marketability for conferences and other events.

The Three Mile Lane Area plan provides a platform to develop a clear vision and brand for the Evergreen Tourism Area. A vision can provide the development community with the confidence to pursue a particular type of development that is consistent with what the City wants for the area. A land use program for the area could include a phasing plan that is consistent with current and future market conditions and trends.

Health Care

The economic analysis shows that medical uses is a growing retail type nationally. There is a forecasted demand for approximately 529,000 square feet of additional retail development within the market area over the next decade and part of that demand is for medical and professional offices that typically occupy retail spaces such as dentists and small medical clinics. Housing

demand, too, is strong in the area, especially the demand for senior housing given the forecasted growth in senior age groups. Areas in close proximity to Willamette Valley Medical Center provides opportunities for medical related goods, services, office, and housing.

Retail Center

The property owner workshop provided an opportunity to discuss ideas and information about future land uses and development with key property owners. This discussion was founded on information in the market analysis and a broader discussion of visions, criteria, and principles. The market analysis, for example, provides high-level trends and analysis to indicate development opportunity. Meeting with property owners revealed specific details about the sites, project phasing, and realistic goals and visions for development.

With information from the workshop, the project team develop three alternatives (i.e., case study concepts). Each concept included a description of its primary theme or differentiator as well as key aspects related to its interface with existing adjacent uses and potential phasing implications. A high-level economic impact assessment for each alternative provided an estimated summary of the number of jobs created, the increase in the tax base, and other economic impacts that would result due to the area's development.

The property owner workshop and resulting Case Study Report helped identify opportunities for large-scale retail and employment, as well as continuing housing development. The area's existing industrial designation limits the number of uses allowed in the area; changing to a commercial designation provides for a greater degree of flexibility to respond to fluctuations in market dynamics.

McMinnville is poised to capitalize on strong retail demand and its location in the region. The McMinnville retail trade area extend all the way to the Oregon Coast due to the lack of prominent commercial centers between the Willamette Valley and the coast. However, much of this retail market remains untapped, and the Three Mile Lane study area is poised to capture a significant portion of demand with a diverse array of commercial development. Such development would help foster a sense of place, provide amenities for residents and visitors, and have a significantly greater economic impact than a development build-out comprising simply of traditional industrial.

Corporate Industrial Campus

A large, flat, developable site of this scale is unique in the region and should attract interest from regional and national employers. The campus may be a prime location for light or craft industrial that could align with the City's vision for the area and provide secondary tourism benefits if new development includes experiential or retail components.

With that said, the development of a large campus is likely to be a market-driven initiative. Employment growth in the industries of healthcare and education can be expected to drive most of the demand for new office development. Demand for campus-style industrial is likely tied to food product manufacturing or aviation. However, the emergence of a large corporate user is difficult to forecast, and successful recruitment and the timing of development will require coordinated

marketing efforts between the property owner, the City, and local and regional economic development partners.

In fact, development of such a site requires the City to actively market to the development community. Marketing a prospective campus should also involve a compelling story for why McMinnville is an attractive for a corporation to locate. McMinnville's high quality of life, cultural amenities, business incentives, and proximity to the Portland metro region may indeed be sufficient in attracting a larger company. Additionally, target users could include existing companies looking to expand.

This should also be tied to economic development efforts that consider the broader city-wide needs that would come with the addition of a large employer. These needs would include workforce, housing, transit and transportation, and others. For example, a large corporate user would require additional housing to meet growth from employment. Infrastructure investment will also be critical. The City should not necessarily make early investments without knowing the needs of a prospective corporate user, as these infrastructure needs will greatly vary. They should, however, develop a plan that outlines their intent and be prepared to act quickly in order to attract a user.

Existing Regulatory Framework

The following is an overview of existing requirements that govern how land can be used within the Three Mile Lane area and an evaluation of the changes envisioned with the Preferred Alternative. The most pronounced differences between what is allowed today and the Preferred Alternative lie within the opportunity areas; these are the focus of the evaluation.

Existing Requirements

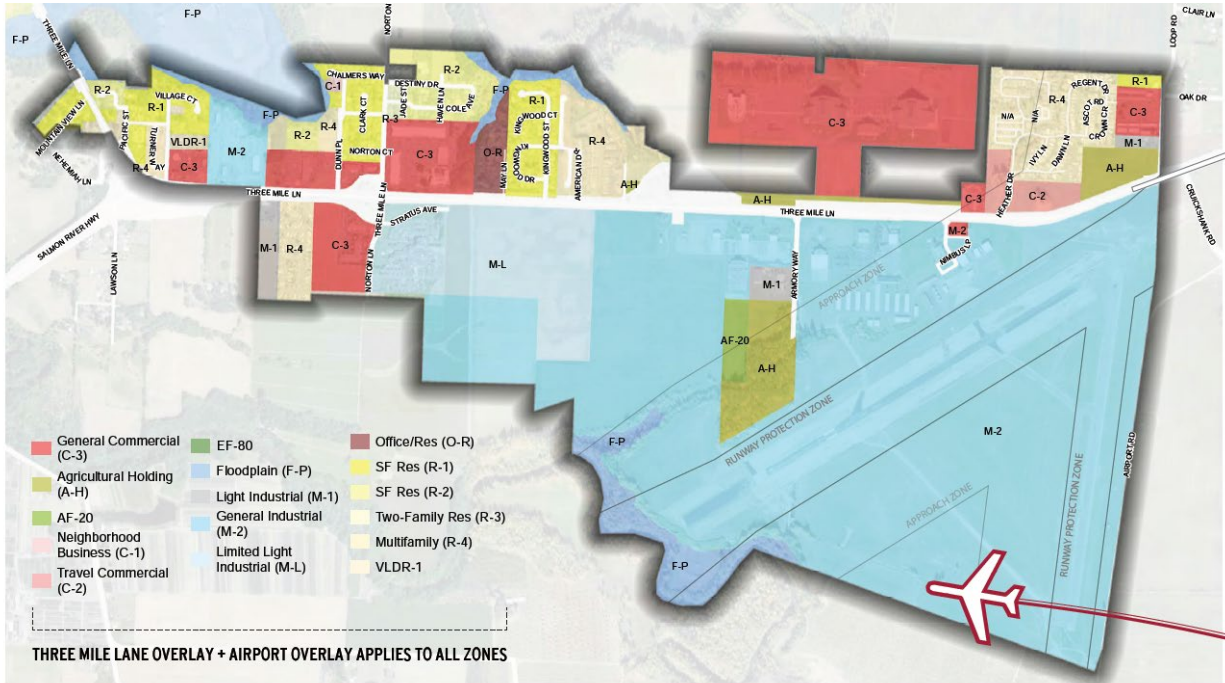
Land use and development in the Three Mile Lane area are currently regulated by the City's Zoning Ordinance and the Three Mile Lane Planned Development Overlay. The Zoning Ordinance governs uses, density, and dimensional requirements for zoning districts in the area, as well as site design and permitting requirements. The Planned Development Overlay contains requirements specific to the Three Mile Lane area that either modify or are in addition to underlying zoning standards.

Zoning

Zoning Ordinance Chapters 17.12 – 17.48 specify the allowed uses and associated regulations for each zoning district in the City. The predominant zoning designation (by acreage) within the study area is Industrial. Most of the land in the study area south of Three Mile Lane is designated General Industrial (M-2) or Limited Light Industrial (M-L). Much of this industrial land is occupied by the McMinnville Municipal Airport. On the north side of Three Mile Lane, there are large areas zoned General Commercial (C-3), including the area that includes the Evergreen Aviation & Space Museum and water park; a small area zoned Travel Commercial (C-2); and a mix of residential zoning. Most of the area zoned for Single-Family Residential (R-1 and R-2) is found in the northwest portion of

the study area. Multiple-Family Residential (R-4) zoning is found in separate areas in the northwest, northeast, and southwest portions of the study area.²

Figure 6. Existing Zoning Designations



Development Standards

In the industrial districts, the M-L zone is largely limited to manufacturing and related uses with limited external impacts, while the M-2 zone allows most industrial uses. In the M-L zone, properties are subject to maximum building heights of 60 feet and minimum setbacks from Three Mile Lane of 120 feet from the centerline. Development in the M-2 zone is not subject to these review requirements. Maximum building height in the M-2 zone is 80 feet and no minimum yard setbacks are required, except adjacent to residential zones.

A wide variety of commercial uses are permitted in the C-3 zone, including commercial recreation facilities, large format retailers, gas stations, and hotels. The maximum height in the C-3 zone is 80 feet and no minimum yard setbacks are required, except adjacent to residential zones. The C-2 zone only covers a small area near the eastern edge of the study area. Permitted uses are largely limited to travel-related uses such as lodging, restaurants, and gas stations. Building height is limited to 45 feet, and the minimum front setback is 30 feet.

² The Airport Overlay Zone (Zoning Ordinance Chapter 17.52) also regulates uses in the Three Mile Lane area. Its intent is to prevent structures or uses that obstruct the safe flight of aircraft in the vicinity of the McMinnville Municipal Airport. Requirements of this overlay are not detailed here, as the Preferred Land Use Alternative assumption is that Airport-related uses will continue to be permitted according to existing City code requirements. The area adjacent to the airport is expected to continue to develop as an airport-oriented commercial and industrial center, reflecting the economic value and potential of this infrastructure.

In the residential zones, density is controlled by minimum lot area per family (or per unit). Within the study area, minimum lot areas are as follows:

- R-1 – 9,000 sf (9,000 sf for two-family corner lots)
- R-2 – 7,000 sf (8,000 sf for two-family corner lots)
- R-3 – 6,000 sf (8,000 sf for two-family corner lots)
- R-4 – 1,500 sf per unit with 2 bedrooms or fewer; 1,750 sf per unit with three bedrooms

The maximum height in the R-4 zone is 60 feet, while the remaining residential zones are limited to 35 feet.

Development within the study area is also subject to floodplain (Chapter 17.48), landscaping (Chapter 17.57), tree (Chapter 17.58), off-street parking (Chapter 17.60), and sign regulations (Chapter 17.62, Planned Development Overlay) requirements.

Three Mile Lane Planned Development Overlay

The 1981 Three Mile Lane Planned Development Overlay outlines several provisions related to the development of properties in the Three Mile Lane area. A 1994 ordinance amending the overlay added a set of detailed provisions related to commercial signage. Provisions include:

- Required 120-foot setback from the centerline of Three Mile Lane
- Access requirements:
 - Minimize access onto Three Mile Lane
 - Provide on-site circulation systems connecting to adjoining properties
 - Provide acceleration-deceleration lanes and left-turn refuges when necessary
 - Provide bikeway connections
- Landscaping and buffering along the highway frontage may be required
- Mixed housing-type residential developments encouraged
- Temporary signage allowed

Development Approval

Development subject to a land use review process within the Three Mile Lane area include the following:

- Plans for proposed uses in the M-L zone. Industrial uses in the M-L zone must be approved by the Planning Commission, after evaluating impacts such as noise, traffic generation, air and water pollution, and appearance.
- Zone changes within the Three Mile Lane Planned Development Overlay. Zone changes in this area are evaluated using Planned Development Overlay standards and procedures and approved by Planning Commission.
- New commercial structures larger than 25,000 square feet of gross floor area. Director approval is required through Large Format Commercial Design Review.

- Signage in areas designated commercial and industrial. Approval by the Three Mile Lane Design Review Committee, after evaluating compatibility and design elements such as color, material, size, form, and relationship to site and building design.

All development within the Three Mile Lane Planned Development Overlay must be approved by the Three Mile Lane Design Review Committee (Ordinance 4572, Section 6(A)).

Preferred Alternative

As described previously, there are particular areas within the Three Mile Lane area that present the greatest opportunities for change. This section compares proposed designations and current zoning for each opportunity area in a series of tables. For each area, there are a series of questions, the answers to which will guide implementation of the Three Mile Lane Area Plan.

As part of plan adoption, the City has an opportunity to modify land uses and requirements either through rezoning or as part of an overlay.

Mixed-use Area (CalPortland)

Table 2. Land Use: Mixed-use Area

Mixed-use Area	
Proposed Designation	Current Zoning
Mixed-use	R-1
Medium-High Density	R-2
	M-2
	C-3

NOTES

- Uses permitted in the City’s Multiple Family Residential (R-4) and General Commercial (C-3) zones generally meet the purpose statement of the Mixed-Use designation.
- The R-4 zone allows single family dwellings (including attached), duplexes, and accessory dwelling units. Building height is limited to sixty feet.
- Uses permitted in the C-3 zone include commercial recreation facilities, large format retailers, gas stations, and hotels. The maximum height in the C-3 zone is 80 feet and there are no minimum yard setbacks required for commercial uses.

QUESTIONS

- Should all residential use types be allowed outright in the Mixed-Use designation?
- Are there commercial use types that are should be restricted in the Mixed-Use designation?
- Should a mix of uses be *required*? If so, should this requirement apply to development proposals over a certain size? Would the requirement apply to only multi-story development?

Tourist Commercial

Table 3. Land Use: Tourist Commercial

Tourist Commercial	
Proposed Designation	Current Zoning
Tourist Commercial	R-4
	C-2
	C-3

NOTES

- The R-4 zone allows single family dwellings (including attached), duplexes, and accessory dwelling units. Building height is limited to sixty feet.
- Uses permitted in the C-3 zone include commercial recreation facilities, large format retailers, gas stations, and hotels. The maximum height in the C-3 zone is 80 feet and there are no minimum yard setbacks required for commercial uses.
- Uses in C-2 Travel Commercial Zone are limited:
 - **Permitted Uses:**
 - Automobile Service Station
 - Gift Shop
 - Lodging
 - RV Park
 - Restaurant
 - Bed and Breakfast
 - Short term rentals
 - **Conditional Uses:**
 - Commercial recreation
 - Repair garage
 - School

QUESTIONS

- Considering the existing uses on the Evergreen site and the land available for development, should the existing C-3 zoning be retained? Are there any use additions or exemptions that should be captured in the plan?
- Given that one of the Preferred Alternative’s focus is to provide more opportunities for tourism-related uses, are C-2 uses appropriate for areas east of the Evergreen complex?

Health Care

Table 4. Land Use: Health Care

Health Care	
Proposed Designation	Current Zoning
Office	R-4
Medium-High Density Residential	C-3
Medical	M-1
Mixed-use	M-L

NOTES

- The R-4 zone allows single family dwellings (including attached), duplexes, and accessory dwelling units. Building height is limited to sixty feet.
- Uses permitted in the C-3 zone include high-density residential and office. Allowed conditional uses include adult day care, or similar use called by a different name or that is a State licensed facility.
- The M-L (Limited Light Industrial) zone is intended to create, preserve, and enhance areas containing manufacturing and related establishments with limited external impact and with an open and attractive setting. Hospitals and medical offices are permitted uses, as is light manufacturing, aerospace industries, warehousing, wholesale distribution, and tasting rooms.
- M-1 (Light Industrial) zone allows all the uses permitted in the M-L zone, plus a wider range of manufacturing, assembly, packaging, or treatment of products from previously prepared or processed materials. Additional permitted uses include warehousing, wholesaling, and limited commercial uses.

QUESTIONS

- Should the overlay restrict commercial uses to those related to medical office and medical services?
- For areas currently zoned for industrial or high-density residential and could not develop/redevelop with all the use types envisions, should the areas be allowed to rezone to C-3, with overlay restrictions?

Retail Center

Table 5. Land Use: Retail Center

Retail Center	
Proposed Designation	Current Zoning
Commercial	M-2

NOTES

- The M-2 General Industrial Zone allows for large and impactful industrial development, including all uses allowed in the M-L and M-1 zones.

- A commercial designation of C-3 would allow a broad range of commercial development. The specific uses, site design, and architectural features envisioned by this planning effort are not required in the code today, and are therefore recommended for inclusion in the Three Mile Lane Overlay Zone.

QUESTIONS

- What level of regulatory control should the City use to implement requirements for the Retail Center? What site design standards should be required? What design elements related to future structures should be included in guidelines or codified as requirements?
- Highway visibility and the style/quality of signage will be important for retail users and for the community as a whole. Are there specific sign requirements/restrictions desired?

Innovation Campus

Table 6. Land Use: Corporate Campus

Corporate Campus	
Proposed Designation	Current Zoning
Industrial (<i>no proposed change</i>)	M-2
	AF-20
	A-H

NOTES

- No change in land use designation is recommended
- Portions of the area are zoned AF-20 and A-H (Agricultural Holding). These are generally associated with Galen McBee Airport Park and not expected to change.

QUESTIONS

- Should the overlay zone require a minimum lot size or other measure to ensure that this space is available specifically for a corporate campus or similar user?
- Design of such a campus will ultimately depend on the needs of the end user. What are the most important elements (e.g., a publicly-accessible park, a connected street grid) that the plan should address or the City should require?

Design Features

Community expectations for the future of the Three Mile Lane Area Plan include ensuring that future development will reflect and respect the unique features of the area and will enhance a neighborhood feel. This section evaluates how the City currently addresses the design features explored in the Preferred Land Use Alternative section through development requirements. Table 7

lists the features, existing requirements, and recommendations on how they might be achieved in the Three Mile Lane area.

Through the development and implementation of the Three Mile Lane Area Plan the City has the opportunity to set land use and transportation policy and create and implement standards and guidelines that will help the community realize the vision for this area.

Table 7. Design Requirement Evaluation

Design Feature	Existing Requirements <i>(Zoning Ordinance, Three Mile Lane Planned Development Overlay)</i>	Possible Three Mile Lane Area Plan (3MLAP) Recommendations and Overlay Requirements
1. Natural Feature Preservation		
<ul style="list-style-type: none"> • <i>Strive to protect tree groves</i> • <i>Strive to protect individual trees</i> 	<p>Proposed multi-family, commercial, office and industrial development must be landscaped (§17.57.030). Landscaping plans must show the existing locations of trees over six inches in diameter, their variety, and if they are to remain or be removed (§17.57.060).</p> <p>The removal of individual significant or historic trees or the removal of trees as part of a proposed development subject to site plan, tentative subdivision, or partition review is subject to City approval (§17.58.040).</p>	<p>New policy, adopted as part of 3MLAP. Consider identifying tree groves and tree types to be protected and develop requirements for preservation.</p>
<ul style="list-style-type: none"> • <i>Protect riparian corridors and adjacent native landscape</i> 	<p>Flood Area Zone (§17.48) restrictions.</p> <p>Landscaping required for all development except single-family and two-family residential (§17.57.030).</p>	<p>Confirm riparian corridors are mapped and subject to Chapter 17.48.</p> <p>Require mapping and protection of stream corridors and re-vegetation with native plantings.</p>
2. Scenic Views		
<ul style="list-style-type: none"> • <i>Provide and protect views to rolling hills and volcanoes</i> • <i>Provide visual and physical access to North Yamhill River</i> • <i>Orient streets and open spaces to views</i> 	<p>None.</p>	<p>New policy, adopted as part of 3MLAP.</p> <p>Require viewshed protection as part of Design Review.</p>

Design Feature	Existing Requirements <i>(Zoning Ordinance, Three Mile Lane Planned Development Overlay)</i>	Possible Three Mile Lane Area Plan (3MLAP) Recommendations and Overlay Requirements
3. Parks and Open Spaces		
<ul style="list-style-type: none"> • <i>Connect to Galen McBee Airport Park</i> 	None.	<p>Proposed trail connecting to Galen McBee Airport Park loop trails and extending access to the South Yamhill River shown in the preferred alternative; plan adoption will modify transportation system plan.</p> <p>Require connection to proposed trail, trail right-of-way dedication, and trail construction as part of Design Review/development approval.</p>
<ul style="list-style-type: none"> • <i>Create new gathering spaces that incorporate natural areas and views</i> 	None.	New policy, adopted as part of 3MLAP; require as part of Design Review.
<ul style="list-style-type: none"> • <i>Plant native landscapes with seasonal variation</i> 	Proposed multi-family, commercial, office and industrial development must be landscaped (§17.57.030). For industrial, commercial, and parking lot uses landscaping must be 7% of gross area; for multi-family the requirement is 25% of gross area. The Landscape Review Committee approves proposed landscaping; an approval criterion is compatibility with the proposed project and the surrounding and abutting properties.	New policy, adopted as part of 3MLAP. Define approved planting list in plan or in overlay zone.
4. Pedestrian Friendly		
<ul style="list-style-type: none"> • <i>Provide a network of sidewalks and trails to connect people to key locations</i> 	Complete Streets standards require sidewalks (§17.53.101 Streets). Sidewalks must be 10'-12' feet wide in commercial areas to accommodate the Pedestrian zone. Street trees must be placed in tree wells; street trees, furniture and business accesses must meet ADA	<p>Proposed trail system shown in the preferred alternative; plan adoption will modify transportation system plan.</p> <p>Proposed Complete Streets Design increases sidewalk width.</p> <p>Expand pedestrian walkway/connectivity standards to</p>

Design Feature	Existing Requirements <i>(Zoning Ordinance, Three Mile Lane Planned Development Overlay)</i>	Possible Three Mile Lane Area Plan (3MLAP) Recommendations and Overlay Requirements
	<p>requirements.</p> <p>Pedestrian ways, 10' or greater in width, may be required to "connect to recreation or public areas such as schools, or to connect to existing or proposed pedestrian ways (§17.53.103 Blocks)."</p> <p>Pedestrian walkway standards apply to Large Format Retail; site design requires connections between buildings and from building entrances to streets (§17.56.050.C.2).</p>	<p>apply to all commercial and office development.</p>
<ul style="list-style-type: none"> • <i>Shade streets with mature tree canopy</i> 	<p>Street Tree Planting (§17.58.080) and Planting Plan (§17.58.100) required for new multi-family development, commercial or industrial development, subdivisions, partitions, or parking lots.</p>	<p>New policy, adopted as part of 3MLAP. Define approved tree list in plan or in overlay zone. Require as part of Design Review.</p>
<p>5. Bike-Friendly</p>		
<ul style="list-style-type: none"> • <i>Plan safe routes for residents and touring cyclists</i> 	<p>Complete Streets standards require bike facilities (§17.53.101 Streets). Minimum bike lane width is 5' on arterial and 4' on collector streets.</p>	<p>Modified Complete Street standards require buffered bike lanes (or cycle tracks) on collector streets and sharrow markings for shared lanes on local residential streets.</p>
<p>6. Connected Streets</p>		
<ul style="list-style-type: none"> • <i>Connect to existing street grid in 3ML</i> 	<p>Street locations must be consistent with adopted comprehensive plan and subdivision standards (§17.53.101 Streets).</p>	<p>Proposed local street connections shown in the preferred alternative; plan adoption will modify transportation system plan.</p>

Design Feature	Existing Requirements <i>(Zoning Ordinance, Three Mile Lane Planned Development Overlay)</i>	Possible Three Mile Lane Area Plan (3MLAP) Recommendations and Overlay Requirements
7. Accessibility		
<ul style="list-style-type: none"> • <i>Design new development for ease of use by all ages and abilities</i> 	<p>Complete Streets standards require sidewalks and bike lanes (§17.53.101 Streets). Sidewalks must be 10'-12' feet wide in commercial areas to accommodate the Pedestrian zone. Street trees must be placed in tree wells; street trees, furniture and business accesses must meet ADA requirements.</p>	<p>New policy, adopted as part of 3MLAP. Modified Complete Street standards increase sidewalk and planter strip widths and require buffered bike lanes (or cycle tracks) on collector streets and sharrow markings for shared lanes on local residential streets.</p>
8. Human Scale Design		
<ul style="list-style-type: none"> • <i>Respect typical scale of commercial uses in McMinnville</i> 	<p>Building heights in C-3 zone limited to eighty feet (§17.33.040). No size limits; new commercial structures over 25,000 square feet gross floor area subject to Director's Review/notification. Large Format Retail (Chapter 17.56) requirements address building façade, roof features, and site design (buffering, pedestrian walkways, parking, landscaping), and innovative energy efficient design and construction technologies. Parking spaces shall be provided at no more than 120 percent of the minimum required Large Format Retail site design requirements (§17.56.050) set an off-street parking maximum (no more than 120 percent of the minimum required by Chapter 17.60, Off-Street Parking and Loading).</p>	<p>Requirements for commercial building size and massing. Additional guidelines or standards related to façade treatments. Standards for parking maximums for all uses. Parking lot location requirements for commercial uses.</p>
<ul style="list-style-type: none"> • <i>Design to reflect the micro-climate—outdoor life, porches, balconies</i> 	<p>Large Format Retail pedestrian walkway standards include awning requirements (§17.56.050.C.2.b). Awning are included in Downtown</p>	<p>New policy for development within the overlay. Develop clear and objective design standards for multi-family and</p>

Design Feature	Existing Requirements <i>(Zoning Ordinance, Three Mile Lane Planned Development Overlay)</i>	Possible Three Mile Lane Area Plan (3MLAP) Recommendations and Overlay Requirements
	Design Standards and Guidelines (§17.59.070). No residential standards.	mixed-use residential.
<ul style="list-style-type: none"> • <i>Promote inclusion and interaction within the right-of-way</i> 	None.	Requirements for building orientation (set-to, building orientation). Additional guidelines or standards related to façade treatments, including transparency. Provision of on-street parking for ground-floor commercial uses (new requirements allowing on-street spaces to be counted toward parking minimums, new cross-section standards for streets with ground-floor retail).
9. Mix of Activities		
<ul style="list-style-type: none"> • <i>Encourage mixed-use development where feasible</i> 	None.	New policy, adopted as part of 3MLAP.
10. Urban-Rural Interface		
<ul style="list-style-type: none"> • <i>Reflect patterns of wine industry—eg, rows of vines, southern orientation, shelter belts of trees</i> 	None.	New policy, adopted as part of 3MLAP. Examples in Design Booklet.
<ul style="list-style-type: none"> • <i>Consider adjacency to agricultural fields and respect this heritage through careful transitions</i> 	None.	New policy articulating transitions; buffer/perimeter requirements.
<ul style="list-style-type: none"> • <i>Design simple roof forms (industrial and agricultural). Height and distinctive forms of silos can be inspiration</i> 	Large Format Retail development standards require architectural variability in the roof design (§17.56.050.B). Proposed buildings must incorporate two out of three standards: parapets with cornices; overhanging eaves or cornices, and; prominent portions of the roof	Require roof features consistent with Large Format Retail standards for all future development in the 3ML area. Design examples in Design Booklet.

Design Feature	Existing Requirements <i>(Zoning Ordinance, Three Mile Lane Planned Development Overlay)</i>	Possible Three Mile Lane Area Plan (3MLAP) Recommendations and Overlay Requirements
	design exhibiting slopes with a plane of between 4/12 (33 degrees) and 6/12 (45 degrees).	
<ul style="list-style-type: none"> • <i>Consider functional site planning of vineyard and farm complexes as conceptual model for new development</i> 	None.	Examples in Design Booklet.
11. Housing for Diverse Incomes and Generations		
<ul style="list-style-type: none"> • <i>Allow for a mix of future housing forms and types, respecting the current character of 3ML</i> 	Existing residential and commercial zoning allows for a variety of housing types.	3MLAP increases the areas available for housing with the change in designation from industrial to Mixed-use use north of Three Mile Lane, and from industrial to residential in the vicinity of the hospital.
12. Housing Variety		
<ul style="list-style-type: none"> • <i>Respect existing variety of housing types in 3ML and ensure diversity of design for future housing</i> 	Housing variety and design not addressed. Site design requirements for Large Format Retail require buffering, (§17.56) Light industrial uses (M-1) must include perimeter treatments to buffer adjacent residential uses.	Guidelines in Design Booklet Buffer/perimeter requirements for Mixed-use, Medical, and Commercial.
13. Unique and Integrated Design Elements		
<ul style="list-style-type: none"> • <i>Ensure visibility from highway; Welcome to McMinnville</i> 	None.	Guidelines in Design Booklet. Requirements for landscape buffering fronting Three Mile Lane. Requirements for façades facing Highway 18, including addressing blank walls and requiring articulation and materials or color variation; design guidelines to encourage a more cohesive visual character along the corridor.

Design Feature	Existing Requirements <i>(Zoning Ordinance, Three Mile Lane Planned Development Overlay)</i>	Possible Three Mile Lane Area Plan (3MLAP) Recommendations and Overlay Requirements
<ul style="list-style-type: none"> • <i>Make functions of sites visible (airplanes, wine-making); continue expression of industry/making where applicable</i> 	None.	Examples in Design Booklet.
<ul style="list-style-type: none"> • <i>Aviation legacy: display large planes; consider sensation of low-flying planes, potential visual impact of sites from the air</i> 	None.	Examples in Design Booklet.
<ul style="list-style-type: none"> • <i>Consider local materials for cladding and building structure (timber, corrugated steel cladding, red brick)</i> 	Large Format Retail (Chapter 17.56) requirements address building façade, roof features, and site design (buffering, pedestrian walkways, parking, landscaping), and innovative energy efficient design and construction technologies.	Additional guidelines or standards related to façade treatments. Expand requirements to uses other than commercial, including office, mixed-use, and multi-family.
<ul style="list-style-type: none"> • <i>Use vibrant color</i> 	None.	Additional guidelines or standards related to façade treatments; define acceptable color palate. Require for all new commercial, office, mixed-use, and multi-family.

NEXT STEPS

This memorandum and associated materials will be presented to the Three Mile Lane TAC and CAC at their next meetings. The committees are expected to evaluate elements of the Preferred Alternative and provide additional direction and suggestions for refinement, including:

- Refinement of the attributes that define the Three Mile Lane Area.
- Refinement of the specific attributes desired in the opportunity areas.

- Desired policy, design elements, and code concepts to implement the plan and effectively guide and regulate development within the Three Mile Lane Area.

Following the advisory committee meetings, the project team will bring a revised set of materials to the broader public at Public Event #3, tentatively scheduled for early 2021. The plan concepts of the Preferred Alternative and land use implementation measures will be the focus of this event.

A companion memorandum to this piece (TM 8b) evaluates the transportation impacts of proposed land uses and provides recommendations for the design of Highway 18 through this area. This work is based on a detailed transportation analysis, performed in partnership with the City and Oregon Department of Transportation.

Reflecting revisions informed by public involvement and City review, a final plan document will be created and prepared for adoption. The adoption process will include a public Planning Commission/City Council work session, a Planning Commission hearing, and a City Council hearing. Each of these points provide an opportunity for public participation to review and provide comments on the Three Mile Lane Area Plan.



Walkable Streetscape with Active Ground Floors



Regionally-influenced architecture

PRECEDENT STUDY:
Old Mill District, Bend



- Landscape Buffer
- Parking behind buildings
- Central 'Main Street':
 - Wide sidewalks
 - Street Trees
 - On-street parking
 - Active ground floors
- Public gateway plaza
- Gathering and event space
- Access and orientation to natural features



Regionally-influenced architecture

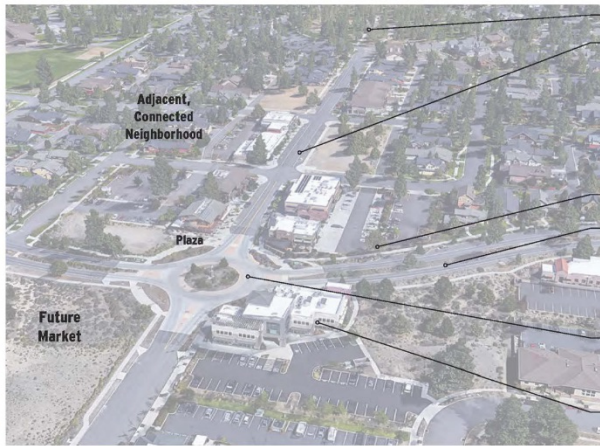


Distinctive entry to Commercial Center



Protected mountain views

PRECEDENT STUDY:
NorthWest Crossing, Bend



- Integrated park space
- Central 'Main Street':
 - Wide sidewalks
 - Street Trees
 - On-street parking
 - Active ground floors
 - Mixed-use
 - Two blocks closed for Farmer's Market weekly
- Parking behind buildings
- Neighborhood Collector
- Gateway 'marker'
- Adjacent to 'clean' light industrial/office uses



PRECEDENT STUDY:
Orenco Station, Hillsboro, OR

COMMERCIAL DESIGN OPPORTUNITIES
Three Mile Lane Area Plan
March 2021

MEMORANDUM

Date: May 4, 2022 Project #: 24369/26747/26748

To: Tom Schauer, AICP, & Heather Richards, PCED, City of McMinnville

Cc: Josh Anderson, PE, PTOE, & Andrew Mortenson, David Evans and Associates, Inc.
Dan Fricke & Arielle Ferber, PE, ODOT Region 2
Ken Friday & Mark Lago, Yamhill County
Michael Strahs, Kimco Realty
Alan Roodhouse, RPS Development Company
Stewart Kircher & Dan Bansen, DRS Land LLC
Bryan Hays & Fee Stubblefield, The Springs Living
Ken Sandblast, Westlake Consultants, Inc.

From: Kristine Connolly, PE, Marc Butorac, PE, PTOE, PMP, & Alec Kauffman

Project: Three Mile Lane Comprehensive Plan Map Amendments/Zone Changes CPA 2-20/ZC 3-20, CPA 1-21/ZC 2-21, & CPA 2-21/ZC 3-21

Subject: Three Mile Lane Area Plan Sensitivity Analysis



This sensitivity analysis was prepared in response to the David Evans and Associates (DEA) March 2, 2022 third-party review comments on the three Traffic Impact Analyses (TIAs) and supplemental memoranda submitted to the City by Kittelson & Associates, Inc. (Kittelson), as well as the outcome of the March 17, 2022 meeting between Kittelson, City of McMinnville, Oregon Department of Transportation (ODOT) and Yamhill County staff (see Appendix A for documentation of the scope of the sensitivity analysis developed in coordination with City staff). This sensitivity analysis evaluates the combined impact of all three zone changes (the December 2020 Three Mile Lane Rezone TIA [Kimco McMinnville LLC] the November 2021 Three Mile Lane – East Rezone TIA [The Springs Living] and Three Mile Lane – West Rezone TIA [DRS Land LLC]) using updated background traffic assumptions to be consistent with the analysis performed for the Three Mile Lane Area Plan (3MLAP). The mitigation identified through this sensitivity analysis is generally consistent with the previously proposed mitigation for Transportation Planning Rule (TPR) compliance (cited in the January 31, 2022 *Supplemental Transportation Information* memorandum, see Appendix B).

This sensitivity analysis makes the following modifications to the background traffic volume assumptions in the three TIAs and January 31, 2022 *Supplemental Transportation Information* memorandum:

- Horizon year 2041 for consistency with the traffic volumes for the 3MLAP analysis. *It should be noted that OAR 660-012 only requires a 15-year future horizon (2036) given that the adopted TSP presently has a future forecast year less than 15 years from today.*
- An overall 1.0% annual growth rate.
- No opening year mitigation has been completed.
- Includes the future roundabout at OR-18/Lafayette Highway identified as “reasonably likely to be provided by the end of the planning period” in the Yamhill County Transportation System Plan (TSP) and confirmed by ODOT’s March 3, 2022 email in the 2041 background conditions (see Appendix C).
- Includes northerly and southerly OR-18 collector/frontage roads identified as “reasonably likely to be provided by the end of the planning period” per OAR 660-0012-0060(4)(b)(D) by the City of McMinnville in the 2041 background conditions (see Appendix C).

It should be noted that the applicants associated with the three zone change applications have agreed to be conditioned with the same mitigation package to support the cumulative impacts of all three zone changes. The applicants will utilize a private third-party cost sharing agreement to address the conditions and share costs proportionally amongst parties.

This document identifies two types of conditions, required and voluntary mitigations. Required mitigation address the impacts of the zone change in compliance with TPR. Voluntary mitigations are not needed for TPR compliance, but the City of McMinnville has requested these improvements and the developers may be willing to provide them as a condition of approval.

SENSITIVITY ANALYSIS

Year 2041 Background Traffic Volumes and Conditions

DEA provided future year 2041 background traffic volumes used in the 3MLAP analysis at the following study intersections (see Appendix D):

- NE Three Mile Lane/NE 1st Street
- SE Norton Lane/NE Cumulus Avenue
- OR-18/SE Norton Lane
- SE Norton Lane/SE Stratus Avenue (not previously analyzed in the TIAs)
- OR-18/NE Cumulus Avenue
- OR-18/SE Armory Way
- OR-18/SE Loop Road

- OR-18/SE Cruickshank Road

These volumes include traffic projected to be generated by the existing industrial zoning of land within the City’s urban growth boundary (UGB). However, the 3MLAP analysis did not assume completion of the northerly and southerly OR-18 collector/frontage roads identified by the City. Trips were re-assigned within the study area to account for these “reasonably likely” roadway facilities. These adjustments are documented in Appendix E.

For TIA study intersections not included in the 3MLAP analysis, a growth factor of 1.0% was applied to the seasonally adjusted traffic counts to develop year 2041 background traffic volumes. Volumes at these intersections were compared to the nearest study intersection included in the 3MLAP analysis, and through volumes were balanced manually for consistency. These adjustments apply to the following intersections:

- NE 3rd Street/NE Johnson Street
- NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street
- OR-18/Lafayette Highway
- OR-18/Ash Road

To account for the closure of OR-18/Ash Road with completion of the planned roundabout at OR-18/Lafayette Highway, turning movements at Ash Road were re-assigned to the roundabout. This adjustment is documented in Appendix E.

In reviewing the volumes originating and destined south of OR-18 in the vicinity of the subject zone changes, it was found that build-out of the industrial land subject to the zone change (under a reasonable worst-case scenario) could result in higher volumes than were included in the 3MLAP analysis. Additional industrial trips were assigned to the network to account for this potential delta in traffic at the Norton and Cumulus intersections with OR-18. This adjustment is documented in Appendix E.

Appendix F includes the resulting year 2041 background traffic volumes used in this sensitivity analysis.

Year 2041 Background Traffic Operations

Table 1 summarizes the year 2041 background traffic operations for the weekday PM peak hour. Appendix G includes the 2041 background conditions intersection operations analysis worksheets.

Table 1. Estimated 2041 Background Traffic Operations for Weekday PM Peak Hour

Study Intersection		Mobility Target (V/C) ¹	CM	V/C
1	NE 3 rd Street/NE Johnson Street	0.90	-	0.86
2	NE Three Mile Lane/NE 1 st Street	0.90	WB	1.40²
3	NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27²
4	SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48
5	OR-18/SE Norton Lane	0.80	-	0.80
6	OR-18/NE Cumulus Avenue	0.80	-	0.98
7	OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29
8	OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39
9	OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64
10	OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53
11	OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed	
12	SE Norton Lane/SE Stratus Avenue	0.90	WB	0.36

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right

V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)

CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

²Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix G.

As shown in Table 1, the following intersections are expected to exceed the applicable performance requirement in 2041 under the background condition:

- NE Three Mile Lane/NE 1st Street
- Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street
- OR-18/NE Cumulus Avenue
- OR-18/SE Cruickshank Road

Year 2041 Total Traffic Volumes

Year 2041 total traffic volumes were developed by adding the difference in site-generated trips between the existing and proposed zoning of each of the three proposed rezones (as shown in Table 2) to the year 2041 background traffic volumes. Appendix H includes the net new trip assignment, which was assigned consistent with the trip assignment in the TIAs.

Table 2. Cumulative Trip Generation

	Land Use	ITE Code	Size	Daily Trips	PM Peak Hour			
					Total	In	Out	
Kimco McMinnville LLC	Existing M-2 General Industrial Zone Reasonable Worst-Case Development Scenario							
	Medical-Dental Office Building (10 acres at 25%)	720	108,900 SF	4,096	371	104	267	
	Industrial Park (23.5 acres at 40%)	130	409,464 SF	1,954	164	34	130	
	Net New Trips				6,050	535	138	397
	Proposed C-3 General Commercial Zone Reasonable Worst-Case Development Scenario							
	Shopping Center (33.5 acres at 25%)	820	364,815 SF	11,867	1,203	578	625	
	<i>Less Pass-by Trips (34%)</i>			(4,035)	(408)	(204)	(204)	
	Net New Trips				7,832	795	374	421
	Difference = Proposed – Existing				1,782	260	236	24
	The Springs Living	Existing M-2 General Industrial Zone Reasonable Worst-Case Development Scenario						
Medical-Dental Office Building (8.0 acres at 25%)		720	87,120 SF	3,260	297	83	214	
Net New Trips				3,260	297	83	214	
Proposed C-3 General Commercial Zone Reasonable Worst-Case Development Scenario								
Shopping Center (8.0 acres at 25%)		820	87,120 SF	2,834	287	138	149	
<i>Less Pass-by Trips (34%)</i>				(964)	(98)	(49)	(49)	
Net New Trips				1,870	189	89	100	
Difference = Proposed – Existing				-1,390	-108	6	-114	
DRS Land LLC	Existing M-1 General Industrial Zone Reasonable Worst-Case Development Scenario							
	Medical-Dental Office Building (6 acres at 25%)	720	65,340 SF	2,423	224	63	161	
	Industrial Park (15.11 acres at 40%)	130	263,277 SF	887	105	22	83	
	Net New Trips				3,310	329	85	244
	Proposed C-3 General Commercial Zone Reasonable Worst-Case Development Scenario							
	Shopping Center (21.11 acres at 25%)	820	229,888 SF	7,478	758	364	394	
	<i>Less Pass-by Trips (34%)</i>			(2,543)	(258)	(129)	(129)	
	Net New Trips				4,935	500	235	265
Difference = Proposed – Existing				1,625	171	150	21	
Combined	Existing Industrial Zone Reasonable Worst-Case Development Scenario				12,620	1,161	306	855
	Proposed Commercial Zone Reasonable Worst-Case Development Scenario				14,637	1,484	698	786
	Difference = Proposed - Existing				2,017	323	392	-69

Year 2041 Total Traffic Operations

Table 3 summarizes the year 2041 total traffic operations for the weekday PM peak hour. Appendix I includes the 2041 total conditions intersection operations analysis worksheets.

Table 3. Estimated 2041 Total Traffic Operations for Weekday PM Peak Hour

Study Intersection		Mobility Target (V/C) ¹	CM	V/C
1	NE 3 rd Street/NE Johnson Street	0.90	-	0.93
2	NE Three Mile Lane/NE 1 st Street	0.90	EB	1.83²
3	NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.14³
4	SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.50
5	OR-18/SE Norton Lane	0.80	-	0.79 ⁴
6	OR-18/NE Cumulus Avenue	0.80	-	1.33
7	OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.31
8	OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.48
9	OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.63⁵
10	OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	WB	0.54
11	OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed	
12	SE Norton Lane/SE Stratus Avenue	0.90	WB	0.54

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right

V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)

CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

²Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix I. Under 2041 total traffic conditions in Vistro, the delay for the critical westbound left-turn movement is so high that it is not reported. It can be assumed that with higher delay, the true V/C under 2041 total traffic conditions is also higher if Vistro were capable of reporting it. Sidra 8 was used to verify this assumption.

³Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix I. Under 2041 total traffic conditions in Vistro, the rezone from industrial to commercial site use increases inbound (southbound) and decreases outbound (northbound) flow from the site through Intersection #3, resulting in improved capacity for the critical eastbound left-turn movement compared to 2041 background traffic conditions. Sidra 8 was used to verify this condition.

⁴Pass-by trips associated with the rezone from industrial to commercial site use decrease eastbound and westbound through volumes on OR-18, resulting in improved capacity compared to 2041 background traffic conditions.

⁵The rezone from industrial to commercial site use increases inbound (westbound) and decreases outbound (eastbound) flow from the site through Intersection #9, resulting in improved capacity for the critical northbound left-turn movement compared to 2041 background traffic conditions.

As shown in Table 3, the four intersections that do not satisfy applicable review agency mobility targets under year 2041 background conditions experience additional delay with the proposed rezones. Additionally, the NE 3rd Street/NE Johnson Street intersection does not satisfy applicable review agency mobility targets under year 2041 total conditions.

Year 2041 Total Traffic Mitigations

Table 4 provides a comparison of 2041 horizon year background and total traffic operations for the weekday PM peak hour.

Table 4. Comparison of 2041 Background and Total Traffic Operations for Weekday PM Peak Hour

Study Intersection	Mobility Target (V/C) ¹	2041 Background		2041 Total		V/C Change > 0.03?	
		CM	V/C	CM	V/C		
1 NE 3 rd Street/NE Johnson Street	0.90	-	0.86	-	0.93	Yes	
2 NE Three Mile Lane/NE 1 st Street	0.90	WBL	1.40²	EB	1.83²	Yes	
3 NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27³	EB	1.14³	No	
4 SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48	EB	0.50	No	
5 OR-18/SE Norton Lane	0.80	-	0.80	-	0.79 ⁴	No	
6 OR-18/NE Cumulus Avenue	0.80	-	0.98	-	1.33	Yes	
7 OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29	NB	0.31	No	
8 OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39	SB	0.48	No	
9 OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64	NB	1.63⁵	No	
10 OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53	WB	0.54	No	
11 OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed					
12 SE Norton Lane/NE Stratus Avenue	0.90	WB	0.36	WB	0.54	Yes	

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right

V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)

CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

²Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix G and Appendix I. Under 2041 total traffic conditions in Vistro, the delay for the critical westbound left-turn movement is so high that it is not reported. It can be assumed that with higher delay, the true V/C under 2041 total traffic conditions is also higher if Vistro were capable of reporting it. Sidra 8 was used to verify this assumption.

³Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix G and Appendix I. Under 2041 total traffic conditions in Vistro, the rezone from industrial to commercial site use increases inbound (southbound) and decreases outbound (northbound) flow from the site through Intersection #3, resulting in improved capacity for the critical eastbound left-turn movement compared to 2041 background traffic conditions. Sidra 8 was used to verify this condition.

⁴Pass-by trips associated with the rezone from industrial to commercial site use decrease eastbound and westbound through volumes on OR-18, resulting in improved capacity compared to 2041 background traffic conditions.

⁵The rezone from industrial to commercial site use increases inbound (westbound) and decreases outbound (eastbound) flow from the site through Intersection #9, resulting in slightly improved capacity for the critical northbound left-turn movement compared to 2041 background traffic conditions.

As demonstrated in Table 4, the change in volume-to-capacity ratio at the following three intersections between 2041 background and 2041 total traffic conditions is greater than or equal to +0.03 V/C, and therefore considered to be a significant impact per the guidance provided in the May 25, 2011, Oregon Highway Plan – Policy Intent Statements memorandum from ODOT (see Appendix J):

- NE 3rd Street/NE Johnson Street

- NE Three Mile Lane/NE 1st Street
- OR-18/NE Cumulus Avenue

While OR-18/SE Norton Lane does not require mitigation to satisfy applicable review agency mobility targets, queues on the minor approaches exceed available storage. Mitigation is required to prevent queueing through the northerly and southerly frontage road connections with Norton Lane.

The following mitigation measures are recommended to address the impacts of proposed rezones:

- NE 3rd Street/NE Johnson Street
 - Restripe existing pavement to include an exclusive northbound left-turn lane. *Note that the TIAs did not recommend mitigation at this intersection.*
- NE Three Mile Lane/NE 1st Street
 - Consistent with TIAs, install a traffic signal. *Note that the right-turn lane identified in the TIAs is not required to address TPR impacts.*
- OR-18/SE Norton Lane
 - Consistent with the TIAs, modify the existing signal to redevelop the southbound shared through/right-turn lane into an exclusive southbound right-turn lane. Redevelop the second northbound exit lane into an exclusive southbound left-turn lane (allowing the northbound and southbound left-turns to run concurrently with protected phasing). Add right-turn overlaps to all exclusive right-turn lanes (southbound, eastbound, and westbound). Optimize signal timing to reduce queues on the minor approaches.
- OR-18/NE Cumulus Avenue
 - Consistent with the TIAs, modify the existing traffic signal and construct an exclusive eastbound right-turn lane, northbound left-turn lane and northbound right-turn lane. Add protected/permissive left-turn phasing and right-turn overlaps on all approaches. *Note that the second northbound left-turn lane identified in the TIAs is not required.*

Appendix K includes the mitigated year 2041 total conditions intersection operations analysis worksheets. Table 5 summarizes the improved 95th percentile queues at OR-18/SE Norton Lane with the recommended mitigation measures.

Table 5. Comparison of 2041 Background, Total and Mitigated Total Traffic 95th Percentile Queues at OR-18/SE Norton Lane for Weekday PM Peak Hour

Study Intersection	Movement	Available Queue Storage (feet)	2041 Background		2041 Total		2041 Total with Mitigation	
			95 th Percentile Queue (feet)	Queue Storage Adequate?	95 th Percentile Queue (feet)	Queue Storage Adequate?	95 th Percentile Queue (feet)	Queue Storage Adequate?
5 OR-18/SE Norton Lane	NBL	210' (dual)	270'	No	325'	No	204'	Yes
	NBTR	Continuous	183'	Yes	210'	Yes	205'	Yes
	SBL	120'	156'	No	197'	No	118'	Yes
	SBT	Continuous	144'	Yes	154'	Yes	10'	Yes
	SBR	New	-	Yes	-	Yes	77'	Yes
	EBL	150'	46'	Yes	58'	Yes	28'	Yes
	EBT	Continuous	557'	Yes	748'	Yes	500'	Yes
	EBR	100'	47'	Yes	122'	No	27'	Yes
	WBL	150'	79'	Yes	121'	Yes	61'	Yes
	WBT	Continuous	907'	Yes	815'	Yes	690'	Yes
	WBR	175'	21'	Yes	26'	Yes	9'	Yes

Where: EB = eastbound, WB – westbound, NB = northbound, SB = southbound, L = left-turn, T = through, R = right-turn
¹Measured between the crosswalks at OR-18 and SE Stratus Avenue

As shown in Table 5, all 95th percentile queues during year 2041 total traffic conditions would be accommodated by the available storage with the recommended mitigation measures.

Table 6 details the 2041 total traffic operations for the weekday PM peak hour with the recommended mitigation measures.

Table 6. Comparison of 2041 Background, Total and Mitigated Total Traffic Operations for Weekday PM Peak Hour

Study Intersection	Mobility Target (V/C) ¹	2041 Background		2041 Total		2041 Total with Mitigation	
		CM	V/C	CM	V/C	CM	V/C
1 NE 3 rd Street/NE Johnson Street	0.90	-	0.86	-	0.93	-	0.85
2 NE Three Mile Lane/NE 1 st Street	0.90	WB	1.40	EB	1.83	-	1.05²
3 NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27	EB	1.14		
4 SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48	EB	0.50		
5 OR-18/SE Norton Lane	0.90	-	0.80	-	0.79	-	0.72
6 OR-18/NE Cumulus Avenue	0.80	-	0.98	-	1.33	-	0.79
7 OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29	NB	0.31		
8 OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39	SB	0.48		
9 OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64	NB	1.63		
10 OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53	WB	0.54		
11 OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed					
12 SE Norton Lane/NE Stratus Avenue	0.90	WB	0.36	WB	0.54		

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right
 V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)
 CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

²Mitigation improves V/C at the intersection to be better than the 2041 background traffic conditions

As shown in Table 6, the mitigation required to address TPR impacts at NE Three Mile Lane/NE 1st Street improves the V/C to be better than the 2041 background traffic conditions, but the intersection still does not meet mobility targets. The City and/or ODOT could consider further mitigation to install an eastbound right-turn lane to meet mobility standards in the future (i.e., V/C = 0.85). Appendix L includes the 2041 total conditions intersection operations analysis worksheets with this further mitigation.

Regardless of the proposed rezone and subsequent development, the following two intersections should continue to be monitored by the City and/or ODOT and may require additional mitigation in future years based on Year 2041 conditions. While these locations are projected to require additional mitigation in the future as a function of continued local and regional growth, the proposed zone change has a negligible long-term impact on intersection operations. Therefore, no additional mitigation is required at these intersections to comply with TPR.

- NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street: Ultimately this intersection will be relocated and signalized as part of the 3MLAP. Mobility standards can be met

with signalization (i.e., $V/C = 0.90$). Appendix L includes the 2041 total conditions intersection operations analysis worksheets with this further mitigation.

- OR-18/SE Cruickshank Road: Per the January 31, 2022 *Supplemental Transportation Information* memorandum, mobility standards can be met if the northbound left-turn movement is restricted at the time the OR-18/Lafayette Highway roundabout is installed. Furthermore, the restriction of the northbound left-turn movements and reassignment to the Lafayette Highway/OR-18 roundabout shows that this intersection continues to meet mobility targets in 2041 (i.e., critical movement $V/C = 0.74$). Appendix L includes the 2041 total conditions intersection operations analysis worksheets at the OR-18/Lafayette Highway intersection with this reassignment. The OR-18/SE Cruickshank Road intersection will meet mobility targets if at least 60% of projected 2041 northbound left-turn movements reroute to OR-18/Lafayette Highway. Appendix L includes the 2041 total conditions intersection operations analysis worksheets at OR-18/SE Cruickshank Road with 60% of northbound left-turns removed (i.e., critical movement $V/C = 0.72$).

Table 7 details the 2041 total traffic operations for the weekday PM peak hour with this further mitigation for consideration by the City and/or ODOT.

Table 7. Comparison of 2041 Background, Total, Mitigated Total, and Further Mitigated Total Traffic Operations for Weekday PM Peak Hour

Study Intersection	Mobility Target (V/C) ¹	2041 Background		2041 Total		2041 Total with Mitigation		Year 2041 Recommended Mitigation	2041 Total with Further Mitigation		Year 2041 Further Mitigation
		CM	V/C	CM	V/C	CM	V/C		CM	V/C	
1 NE 3 rd Street/NE Johnson Street	0.90	-	0.86	-	0.93	-	0.85	NBL Turn Lane			
2 NE Three Mile Lane/NE 1 st Street	0.90	WB	1.40	EB	1.83	-	1.05	Install Traffic Signal	-	0.85	EBR Turn Lane
3 NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27	EB	1.14				-	0.90	Install Traffic Signal
4 SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48	EB	0.50						
5 OR-18/SE Norton Lane	0.90	-	0.80	-	0.79	-	0.72	SBR Turn Lane, Modify Traffic Signal			
6 OR-18/NE Cumulus Avenue	0.80	-	0.98	-	1.33	-	0.79	EBR Turn Lane, NBL Turn Lane, NBR Turn Lane			
7 OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29	NB	0.31						
8 OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39	SB	0.48						
9 OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64	NB	1.63				NB	0.72	Reroute of 60% NBL to Lafayette/OR-18 intersection
10 OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53	WB	0.54						
11 OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed									
12 SE Norton Lane/NE Stratus Avenue	0.90	WB	0.36	WB	0.54						

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right

V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)

CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

As shown in Table 7, with the further mitigation for consideration by the City and/or ODOT, all study intersections would satisfy applicable review agency mobility targets under year 2041 total conditions.

DRAFT CONDITIONS OF APPROVAL

Draft conditions of approval are outlined below. The applicants associated with the three zone change applications have agreed to be conditioned with the same mitigation package to support the cumulative impacts of all three zone changes. The applicants will utilize a private third-party cost sharing agreement to address the conditions and share costs proportionally amongst parties.

Required mitigation address the impacts of the zone change in compliance with TPR. Voluntary mitigations are not needed to for TPR compliance, but the City of McMinnville has requested these improvements and the developers may be willing to provide them as a condition of approval.

Conditions of Approval to Address TPR Impacts

- Prior to occupancy, install a northbound left-turn lane (pavement restriping) at the NE 3rd Street/NE Johnson Street intersection.
- Prior to occupancy, install a traffic signal at the NE Three Mile Lane/NE 1st Street intersection.
- Prior to occupancy, install a southbound right-turn lane (pavement restriping), modify the traffic signal, and update the signal timing and phasing at the OR-18/SE Norton Lane intersection.
- Prior to occupancy, install a northbound left-turn lane, northbound right-turn lane, eastbound right-turn lane, modify the traffic signal, and update the signal phasing at the OR-18/NE Cumulus Avenue intersection.

Voluntary Conditions

- Prior to occupancy, construct a partial northerly frontage road on City-owned property to the west of SE Loop Road.
- Prior to occupancy, install northbound and southbound left-turn pockets *or* contribute a fee-in-lieu payment toward future relocation and signalization of the NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street intersection.
- Prior to occupancy, contribute a fee-in-lieu payment toward the planned \$8,000,000 multilane roundabout at OR-18/Lafayette Highway. To provide a level of understanding and expectations between the applicant and the City, County and ODOT, the proposed proportional share contribution to the roundabout is estimated to cost approximately \$307,000 in 2022 dollars.

We trust that we adequately provided the supplemental analysis. Please contact us if you have any questions and/or comments at kconnolly@kittelson.com or 503.535.7448.



Oregon

Kate Brown, Governor

Department of Transportation

Region 2 Tech Center

455 Airport Road SE, Building A

Salem, Oregon 97301-5397

Telephone (503) 986-2990

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DATE: May 23, 2022

TO: Dan Fricke
Senior Transportation Planner

FROM: Arielle Ferber, PE
Traffic Analysis Engineer

SUBJECT: Three Mile Lane Rezone (McMinnville) – Transportation Planning Rule
Sensitivity Analysis Review Comments

ODOT Region 2 Traffic has completed our review of the submitted sensitivity analysis (dated May 4, 2022) to address traffic impacts due to development on the southeast and southwest quadrants of the Salmon River Highway No. 39 and Cumulus Avenue intersection in the city of McMinnville, with respect to consistency and compliance with ODOT's Analysis Procedures Manual, Version 2 (APM). The APM was most recently updated in April 2022. The current version is published online at: <http://www.oregon.gov/ODOT/TD/TP/Pages/APM.aspx>. As a result, we submit the following comments for the City's consideration:

Analysis items to note:

- In the *Year 2041 Background Traffic Volumes and Conditions* section (page 3) the memo notes that buildout of the industrial lane subject to the zone change could result in higher volumes than were included in the 3 MLAP and that additional industrial trips were assigned to the network to account for this. However, in Appendix E, some intersection turn movements have reduced volumes (3rd Street at Johnson Street, Three Mile Lane at 1st Street, and Three Mile Lane at Nehemiah Lane/Cumulus Avenue/Pacific Street). It is recommend additional discussion be added to explain the need for reduced volumes at these turn movements.
- During our review some minor typographical errors were noted as follows:
 - Table 1:
 - Three Mile Lane at 1st Street critical movement should be EB not WB
 - Three Mile Lane at Nehemiah Ln/Cumulus Ave/Pacific St critical movement should be WB not EB
 - Table 3:
 - Three Mile Lane at Nehemiah Ln/Cumulus Ave/Pacific St critical movement should be WB not EB

- Norton Lane at Stratus Avenue critical movement should be EB not WB
 - Table 4:
 - Three Mile Lane at 1st Street 2041 Background critical movement should be EB not WB
 - Three Mile Lane at Nehemiah Ln/Cumulus Ave/Pacific St 2041 Total critical movement should be WB not EB
 - Norton Lane at Stratus Avenue critical movement should be EB not WB
- When reporting the 95th percentile queues, it is recommended that queue lengths are consistently rounded up to the next 25 feet. This primarily impacts the northbound left turn movement at the OR 18 at Norton Lane intersection in the 2041 Total with Mitigation conditions. A queue length of 225 feet slightly exceeds the available queue storage, however, this is still an improvement over the 2041 Background condition.
- Appendix E – Base Volume Adjustments
 - North Frontage Road Adjustments: It appears that the NBR and WBL volumes of 7 and 5, respectively, should instead be 5 and 7, respectively.

Proposed mitigation comments:

1. ODOT maintains jurisdiction of the Salmon River Highway No. 39 (OR 18) and ODOT approval shall be required for all proposed mitigation measures to this facility.
2. Region 2 Traffic has the following comments regarding proposed mitigation measures:
 - OR 18 at Cumulus Avenue recommendations include protected/permissive left-turn phasing on all approaches. However, as OR 18 has a posted speed in excess of 45 MPH protected phasing is recommended for the left-turn phasing on the eastbound and westbound approaches (OR 18).
 - ODOT recommends installation of northbound and southbound left-turn pockets at the Three Mile Lane at Nehemiah Ln/Cumulus Ave/Pacific St intersection as opposed to the fee-in-lieu payments toward future relocation and signalization of the intersection.
 - Mitigation at the Three Mile Lane at 1st Street intersection includes signalization. While reported v/c values are shown to improve over the 2041 Background unsignalized operations (1.40 vs 1.05) it appears that the northbound left-turn movement is not served well with the analyzed signal timings. In particular, the movement is shown with an average delay of 805 seconds and an average queue length of 750 feet (approximately 30 vehicles). This queue length exceeds the available storage length of 400 feet and would have impacts to the northbound through movement. It is recommended that the exclusive eastbound right-turn lane as analyzed in the Year 2041 Further Mitigation be included as mitigation to ensure all movements are served appropriately.
3. All proposed intersection and/or signal modifications (new installations or changes to existing phasing or timing), changes to lane configuration, and additional turn or receiving lanes at ODOT jurisdiction intersections will require ODOT approval. Both the City and the applicant shall be aware no approval for any proposed mitigations have been issued at this time and proposed mitigations shall not be considered approved for installation until formal written approval has been issued. Approval request will need to be submitted to Region 2 Traffic and be accompanied by the appropriate analysis justifying such request. The approval process takes time and any approval could possibly have added features required to obtain such approval.

Thank you for the opportunity to review this traffic impact analysis. As the analysis software files were not provided, Region 2 Traffic has only reviewed the submitted report.

This traffic impact study has been, for the most part, prepared in accordance with ODOT analysis procedures and methodologies. If the City determines any of the above comments will merit the need for reanalysis, we would be willing and able to assist with a second round of review.

If there are any questions regarding these comments, please contact me at (971) 208-1290 or Arielle.Ferber@ODOT.state.or.us

MEMORANDUM

Date: June 8, 2022 Project #: 24369/26747/26748

To: Dan Fricke & Arielle Ferber, PE, ODOT Region 2

Cc: Tom Schauer, AICP, & Heather Richards, PCED, City of McMinnville
Josh Anderson, PE, PTOE, & Andrew Mortenson, David Evans and Associates, Inc.
Ken Friday & Mark Lago, Yamhill County
Michael Strahs, Kimco Realty
Alan Roodhouse, RPS Development Company
Stewart Kircher & Dan Bansen, DRS Land LLC
Bryan Hays & Fee Stubblefield, The Springs Living
Ken Sandblast, Westlake Consultants, Inc.

From: Kristine Connolly, PE, Marc Butorac, PE, PTOE, PMP, & Alec Kauffman

Project: Three Mile Lane Rezone (McMinnville, OR)

Subject: Response to Transportation Planning Rule Sensitivity Analysis Review Comments

Kittelison & Associates, Inc. (Kittelison) prepared this memorandum to respond to the Oregon Department of Transportation (ODOT) May 23, 2022 review comments on the Three Mile Lane Area Plan Sensitivity Analysis. *Italics text* represent ODOT's comment followed by regular text for Kittelison's response. ODOT's comments were provided in two sections "Analysis items to note" and "proposed mitigation comments", therefore Kittelison's response will follow the same format.

Analysis Items to Note:

- 1. In the Year 2041 Background Traffic Volumes and Conditions section (page 3) the memo notes that buildout of the industrial lane subject to the zone change could result in higher volumes than were included in the 3MLAP and that additional industrial trips were assigned to the network to account for this. However, in Appendix E, some intersection turn movements have reduced volumes (3rd Street at Johnson Street, Three Mile Lane at 1st Street, and Three Mile Lane at Nehemiah Lane/Cumulus Avenue/Pacific Street). It is recommended additional discussion be added to explain the need for reduced volumes at these turn movements.*

The change in volume at the three intersections (3rd Street at Johnson Street, Three Mile Lane at 1st Street, and Three Mile Lane at Nehemiah Lane/Cumulus Avenue/Pacific Street) is due to the re-allocation of existing trips to/from and within the downtown area to the Three Mile Lane Area Plan area. Summing all movements at these intersections there are 65 net new trips at Three Mile Lane at 1st Street and Three Mile Lane at Nehemiah Lane/Cumulus Avenue/Pacific Street. There are 33 net new trips at 3rd Street at Johnson Street; however, the westbound right turn volumes do not appear in Appendix E as stated in the appendix "Westbound right-turn volumes were omitted from analysis due to the presence of the channelized right-turn lane at Johnson". Additional discussion of the redistribution is included in the trip generation and assignment section on pages 17 and 18 of the Three Mile Lane Rezone TIA, which was submitted December 2020.

2. *During our review some minor typographical errors were noted as follows:*

a. *Table 1:*

- i. *Three Mile Lane at 1st Street critical movement should be EB not WB*
- ii. *Three Mile Lane at Nehemiah Ln/Cumulus Ave/Pacific St critical movement should be WB not EB*

b. *Table 3:*

- i. *Three Mile Lane at Nehemiah Ln/Cumulus Ave/Pacific St critical movement should be WB not EB*
- ii. *Norton Lane at Stratus Avenue critical movement should be EB not WB*

c. *Table 4:*

- i. *Three Mile Lane at 1st Street 2041 Background critical movement should be EB not WB*
- ii. *Three Mile Lane at Nehemiah Ln/Cumulus Ave/Pacific St 2041 Total critical movement should be WB not EB*
- iii. *Norton Lane at Stratus Avenue critical movement should be EB not WB*

Please see the revised tables, updated to reflect the minor typographical corrections in red:

Table 1. Estimated 2041 Background Traffic Operations for Weekday PM Peak Hour

Study Intersection		Mobility Target (V/C) ¹	CM	V/C
1	NE 3 rd Street/NE Johnson Street	0.90	-	0.86
2	NE Three Mile Lane/NE 1 st Street	0.90	EB	1.40 ²
3	NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	WB	1.27 ²
4	SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48
5	OR-18/SE Norton Lane	0.80	-	0.80
6	OR-18/NE Cumulus Avenue	0.80	-	0.98
7	OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29
8	OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39
9	OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64
10	OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53
11	OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed	
12	SE Norton Lane/SE Stratus Avenue	0.90	WB	0.36

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right

V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)

CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

²Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix G.

Table 3. Estimated 2041 Total Traffic Operations for Weekday PM Peak Hour

Study Intersection		Mobility Target (V/C) ¹	CM	V/C
1	NE 3 rd Street/NE Johnson Street	0.90	-	0.93
2	NE Three Mile Lane/NE 1 st Street	0.90	EB	1.83²
3	NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	WB	1.14³
4	SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.50
5	OR-18/SE Norton Lane	0.80	-	0.79 ⁴
6	OR-18/NE Cumulus Avenue	0.80	-	1.33
7	OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.31
8	OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.48
9	OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.63⁵
10	OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	WB	0.54
11	OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed	
12	SE Norton Lane/SE Stratus Avenue	0.90	EB	0.54

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right

V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)

CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

²Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix I. Under 2041 total traffic conditions in Vistro, the delay for the critical westbound left-turn movement is so high that it is not reported. It can be assumed that with higher delay, the true V/C under 2041 total traffic conditions is also higher if Vistro were capable of reporting it. Sidra 8 was used to verify this assumption.

³Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix I. Under 2041 total traffic conditions in Vistro, the rezone from industrial to commercial site use increases inbound (southbound) and decreases outbound (northbound) flow from the site through Intersection #3, resulting in improved capacity for the critical eastbound left-turn movement compared to 2041 background traffic conditions. Sidra 8 was used to verify this condition.

⁴Pass-by trips associated with the rezone from industrial to commercial site use decrease eastbound and westbound through volumes on OR-18, resulting in improved capacity compared to 2041 background traffic conditions.

⁵The rezone from industrial to commercial site use increases inbound (westbound) and decreases outbound (eastbound) flow from the site through Intersection #9, resulting in improved capacity for the critical northbound left-turn movement compared to 2041 background traffic conditions.

Table 4. Comparison of 2041 Background and Total Traffic Operations for Weekday PM Peak Hour

Study Intersection	Mobility Target (V/C) ¹	2041 Background		2041 Total		V/C Change > 0.03?	
		CM	V/C	CM	V/C		
1 NE 3 rd Street/NE Johnson Street	0.90	-	0.86	-	0.93	Yes	
2 NE Three Mile Lane/NE 1 st Street	0.90	EB	1.40 ²	EB	1.83 ²	Yes	
3 NE Three Mile Lane/SE Nehemiah Lane – NE Cumulus Avenue – NE Pacific Street	0.90	EB	1.27 ³	WB	1.14 ³	No	
4 SE Norton Lane/NE Cumulus Avenue	0.90	EB	0.48	EB	0.50	No	
5 OR-18/SE Norton Lane	0.80	-	0.80	-	0.79 ⁴	No	
6 OR-18/NE Cumulus Avenue	0.80	-	0.98	-	1.33	Yes	
7 OR-18/SE Armory Way	major approaches = 0.80 minor approaches = 0.95	NB	0.29	NB	0.31	No	
8 OR-18/SE Loop Road	major approaches = 0.80 minor approaches = 0.90	SB	0.39	SB	0.48	No	
9 OR-18/SE Cruickshank Road	major approaches = 0.70 minor approaches = 0.75	NB	1.64	NB	1.63 ⁵	No	
10 OR-18/Lafayette Highway	major approaches = 0.70 minor approaches = 0.75	EB	0.53	WB	0.54	No	
11 OR-18/Ash Road	major approaches = 0.70 minor approaches = 0.80	Closed					
12 SE Norton Lane/NE Stratus Avenue	0.90	WB	0.36	EB	0.54	Yes	

WB= Westbound, SB = Southbound, EB = Eastbound, NB = Northbound, L = Left, T = Through, R = Right

V/C= Intersection volume-to-capacity ratio (signalized) / Critical lane group volume-to-capacity ratio (unsignalized)

CM= Critical Movement

¹Mobility targets at Intersections #5 through #11 provided by ODOT based on Table 6 in the OHP (Reference 1) and the functional classification and location of each section of roadway.

²Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix G and Appendix I. Under 2041 total traffic conditions in Vistro, the delay for the critical westbound left-turn movement is so high that it is not reported. It can be assumed that with higher delay, the true V/C under 2041 total traffic conditions is also higher if Vistro were capable of reporting it. Sidra 8 was used to verify this assumption.

³Results from Sidra 8 analysis are reported in verification of Vistro analysis. Both Sidra and Vistro results are included in Appendix G and Appendix I. Under 2041 total traffic conditions in Vistro, the rezone from industrial to commercial site use increases inbound (southbound) and decreases outbound (northbound) flow from the site through Intersection #3, resulting in improved capacity for the critical eastbound left-turn movement compared to 2041 background traffic conditions. Sidra 8 was used to verify this condition.

⁴Pass-by trips associated with the rezone from industrial to commercial site use decrease eastbound and westbound through volumes on OR-18, resulting in improved capacity compared to 2041 background traffic conditions.

⁵The rezone from industrial to commercial site use increases inbound (westbound) and decreases outbound (eastbound) flow from the site through Intersection #9, resulting in slightly improved capacity for the critical northbound left-turn movement compared to 2041 background traffic conditions.

- When reporting the 95th percentile queues, it is recommended that queue lengths are consistently rounded up to the next 25 feet. This primarily impacts the northbound left turn movement at the OR 18 at Norton Lane intersection in the 2041 Total with Mitigation conditions. A queue length of 225 feet slightly exceeds the available queue storage, however, this is still an improvement over the 2041 Background condition.

Table 5 has been revised with queues rounded up to the nearest 25 feet, modified values are shown in red.

Table 5. Comparison of 2041 Background, Total and Mitigated Total Traffic 95th Percentile Queues at OR-18/SE Norton Lane for Weekday PM Peak Hour

Study Intersection	Movement	Available Queue Storage (feet)	2041 Background		2041 Total		2041 Total with Mitigation	
			95 th Percentile Queue (feet)	Queue Storage Adequate?	95 th Percentile Queue (feet)	Queue Storage Adequate?	95 th Percentile Queue (feet)	Queue Storage Adequate?
5 OR-18/SE Norton Lane	NBL	225' (dual)	275'	No	325'	No	225'	Yes
	NBTR	Continuous	200'	Yes	225'	Yes	225'	Yes
	SBL	125'	175'	No	200'	No	125'	Yes
	SBT	Continuous	150'	Yes	175'	Yes	25'	Yes
	SBR	New	-	Yes	-	Yes	100'	Yes
	EBL	150'	50'	Yes	75'	Yes	50'	Yes
	EBT	Continuous	575'	Yes	750'	Yes	500'	Yes
	EBR	100'	50'	Yes	125'	No	50'	Yes
	WBL	150'	100'	Yes	125'	Yes	75'	Yes
	WBT	Continuous	925'	Yes	825'	Yes	700'	Yes
	WBR	175'	25'	Yes	50'	Yes	25'	Yes

Where: EB = eastbound, WB – westbound, NB = northbound, SB = southbound, L = left-turn, T = through, R = right-turn
¹Measured between the crosswalks at OR-18 and SE Stratus Avenue

4. Appendix E – Base Volume Adjustments

- d. North Frontage Road Adjustments: It appears that the NBR and WBL volumes of 7 and 5, respectively, should instead be 5 and 7, respectively.

The volumes have been updated as noted in ODOT’s comment and the updated analysis is shown in Attachment A. This change does not impact the finding or recommendations of the sensitivity analysis.

Proposed mitigation comments:

- 1. ODOT maintains jurisdiction of the Salmon River Highway No. 39 (OR 18) and ODOT approval shall be required for all proposed mitigation measures to this facility.

Noted.

- 2. Region 2 Traffic has the following comments regarding proposed mitigation measures:
 - a. OR 18 at Cumulus Avenue recommendations include protected/permissive left-turn phasing on all approaches. However, as OR 18 has a posted speed in excess of 45 MPH protected phasing is recommended for the left-turn phasing on the eastbound and westbound approaches (OR 18).

The mitigation has been modified to include protected phasing for eastbound and westbound left-turns on OR 18. In order to maintain acceptable operating standards, a second northbound left-turn lane has also been added to the mitigation proposed in the

sensitivity analysis for the OR 18 / Cumulus Avenue intersection. This is consistent with the mitigation proposed in the TIAs, which included dual northbound left-turn lanes at the intersection. The updated mitigation operations results can be found in Attachment B.

- b. *ODOT recommends installation of northbound and southbound left-turn pockets at the Three Mile Lane at Nehemiah Ln/Cumulus Ave/Pacific St intersection as opposed to the fee-in-lieu payments toward future relocation and signalization of the intersection.*

Noted.

- c. *Mitigation at the Three Mile Lane at 1st Street intersection includes signalization. While reported v/c values are shown to improve over the 2041 Background unsignalized operations (1.40 vs 1.05) it appears that the northbound left-turn movement is not served well with the analyzed signal timings. In particular, the movement is shown with an average delay of 805 seconds and an average queue length of 750 feet (approximately 30 vehicles). This queue length exceeds the available storage length of 400 feet and would have impacts to the northbound through movement. It is recommended that the exclusive eastbound right—turn lane as analyzed in the Year 2041 Further Mitigation be included as mitigation to ensure all movements are served appropriately.*

The proposed signalization was identified as mitigation to comply with TPR requirements by avoiding further degradation by improving the v/c under Year 2041 background conditions, as specified in the Oregon Highway Plan (OHP) Policy Action 1F.5. Though not required for compliance with TPR, an eastbound right-turn lane was identified in the sensitivity analysis as further mitigation to meet the mobility target. In reviewing the projected queues at the intersection, it was determined that additional signal timing modifications at the intersection may further reduce queues from what was presented in the sensitivity analysis. This updated analysis is included in Attachment C.

The eastbound right turn lane as defined in the further mitigation will be included as a voluntary condition in the mitigation package for the sensitivity analysis.

3. *All proposed intersection and/or signal modifications (new installations or changes to existing phasing or timing), changes to lane configuration, and additional turn or receiving lanes at ODOT jurisdiction intersections will require ODOT approval. Both the City and the applicant shall be aware no approval for any proposed mitigations have been issued at this time and proposed mitigations shall not be considered approved for installation until formal written approval has been issued. Approval request will need to be submitted to Region 2 Traffic and be accompanied by the appropriate analysis justifying such request. The approval process takes time and any approval could possibly have added features required to obtain such approval.*

Noted.

We trust that these responses adequately address ODOT's Transportation Planning Rule TIA Review Comments. Please contact us if you have any questions and/or comments at kconnolly@kittelson.com or 503.535.7448.

DRAFT

Attachment A Supplemental Material for
Analysis Comment 4d

Intersection Level Of Service Report
Intersection 4: NE Cumulus Ave/ NE Norton Ln

Control Type:	Two-way stop	Delay (sec / veh):	19.3
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.391

Intersection Setup

Name	NE Norton Ln			NE Norton Ln			NE Cumulus Ave					
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	↑↑↑			↑			↑			↑		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	30.00			30.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			No			Yes		

Volumes

Name	NE Norton Ln			NE Norton Ln			NE Cumulus Ave					
Base Volume Input [veh/h]	29	135	5	35	135	205	140	7	55	7	66	10
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	5.00	3.00	2.00	2.00	3.00	1.00	0.00	2.00	10.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	29	135	5	35	135	205	140	7	55	7	66	10
Peak Hour Factor	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	8	36	1	9	36	54	37	2	14	2	17	3
Total Analysis Volume [veh/h]	31	142	5	37	142	216	147	7	58	7	69	11
Pedestrian Volume [ped/h]	0			0			0			0		

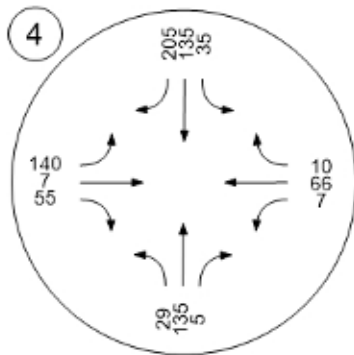
Intersection Settings

Priority Scheme	Free	Free	Stop	Stop
Flared Lane			Yes	No
Storage Area [veh]	0	0	2	0
Two-Stage Gap Acceptance			No	No
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.03	0.00	0.00	0.03	0.00	0.00	0.39	0.02	0.07	0.01	0.19	0.01
d_M, Delay for Movement [s/veh]	8.14	0.00	0.00	7.58	0.00	0.00	19.25	18.16	14.13	14.86	17.12	11.06
Movement LOS	A	A	A	A	A	A	C	C	B	B	C	B
95th-Percentile Queue Length [veh/ln]	0.08	0.04	0.00	0.08	0.08	0.08	1.96	1.96	1.96	0.80	0.80	0.80
95th-Percentile Queue Length [ft/ln]	2.03	1.01	0.00	1.99	1.99	1.99	49.07	49.07	49.07	19.88	19.88	19.88
d_A, Approach Delay [s/veh]	1.42			0.71			17.81			16.17		
Approach LOS	A			A			C			C		
d_I, Intersection Delay [s/veh]	6.56											
Intersection LOS	C											

Traffic Volume - Future Total Volume



Intersection Level Of Service Report
Intersection 4: NE Cumulus Ave/ NE Norton Ln

Control Type:	Two-way stop	Delay (sec / veh):	20.4
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.411

Intersection Setup

Name	NE Norton Ln			NE Norton Ln			NE Cumulus Ave					
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	⇌			+			+			+		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	30.00			30.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Crosswalk	No			No			No			Yes		

Volumes

Name	NE Norton Ln			NE Norton Ln			NE Cumulus Ave					
Base Volume Input [veh/h]	29	135	5	35	135	205	140	7	55	7	66	10
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	5.00	3.00	2.00	2.00	3.00	1.00	0.00	2.00	10.00	2.00	2.00	2.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	12	0	0	18	0	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Total Hourly Volume [veh/h]	29	147	5	35	153	205	140	7	55	7	66	10
Peak Hour Factor	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500	0.9500
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	8	39	1	9	40	54	37	2	14	2	17	3
Total Analysis Volume [veh/h]	31	155	5	37	161	216	147	7	58	7	69	11
Pedestrian Volume [ped/h]	0			0			0			0		

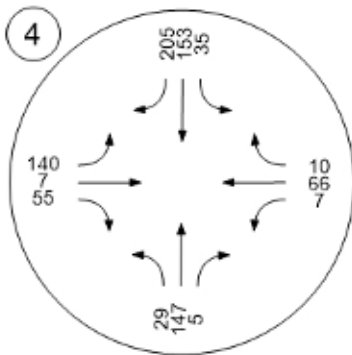
Intersection Settings

Priority Scheme	Free	Free	Stop	Stop
Flared Lane			Yes	No
Storage Area [veh]	0	0	2	0
Two-Stage Gap Acceptance			No	No
Number of Storage Spaces in Median	0	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.03	0.00	0.00	0.03	0.00	0.00	0.41	0.02	0.07	0.02	0.20	0.01
d_M, Delay for Movement [s/veh]	8.20	0.00	0.00	7.61	0.00	0.00	20.41	19.21	14.86	15.40	17.79	11.33
Movement LOS	A	A	A	A	A	A	C	C	B	C	C	B
95th-Percentile Queue Length [veh/ln]	0.08	0.04	0.00	0.08	0.08	0.08	2.12	2.12	2.12	0.84	0.84	0.84
95th-Percentile Queue Length [ft/ln]	2.06	1.03	0.00	2.01	2.01	2.01	53.03	53.03	53.03	20.93	20.93	20.93
d_A, Approach Delay [s/veh]	1.33			0.68			18.85			16.78		
Approach LOS	A			A			C			C		
d_I, Intersection Delay [s/veh]	6.63											
Intersection LOS	C											

Traffic Volume - Future Total Volume



Attachment B Supplemental Material for
Mitigation Comment 2a

Intersection Level Of Service Report
Intersection 6: Cumulus Ave/NE Three Mile Ln

Control Type:	Signalized	Delay (sec / veh):	39.0
Analysis Method:	HCM 6th Edition	Level Of Service:	D
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.759

Intersection Setup

Name	Cumulus Ave			Cumulus Ave			NE Three Mile Ln			NE Three Mile Ln		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	T T T			T T T			T T T			T T T		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	1	0	1	1	0	1	1	0	1	1	0	1
Entry Pocket Length [ft]	100.00	100.00	100.00	125.00	100.00	125.00	125.00	100.00	100.00	125.00	100.00	175.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	30.00			30.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Curb Present	No			No			No			No		
Crosswalk	Yes			Yes			Yes			Yes		

Volumes

Name	Cumulus Ave			Cumulus Ave			NE Three Mile Ln			NE Three Mile Ln		
Base Volume Input [veh/h]	345	2	260	135	1	143	115	1097	120	76	1130	106
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	0.00	0.00	0.00	3.00	0.00	4.00	6.00	3.00	0.00	0.00	3.00	0.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	80	0	157	0	0	0	0	-178	325	292	-167	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Right Turn on Red Volume [veh/h]	0	0	209	0	0	72	0	0	223	0	0	53
Total Hourly Volume [veh/h]	425	2	208	135	1	71	115	919	222	368	963	53
Peak Hour Factor	0.9600	0.9600	0.9600	0.9600	0.9600	0.9600	0.9600	0.9600	0.9600	0.9600	0.9600	0.9600
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	111	1	54	35	0	18	30	239	58	96	251	14
Total Analysis Volume [veh/h]	443	2	217	141	1	74	120	957	231	383	1003	55
Presence of On-Street Parking	No		No	No		No	No		No	No		No
On-Street Parking Maneuver Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0
Local Bus Stopping Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0
v_do, Outbound Pedestrian Volume crossing major street		0			0			0			0	
v_di, Inbound Pedestrian Volume crossing major street		0			0			0			0	
v_co, Outbound Pedestrian Volume crossing minor street		0			0			0			0	
v_ci, Inbound Pedestrian Volume crossing minor street		0			0			0			0	
v_ab, Corner Pedestrian Volume [ped/h]		0			0			0			0	
Bicycle Volume [bicycles/h]		0			0			0			0	

Intersection Settings

Located in CBD	Yes
Signal Coordination Group	-
Cycle Length [s]	90
Coordination Type	Free Running
Actuation Type	Fully actuated
Offset [s]	0.0
Offset Reference	Lead Green - Beginning of First Green
Permissive Mode	SingleBand
Lost time [s]	4.00

Phasing & Timing

Control Type	Protect	Permis	Overla	ProtPer	Permis	Overla	Protect	Permis	Overla	Protect	Permis	Overla
Signal Group	3	8	8	7	4	5	5	2	2	1	6	6
Auxiliary Signal Groups			1,8			4,5			2,3			6,7
Lead / Lag	Lead	-	-	Lead	-	-	Lead	-	-	Lead	-	-
Minimum Green [s]	5	5	5	5	5	5	5	10	10	5	10	10
Maximum Green [s]	20	30	30	20	30	20	20	60	60	20	60	60
Amber [s]	3.0	4.5	4.5	3.0	4.5	4.5	4.5	5.0	5.0	4.5	5.0	5.0
All red [s]	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Split [s]	0	0	0	0	0	0	0	0	0	0	0	0
Vehicle Extension [s]	3.0	2.5	2.5	3.0	2.5	2.5	2.5	4.0	4.0	2.5	4.0	4.0
Walk [s]	0	7	7	0	7	0	0	7	7	0	7	7
Pedestrian Clearance [s]	0	26	26	0	26	0	0	15	15	0	25	25
Delayed Vehicle Green [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest In Walk		No			No			No			No	
I1, Start-Up Lost Time [s]	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
I2, Clearance Lost Time [s]	2.0	3.5	3.5	2.0	3.5	3.5	3.5	4.0	4.0	3.5	4.0	4.0
Minimum Recall	No	No	No	No	No	No	No	Yes	Yes	No	Yes	Yes
Maximum Recall	No	No	No	No	No	No	No	No	No	No	No	No
Pedestrian Recall	No	No	No	No	No	No	No	No	No	No	No	No
Detector Location [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector Length [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Exclusive Pedestrian Phase

Pedestrian Signal Group	0
Pedestrian Walk [s]	0
Pedestrian Clearance [s]	0

Lane Group Calculations

Lane Group	L	C	R	L	C	R	L	C	R	L	C	R
C, Cycle Length [s]	98	98	98	98	98	98	98	98	98	98	98	98
L, Total Lost Time per Cycle [s]	4.00	5.50	5.50	5.50	5.50	5.50	5.50	6.00	4.00	5.50	6.00	4.00
l1_p, Permitted Start-Up Lost Time [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
l2, Clearance Lost Time [s]	2.00	3.50	0.00	0.00	3.50	0.00	3.50	4.00	0.00	3.50	4.00	0.00
g_i, Effective Green Time [s]	17	12	37	25	4	19	9	36	59	20	47	62
g / C, Green / Cycle	0.17	0.12	0.38	0.25	0.04	0.20	0.10	0.37	0.60	0.20	0.48	0.63
(v / s)_i Volume / Saturation Flow Rate	0.14	0.00	0.15	0.10	0.00	0.05	0.08	0.30	0.16	0.24	0.32	0.04
s, saturation flow rate [veh/h]	3163	1710	1453	1411	1710	1408	1551	3179	1453	1629	3179	1454
c, Capacity [veh/h]	533	203	549	463	76	276	148	1177	872	331	1519	921
d1, Uniform Delay [s]	39.55	38.28	22.40	30.06	44.94	33.57	43.62	27.92	9.37	39.19	19.59	6.86
k, delay calibration	0.11	0.08	0.19	0.08	0.08	0.08	0.08	0.15	0.15	0.49	0.15	0.15
l, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
d2, Incremental Delay [s]	3.43	0.01	0.79	0.27	0.05	0.38	7.61	2.00	0.23	98.59	0.71	0.04
d3, Initial Queue Delay [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rp, platoon ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PF, progression factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Lane Group Results

X, volume / capacity	0.83	0.01	0.40	0.30	0.01	0.27	0.81	0.81	0.26	1.16	0.66	0.06
d, Delay for Lane Group [s/veh]	42.98	38.29	23.19	30.34	44.99	33.95	51.23	29.92	9.60	137.78	20.29	6.90
Lane Group LOS	D	D	C	C	D	C	D	C	A	F	C	A
Critical Lane Group	No	No	Yes	Yes	No	No	No	Yes	No	Yes	No	No
50th-Percentile Queue Length [veh/ln]	5.36	0.04	3.72	2.74	0.02	1.52	3.15	10.13	2.27	16.90	8.47	0.42
50th-Percentile Queue Length [ft/ln]	133.93	1.08	92.88	68.51	0.61	37.96	78.73	253.13	56.67	422.44	211.73	10.41
95th-Percentile Queue Length [veh/ln]	9.15	0.08	6.69	4.93	0.04	2.73	5.67	15.34	4.08	25.46	13.24	0.75
95th-Percentile Queue Length [ft/ln]	228.82	1.94	167.19	123.33	1.09	68.32	141.72	383.60	102.01	636.45	331.05	18.73

Movement, Approach, & Intersection Results

d_M, Delay for Movement [s/veh]	42.98	38.29	23.19	30.34	44.99	33.95	51.23	29.92	9.60	137.78	20.29	6.90
Movement LOS	D	D	C	C	D	C	D	C	A	F	C	A
d_A, Approach Delay [s/veh]	36.48		31.64		28.29		51.01					
Approach LOS	D		C		C		D					
d_I, Intersection Delay [s/veh]	39.01											
Intersection LOS	D											
Intersection V/C	0.759											

Other Modes

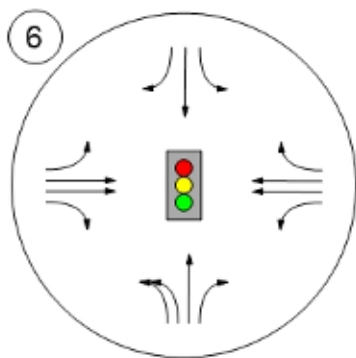
g_Walk,mi, Effective Walk Time [s]	11.0		11.0		11.0		11.0					
M_comer, Corner Circulation Area [ft ² /ped]	0.00		0.00		0.00		0.00					
M_CW, Crosswalk Circulation Area [ft ² /ped]	0.00		0.00		0.00		0.00					
d_p, Pedestrian Delay [s]	38.74		38.74		38.74		38.74					
I_p,int, Pedestrian LOS Score for Intersection	2.934		2.364		3.282		3.050					
Crosswalk LOS	C		B		C		C					
s_b, Saturation Flow Rate of the bicycle lane [bicycles/h]	2000		2000		2000		2000					
c_b, Capacity of the bicycle lane [bicycles/h]	611		611		1222		1222					
d_b, Bicycle Delay [s]	23.70		23.70		7.44		7.44					
I_b,int, Bicycle LOS Score for Intersection	2.997		2.035		2.823		2.792					
Bicycle LOS	C		B		C		C					

Sequence

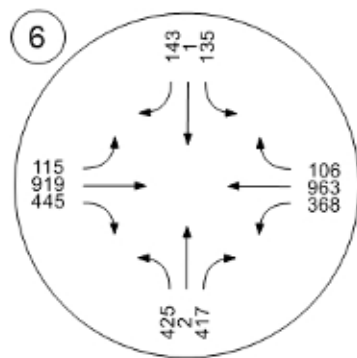
Ring 1	1	2	3	4	-	-	-	-	-	-	-	-	-	-	-	-	-
Ring 2	5	6	7	8	-	-	-	-	-	-	-	-	-	-	-	-	-
Ring 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ring 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



Lane Configuration and Traffic Control



Traffic Volume - Future Total Volume



Attachment C Supplemental Material for
Mitigation Comment 2c

Intersection Level Of Service Report
Intersection 2: NE Three Mile Ln/SE 1st St

Control Type:	Signalized	Delay (sec / veh):	22.5
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.826

Intersection Setup

Name	NE Three Mile Ln			NE 3rd St			SE 1st St			SE 1st St		
Approach	Northbound			Southbound			Eastbound			Westbound		
Lane Configuration	↵↻			↵↻			↻↵			↻		
Turning Movement	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Entry Pocket	1	0	0	1	0	0	0	0	1	0	0	0
Entry Pocket Length [ft]	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
No. of Lanes in Exit Pocket	0	0	0	0	0	0	0	0	0	0	0	0
Exit Pocket Length [ft]	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Speed [mph]	35.00			35.00			30.00			30.00		
Grade [%]	0.00			0.00			0.00			0.00		
Curb Present	No			No			No			No		
Crosswalk	No			Yes			No			No		

Volumes

Name	NE Three Mile Ln			NE 3rd St			SE 1st St			SE 1st St		
Base Volume Input [veh/h]	373	855	5	5	851	5	5	1	291	1	1	2
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	0.00	20.00	2.00	0.00	0.00	0.00	1.00	0.00	0.00	0.00
Growth Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
In-Process Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Pass-by Trips [veh/h]	-45	-73	0	0	111	0	0	0	42	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0	0	0	0	0	0	0
Right Turn on Red Volume [veh/h]	0	0	0	0	0	0	0	0	167	0	0	0
Total Hourly Volume [veh/h]	328	782	5	5	962	5	5	1	166	1	1	2
Peak Hour Factor	0.9300	0.9300	0.9300	0.9300	0.9300	0.9300	0.9300	0.9300	0.9300	0.9300	0.9300	0.9300
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	88	210	1	1	259	1	1	0	45	0	0	1
Total Analysis Volume [veh/h]	353	841	5	5	1034	5	5	1	178	1	1	2
Presence of On-Street Parking	No		No	No		No	No		No	No		No
On-Street Parking Maneuver Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0
Local Bus Stopping Rate [/h]	0	0	0	0	0	0	0	0	0	0	0	0
v_do, Outbound Pedestrian Volume crossing major street		0			0			0			0	
v_di, Inbound Pedestrian Volume crossing major street		0			0			0			0	
v_co, Outbound Pedestrian Volume crossing minor street		0			0			0			0	
v_ci, Inbound Pedestrian Volume crossing minor street		0			0			0			0	
v_ab, Corner Pedestrian Volume [ped/h]		0			0			0			0	
Bicycle Volume [bicycles/h]		0			0			0			0	

Intersection Settings

Located in CBD	Yes
Signal Coordination Group	-
Cycle Length [s]	90
Coordination Type	Free Running
Actuation Type	Fully actuated
Offset [s]	0.0
Offset Reference	Lead Green - Beginning of First Green
Permissive Mode	SingleBand
Lost time [s]	4.00

Phasing & Timing

Control Type	ProtPer	Permis	Permis	Permis	Permis	Permis	Permis	Permis	Overla	Permis	Permis	Permis
Signal Group	1	6	0	0	2	0	0	8	8	0	4	0
Auxiliary Signal Groups									1,8			
Lead / Lag	Lead	-	-	-	-	-	-	-	-	-	-	-
Minimum Green [s]	5	5	0	0	5	0	0	5	5	0	5	0
Maximum Green [s]	10	78	0	0	63	0	0	6	6	0	6	0
Amber [s]	3.0	3.0	0.0	0.0	3.0	0.0	0.0	3.0	3.0	0.0	3.0	0.0
All red [s]	1.0	1.0	0.0	0.0	1.0	0.0	0.0	1.0	1.0	0.0	1.0	0.0
Split [s]	0	0	0	0	0	0	0	0	0	0	0	0
Vehicle Extension [s]	3.0	3.0	0.0	0.0	3.0	0.0	0.0	3.0	3.0	0.0	3.0	0.0
Walk [s]	0	5	0	0	5	0	0	5	5	0	5	0
Pedestrian Clearance [s]	0	10	0	0	10	0	0	10	10	0	10	0
Delayed Vehicle Green [s]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Rest In Walk		No			No			No			No	
I1, Start-Up Lost Time [s]	2.0	2.0	0.0	0.0	2.0	0.0	0.0	2.0	2.0	0.0	2.0	0.0
I2, Clearance Lost Time [s]	2.0	2.0	0.0	0.0	2.0	0.0	0.0	2.0	2.0	0.0	2.0	0.0
Minimum Recall	No	No			No			No	No		No	
Maximum Recall	No	No			No			No	No		No	
Pedestrian Recall	No	No			No			No	No		No	
Detector Location [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Detector Length [ft]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
I, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Exclusive Pedestrian Phase

Pedestrian Signal Group	0
Pedestrian Walk [s]	0
Pedestrian Clearance [s]	0

Lane Group Calculations

Lane Group	L	C	L	C	C	R	C
C, Cycle Length [s]	79	79	79	79	79	79	79
L, Total Lost Time per Cycle [s]	4.00	4.00	4.00	4.00	4.00	4.00	4.00
l1_p, Permitted Start-Up Lost Time [s]	0.00	0.00	2.00	0.00	2.00	0.00	2.00
l2, Clearance Lost Time [s]	0.00	2.00	2.00	2.00	2.00	0.00	2.00
g_i, Effective Green Time [s]	65	65	51	51	6	20	6
g / C, Green / Cycle	0.82	0.82	0.64	0.64	0.08	0.25	0.08
(v / s)_i Volume / Saturation Flow Rate	0.99	0.50	0.01	0.62	0.00	0.12	0.00
s, saturation flow rate [veh/h]	355	1681	501	1682	1459	1442	1526
c, Capacity [veh/h]	384	1382	314	1083	195	367	174
d1, Uniform Delay [s]	24.48	2.51	12.30	13.04	33.66	24.93	33.62
k, delay calibration	0.50	0.11	0.11	0.30	0.11	0.35	0.11
l, Upstream Filtering Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00
d2, Incremental Delay [s]	29.54	0.44	0.02	13.63	0.06	3.20	0.05
d3, Initial Queue Delay [s]	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rp, platoon ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PF, progression factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00

Lane Group Results

X, volume / capacity	0.92	0.61	0.02	0.96	0.03	0.49	0.02
d, Delay for Lane Group [s/veh]	54.02	2.95	12.32	26.67	33.72	28.13	33.68
Lane Group LOS	D	A	B	C	C	C	C
Critical Lane Group	Yes	No	No	Yes	No	Yes	No
50th-Percentile Queue Length [veh/ln]	3.50	1.50	0.05	16.79	0.11	3.04	0.07
50th-Percentile Queue Length [ft/ln]	87.55	37.38	1.19	419.63	2.68	76.04	1.79
95th-Percentile Queue Length [veh/ln]	6.30	2.69	0.09	23.50	0.19	5.48	0.13
95th-Percentile Queue Length [ft/ln]	157.59	67.29	2.13	587.60	4.83	136.88	3.23

Movement, Approach, & Intersection Results

d_M, Delay for Movement [s/veh]	54.02	2.95	2.95	12.32	26.67	26.67	33.72	33.72	28.13	33.68	33.68	33.68
Movement LOS	D	A	A	B	C	C	C	C	C	C	C	C
d_A, Approach Delay [s/veh]	17.99			26.60			28.31			33.68		
Approach LOS	B			C			C			C		
d_I, Intersection Delay [s/veh]	22.49											
Intersection LOS	C											
Intersection V/C	0.826											

Other Modes

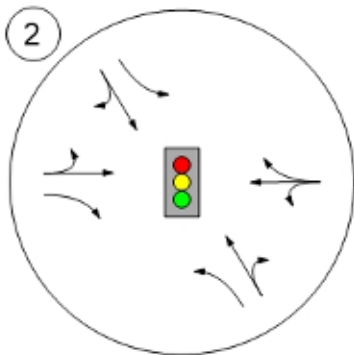
g_Walk,mi, Effective Walk Time [s]	0.0			9.0			0.0			0.0		
M_comer, Corner Circulation Area [ft ² /ped]	0.00			0.00			0.00			0.00		
M_CW, Crosswalk Circulation Area [ft ² /ped]	0.00			0.00			0.00			0.00		
d_p, Pedestrian Delay [s]	0.00			30.78			0.00			0.00		
I_p,int, Pedestrian LOS Score for Intersection	0.000			2.659			0.000			0.000		
Crosswalk LOS	F			B			F			F		
s_b, Saturation Flow Rate of the bicycle lane [bicycles/h]	2000			2000			2000			2000		
c_b, Capacity of the bicycle lane [bicycles/h]	1986			1604			153			153		
d_b, Bicycle Delay [s]	0.00			1.54			33.49			33.49		
I_b,int, Bicycle LOS Score for Intersection	3.538			3.282			2.139			1.566		
Bicycle LOS	D			C			B			A		

Sequence

Ring 1	1	2	-	4	-	-	-	-	-	-	-	-	-	-	-	-
Ring 2	-	6	-	8	-	-	-	-	-	-	-	-	-	-	-	-
Ring 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ring 4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



Lane Configuration and Traffic Control





**DAVID EVANS
AND ASSOCIATES INC.**

October 6, 2022

Tom Schauer, AICP
Senior Planner
City of McMinnville
231 NE 5th Street
McMinnville, OR 97128

SUBJECT: Review of three 3ML quasi-judicial land use applications

Dear Mr. Schauer,

At your request, David Evans and Associates, Inc. (DEA) staff have previously reviewed three separate, but related, land use applications and provided city staff with comments. We have now reviewed a supplemental "sensitivity analysis" provided by Kittelson and Associates (KAI) dated May 4, 2022, ODOT's May 19, 2022 and May 23, 2022 comments, and KAI's June 8, 2022 response memo.

Our comments are as follows:

- We are comfortable with the analysis and results of the TPR findings and how KAI approached the update in the May 4, 2022 memo, with the revisions and corrections reflected in the June 8, 2022 memo.
- The City had previously communicated to the applicants that they would require any "significant effects" to be mitigated to the applicable performance standard per the TPR rather than the discretionary "no further degradation" standard authorized by the TPR. For those intersections where there would be "significant effect", the applicants' analysis identifies mitigation to mitigate to the applicable performance standard. We concur with conditions which are consistent with the applicant's identified mitigation to mitigate to the applicable performance standards.
- The applicant has identified certain intersections that would exceed the performance standards of the applicable facilities under the baseline worst case scenario of the existing zoning by the end of the planning horizon, where there would not be "significant effect" with further degradation beyond the baseline conditions as a result of the map amendments. Under the TPR, mitigation is not required for the map amendment.
- A "Development Review" TIA would be required at the time of application for the specific use and development plan, and the application will be required to comply with the applicable standards. The analysis and mitigation for TPR compliance is different than the requirements for the Development Review TIA, and this TIA doesn't address the requirements for the Development Review TIA or any opening day mitigation that may be required.



- Conditions of approval for the mitigation to address TPR impacts should include specificity regarding items such as the storage distance of the turn lanes. (See attached examples of conditions).
- Prior to submittal of the application for the specific PD development plan, the applicant should work with the City and ODOT to design the east-west frontage road system through the development site and connecting to the surrounding properties.
- NOTE: KAI has referenced the source of future traffic data as being "provided" by DEA. Please be aware that the traffic volumes are provided by ODOT's Transportation Planning Analysis Unit (TPAU), and the source is the 2015-2041 Oregon Small Urban Model (OSUM) dataset.

The following are DEAs suggestions for Transportation Conditions of Approval:

Transportation

- At the time of submittal of the Planned Development development plan, the applicant shall submit a "Development Review" traffic impact analysis (TIA) which addresses the specific uses, site plan, and access configuration for the entire area and all properties within the 3MLAP Retail Center Subarea. If the TIA indicates the proposed development would cause any transportation facilities to fail to meet applicable standards of the TSP or ODOT standards, the applicants shall identify proposed mitigation to mitigate the impacts back to the applicable standard.

At a minimum, the TIA shall address opening day traffic and mitigation and may be required to address beyond opening day consistent with guidelines and direction provided by the City of McMinnville.

(Note: This analysis has different requirements than the "TPR" traffic analysis conducted for the proposed map amendments).

- The preliminary development plan shall address extension of streets through the property and beyond the subject property to address connectivity of streets to and through adjacent properties to the point of connection with existing transportation facilities. The review shall be coordinated between the City and ODOT, including the east-west frontage road/collector road system.
- The following shall be addressed to ensure adequacy of transportation facilities, comply with the Transportation Planning Rule, the Comprehensive Plan, and to incorporate additional voluntary conditions proffered by the applicants.

The applicant shall provide sufficiently detailed plans showing the proposed transportation improvements and any impacts on on-street parking and bicycle facilities to determine whether the mitigation will involve pavement re-striping or whether any widening would be required.

The design shall be provided at the time of submittal of the PD master plan to be submitted for all properties within the Three Mile Lane Retail Center Subarea. Detailed civil drawings



shall be submitted and approved prior to issuance of any site work or building permits for any of the properties within the Three Mile Lane Retail Center Subarea.

Construction of the following transportation improvements shall be completed prior to occupancy of any building within the Three Mile Lane Retail Center Subarea.

- a. **NE 3rd Street and NE Johnson Street.** Install a north-bound left-turn lane (with a minimum of 75 feet of storage) at the NE 3rd Street/NE Johnson Street intersection.
- b. **NE Three Mile Lane/NE 1st Street.** Install a traffic signal at the NE Three Mile Lane/NE 1st Street intersection. Install an eastbound right turn lane (with a minimum of 125 feet of storage). If right-of-way dedication would be required, the City could acquire the right-of-way and the applicant shall incur any costs associated with the City's right-of-way acquisition. The City may elect to require an agreement for future right-of-way acquisition and construction by the applicant.
- c. **Highway 39 (OR 18)/SE Norton Lane.** Install a southbound turn lane (with a minimum of 100 feet of storage), modify the traffic signal, and update the signal timing and phasing at the Highway 18/SE Norton Lane intersection subject to approval by ODOT. With the installation of the southbound right-turn lane, the curb radius at the southwest corner of Cumulus and Norton shall be reduced to improve channelization of the eastbound right-turn lane and to reduce the pedestrian crossing distance of Cumulus.
- d. **Highway 39 (OR 18)//NE Cumulus Avenue.** Install two northbound left-turn lanes (with a minimum of 250 feet of storage), northbound right-turn lane (with a minimum of 175 feet of storage), eastbound right-turn lane (with a minimum of 400 feet of storage), modify the traffic signal, and update the signal phasing at the Highway 39 (OR 18)/NE Cumulus Avenue intersection. Note: Installation of the two northbound left-turn lanes might require construction of a "shadow" on the north leg of the intersection to meet applicable standards for lane offsets through the intersection. This need will be determined during design of the intersection.
- e. **North Side Frontage Road.** Construct the portion of the frontage road on the north side of Highway 39 (OR 18) to be located on the City-owned Tax Lot R4424C 00800, between the Loop Road right-of-way and the west property line of the subject property, approximately 1,020 lineal feet.
- f. **NE Three Mile Lane/SE Nehemiah Lane-NE Cumulus Avenue-NE Pacific Street.** At the City's discretion and prior to occupancy, install northbound and southbound left-turn pockets on NE Three Mile Lane (each with a minimum of 50 feet of storage) OR, contribute a fee-in-lieu payment toward future relocation and signalization of the NE Three Mile Lane/SE Nehemiah Lane-NE Cumulus Avenue-NE Pacific Street intersection.
- g. **Highway 39 (OR 18)/Lafayette Highway.** Submit a proportional share calculation for the proposed developments impact to the Highway 39 (OR 18)/Lafayette Highway intersection for review by City and ODOT staff. Prior to



occupancy, contribute a proportional share fee-in-lieu payment toward the planned multi-lane roundabout at Highway 39 (OR 18)/Lafayette Highway.

If the project becomes entirely ODOT funded through the STIP, the proportional share funds may be allocated to other transportation projects in the Three Mile Lane corridor.

***Note:** The applicant currently estimates their proportional share, based on traffic volumes associated with the development vs. total traffic volumes, to be approximately \$307,000 in 2022 dollars. However, this is not a determination or final approval by city or ODOT and the final proportional share and resulting cost will need to be reviewed and agreed upon by City and ODOT.*

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read 'Josh Anderson'.

Josh Anderson, PE, PTOE
Senior Associate

City of McMinnville



**Three Mile Lane Area Plan
November 8, 2022 - FINAL**

Citizen Advisory Committee:

Planning Commission	<i>Lori Schanche</i>
City Council	<i>Zach Geary Scott Hill Wendy Stassens</i>
Representatives of Property and Business Owners in the Study Area	<i>Robert Banagay Paul Davis Danielle Hoffman Peter Hoffstetter Kit Johnston Stewart Kircher Chris Norville Alan Roodhouse Chris Shelby Mary Stern</i>
Partner Agencies	<i>Scott Cooper – MEDP Kitri McGuire – Visit McMinnville Gioia Goodrum – McMinnville Chamber of Commerce</i>
Community Stakeholders	<i>Courtney Cunningham Ken Denier Alan Fox Phil Frischmuth David Hayes Galen McBee</i>

Technical Advisory Committee:

Planning Staff	<i>Heather Richards Jamie Fleckenstein Chuck Darnell Tom Schauer Adam Tate</i>
Engineering Staff	<i>Mike Bisset</i>
Parks and Recreation Staff	<i>Susan Muir</i>
McMinnville Water and Light	<i>John Dietz</i>
ODOT	<i>Michael Duncan Dan Fricke Keith Blair Dorothy Upton Jenna Berman Kristie Gladhill</i>
DLCD	<i>Angela Carnahan</i>
YCTA	<i>Cynthia Thompson</i>

Consultant Team:
*Angelo Planning Group
 David Evans and Associates, Inc.
 Leland Consulting Group
 Walker Macy*

McMinnville Three Mile Lane Area Plan

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This Project is partially funded by a grant from the Transportation and Growth Management (“TGM”) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by federal Fixing America’s Surface Transportation Act (“FAST-Act”), local government, and State of Oregon funds.

The contents of this document do not necessarily reflect views or policies of the State of Oregon.

INTRODUCTION

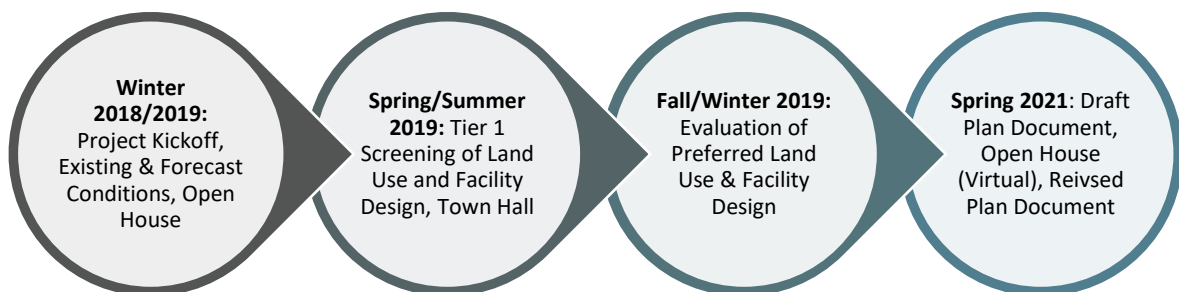
The Three Mile Lane area is a unique district in the southeast portion of the City of McMinnville. The area contains approximately 1,340 acres of land with a variety of existing land uses and several large vacant parcels. The Three Mile Lane Area Plan is intended to create an implementable vision for the area's future land uses and multi-modal transportation system.

As an Area Plan, the Three Mile Lane Area Plan shall serve as a guiding document for land uses and public facilities in the delineated area of this plan. Specific standards for development will be identified in McMinnville's Master Plans and Municipal Code.

Planning Process

The project began in Fall 2018, with an overarching objective of creating a plan that integrates land uses and a multimodal transportation system that serves both local and state transportation needs and provides active connectivity within the plan area as well as to the City's downtown core. The process of developing the Three Mile Lane Area Plan has been guided by the community at many points, including:

- Three Focus Group meetings
- Three Citizen Advisory Committee meetings
- Citizen Advisory Committee Design Charrette
- Property Owners Work Session & Case Studies
- Three Technical Advisory Committee meetings
- Two Community Open Houses
- A Town Hall Meeting



AREA DESCRIPTION

The Three Mile Lane area is shown in **Error! Reference source not found.** It contains roughly 1,340 acres in total with a wide range of existing uses, including the McMinnville Municipal Airport, Evergreen Aviation and Space Museum, the Chemeketa Community College (CCC) Yamhill Valley campus, Willamette Valley Medical Center, and existing residential neighborhoods. Along with these existing uses, the area contains a significant amount of vacant land within the City's Urban Growth Boundary (UGB). This Area Plan is intended to guide growth in a way that is consistent with the McMinnville community's desires and coordinated with the City's other planning efforts.

Figure 1. Study Area Context

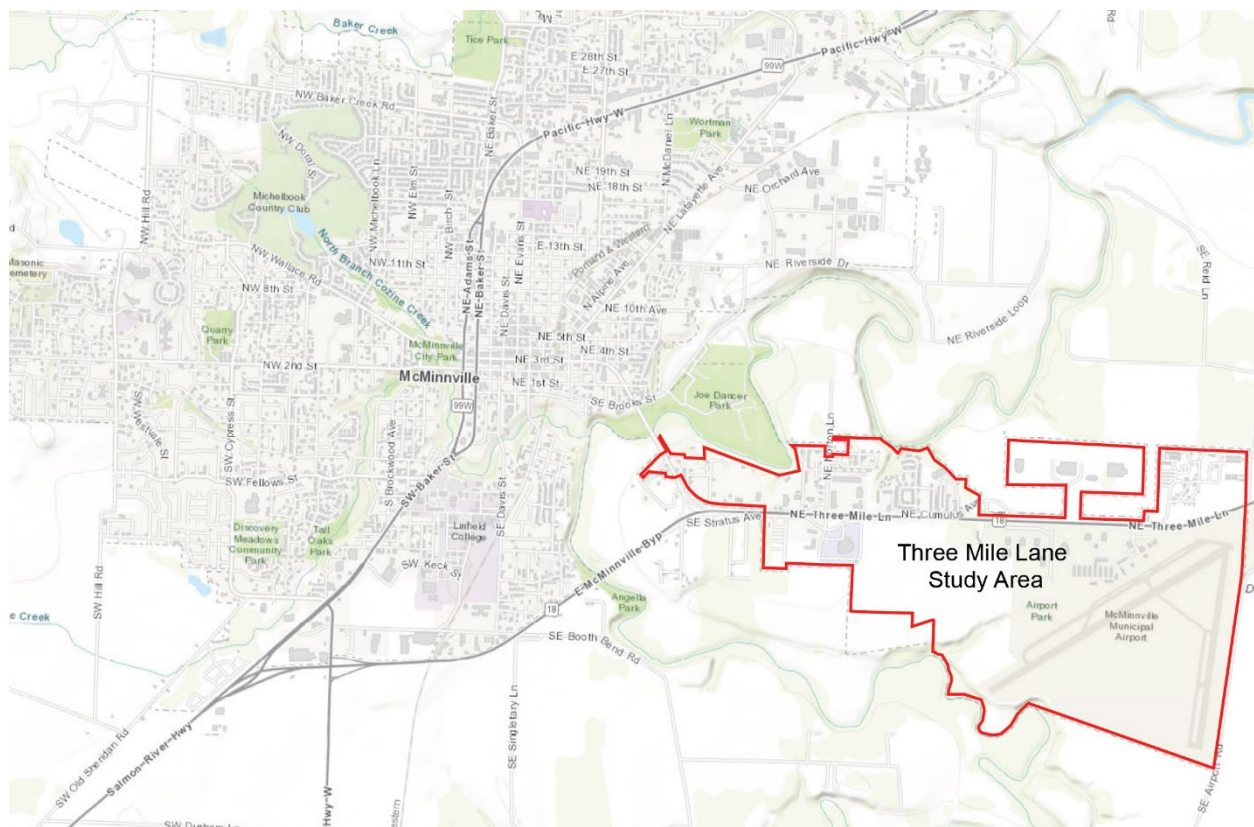
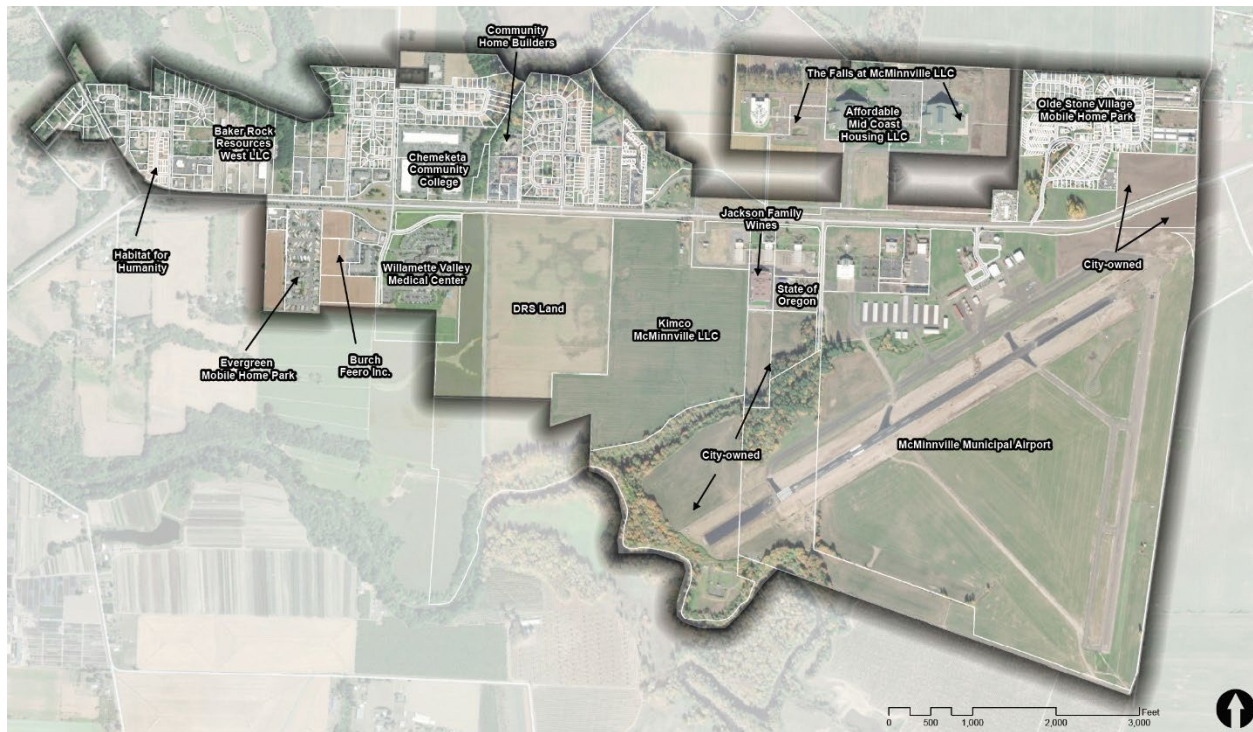


Figure 2. Study Area



Neighborhoods

The existing neighborhoods in the area include the land south of the Yamhill River Bridge, which connects the study area to downtown McMinnville; the Evergreen Mobile Home Park and Olde Stone Village manufactured homes/RV park; and apartments and senior living communities north of Cumulus Avenue.

Within the residential and commercial areas on the north side of Three Mile Lane there are opportunities for new mixed-use development, creating varied, diverse, complete neighborhoods that provide different types of housing, access to green space, and connections to walkable services. A key element will be the integration of complete streets; those that prioritize safe walking and biking for people of different ages and allow travel between homes, jobs, services, and recreation.

Existing Residential Neighborhoods



Industrial

There are over 200 acres of vacant land in the Three Mile Lane area that are largely served by existing infrastructure and zoned for industrial uses. Most of this vacant land is found in a few large parcels, which could be ideal for large-scale and cohesive planned development.



Amenities and Attractions

Amenities and attractions in the area include the airport; Evergreen Space & Aviation Museum, water park, and event center; and the Yamhill River. The Three Mile Lane area is also host to several large employers, including medical centers and clinics, and industrial and office sites. These amenities and attractors serve McMinnville residents as well as tourists from outside the city. For nearby residents, safe and convenient connections to amenities will be key as the area develops, as will creating the opportunity for new amenities that serve daily needs and fuel economic development. There is a clear opportunity to provide a formal welcome to McMinnville as a marked destination with a distinct personality.



Zoning

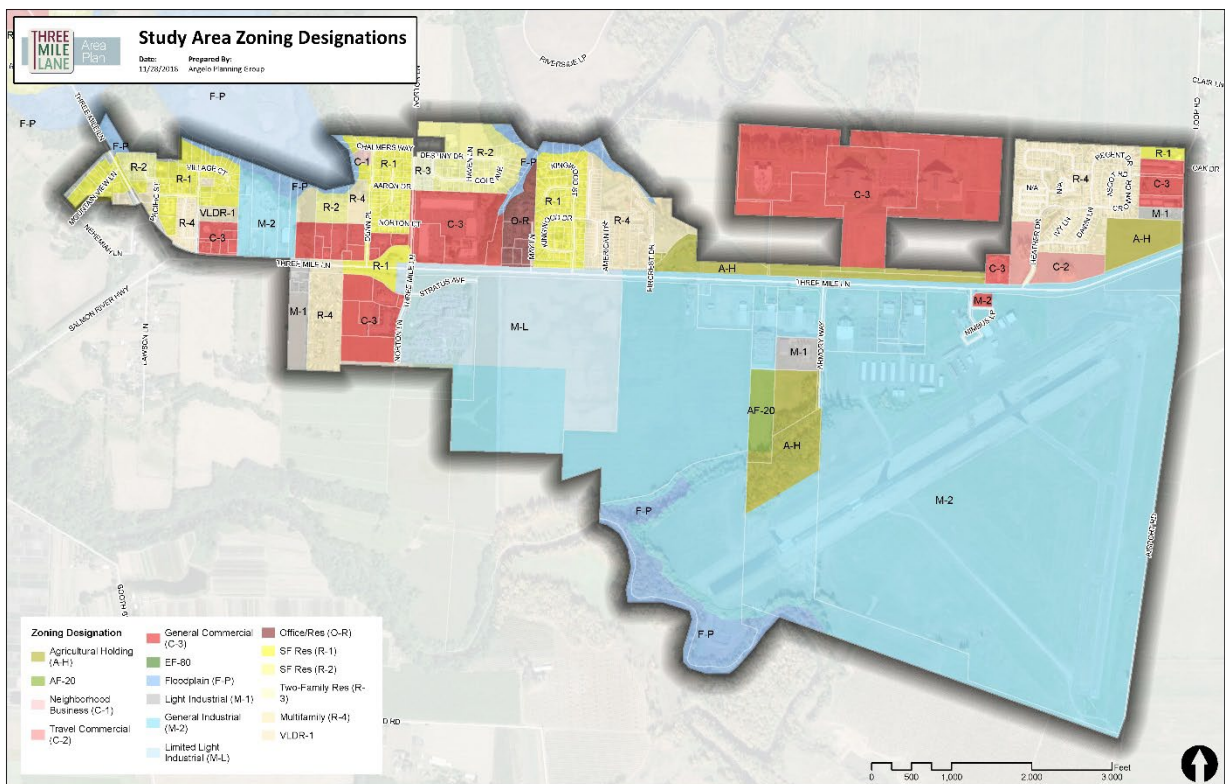
The Three Mile Lane area contains land in several zoning designations shown in Figure 3, as follows:

- **Industrial.** M-L provides for industries with limited external impact in an attractive setting; M-1 is for industrial uses that require buffering from other uses and environmentally sensitive areas, it includes a wide range of industrial uses; M-2 allows all uses in M-L and M-1, but also allows general manufacturing and airports as well as “leisure time activities” as conditional uses.
- **Residential** R-1 is low density, single family residential; R-2 single family with a slightly higher density; R-3 allows two-family dwellings throughout the zone; R-4 allows multi-family dwellings and condos.
- **Commercial.** C-1 is smaller-scale neighborhood services; C-2 provides for travel-related uses like lodging and gas stations; C-3 accommodates a wide range of uses like big box stores and theaters.

- **Agricultural Holding.** 49 acres held to provide for the continued practice of agriculture. Permitted uses are limited to farming, single-family dwellings, and sewage pump stations. Parks are allowed as conditional uses.
- **The Three Mile Lane Planned Development Overlay** covers the entirety of the study area. The overlay district was adopted in 1981 (Ordinance No. 4131) and amended in 1994 (Ordinance No. 4572). As stated in the original ordinance, the overlay was established to ensure high quality design, compatibility of living and working environments, provision of open spaces and parks, and buffering of residential uses from the highway. The 1994 amendments were adopted to replace outdated policies, as well as to regulate commercial signage along the Three Mile Lane corridor. The overlay ordinance outlines a number of policies related to the development of properties in the Three Mile Lane area, including provisions for setbacks, access, landscaping and buffering, and desired housing types. The ordinance also outlines a set of detailed provisions related to commercial signage. While the Three Mile Lane Planned Development Overlay regulates certain aspects of development within the study area (highway setbacks, access, signage, etc.), development in this area is largely regulated by the underlying base zones.

Appendix B contains a detailed evaluation of the existing zoning within the study area.

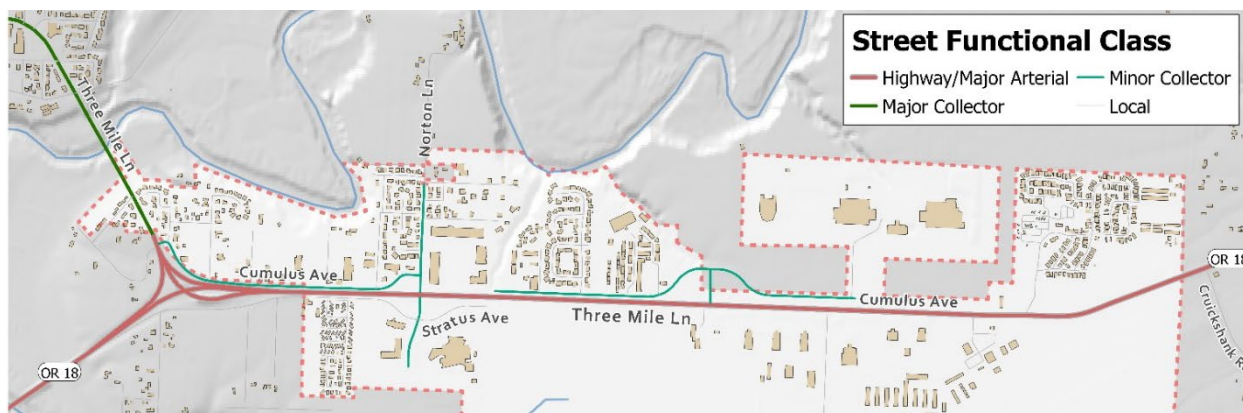
Figure 3. *Three Mile Lane Area Zoning Designations*



Transportation

The existing street network in the Three Mile Lane area includes Three Mile Lane (OR 18), minor collectors Cumulus Ave and Norton Lane, and a network of local streets that are not well connected.

Figure 4. *Street Network Functional Classification*



Vehicular Traffic. There are operational deficiencies at the two intersections at the ends of the study area: Three Mile Lane at First Street, and OR 18 at Cruickshank Road. The two major signalized intersections on OR 18 at Norton Lane and Cumulus currently operate well within the mobility targets outlined in the Oregon Highway Plan. There is a notable crash history at the intersection of OR 18 and Cruickshank Road. Though it is not within the city limits and city jurisdiction, this intersection is a logical location to consider in this planning effort relative to safety mitigation and opportunity for potential gateway streetscape improvements.

Transit. The Yamhill County Transit Authority (YCTA) provides limited (hourly) service in the study area on Route 2, with direct links to downtown McMinnville and the city Transit Center. If and when YCTA service increases to a 30-minute frequency, future transit access will improve within the Three Mile Lane area.

Bicycle Facilities. Today the area has very limited bicycle facilities, and frequently the only option available to cyclists is to ride in general purpose travel lanes. While the major streets in the area are generally flat with good pavement conditions, vehicular traffic volume is relatively high, and travel is at higher speeds (35 mph and higher). The lack of separate bike lanes, buffered bike lanes, or separated facilities contributes to a poor overall environment for cyclists seeking to travel within the study area network. Creating attractive, low-stress bicycle facilities on key routes within the study area will require examining traffic calming design adaptations and lower speed limits and implementing buffered bike lanes or separated pathways will make cycling more attractive and safer.

Pedestrian Facilities. Many of the key existing streets and intersections in the area contain essential but limited pedestrian features. Some of the sidewalks are older, but functional and the system provides a baseline, if minimal, connected network within the study area. Linkage to the McMinnville city center is limited to the Yamhill River Bridge. The existing pedestrian realm lacks important features that would otherwise contribute to more safe and more inviting walking environments on Norton Lane, Cumulus Avenue, and Stratus Avenue. The original factory outlet mall development building is a barrier to more direct pedestrian and bicycle travel along Cumulus

Avenue and the crossing of Norton Lane, making it more difficult for residents east of Norton Lane to walk and cycle to McMinnville’s central city.

Natural Features

The Three Mile Lane Area is bounded to both the north and south by the South Yamhill River and its associated natural areas, including several mature tree stands with defining character. Airport Park to the south includes two loop trails that cross a small tributary stream that flows into the South Yamhill River. This park is also defined by dramatic views to Mt. Hood and Mt. Jefferson on sunny days and features several pieces of quirky concrete artwork. People living and working in the Three Mile Lane area would benefit greatly from the preservation of and connection to these natural features.



Mature Stands of Trees within the Three Mile Lane Area



Example of Nature Trail Along Sensitive Riparian Area

Economy

In 2019, McMinnville adopted an Economic Development Strategic Plan (*MAC Town 2032 – Economic Development Strategic Plan*). As stated in adopting Resolution 2019-16, the plan identifies three foundational goals and strategies that are meant to be broadly beneficial across multiple industry sectors:

1. Accelerate Growth in Living Wage Jobs Across a Balanced Array of Industry Sectors

2. Improve Systems for Economic Mobility and Inclusion
3. Maintain and Enhance our High Quality of Life

The plan also identifies five target sector goals and strategies that are intended to pursue opportunities and improve outcomes within clusters or sectors of related industries:

1. Sustain and Innovate within Traditional Industry and Advanced Manufacturing
2. Foster Opportunity in Technology and Entrepreneurship
3. Be a Leader in Hospitality and Place-Based Tourism
4. Align and Cultivate Opportunities in Craft Beverages and Food Systems
5. Proactively Assist Growth in Education, Medicine, and Other Sciences

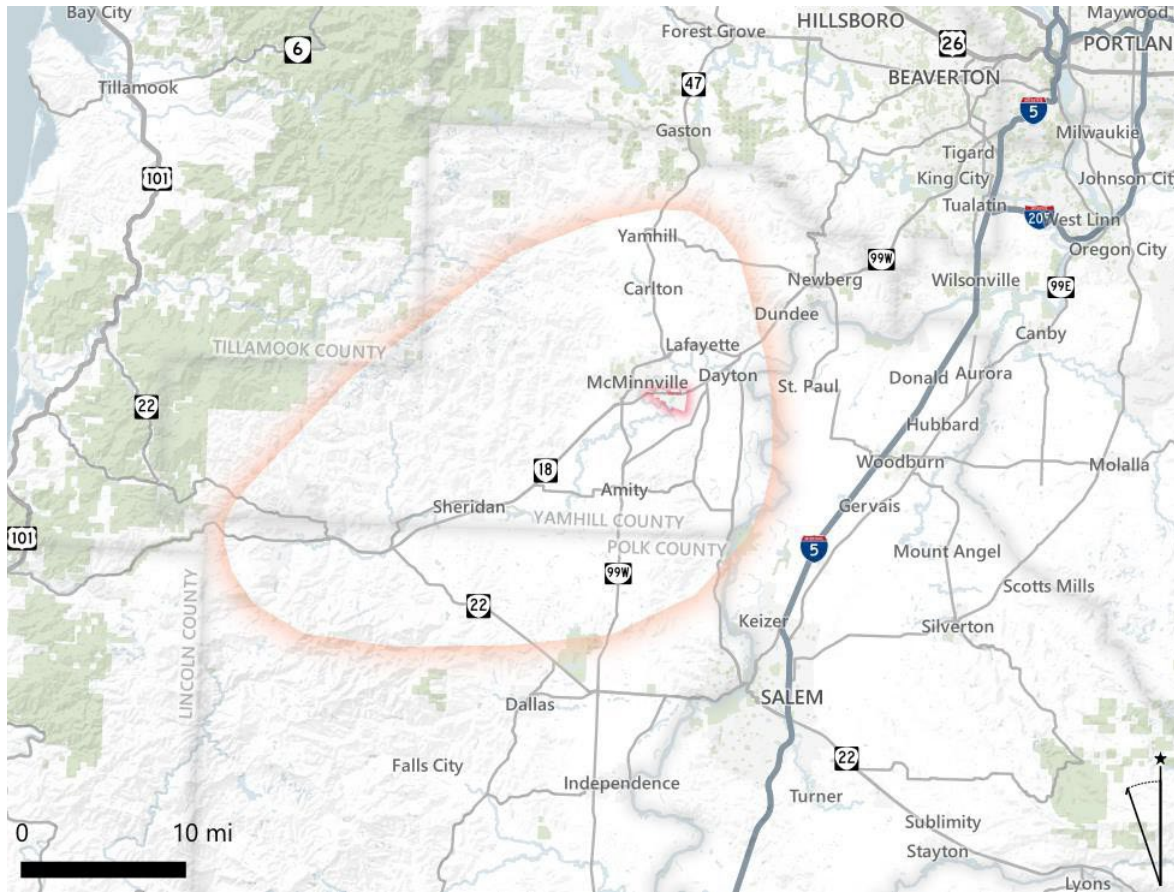
A detailed market analysis for the area was prepared and is included in Appendix B. Some of its key points are discussed below.

- **Ownership residential.** The market is strong for single-family, with high home values, household incomes, sales volumes, absorption, and construction activity. The single-family market is very tight, with strong absorption but very little inventory currently listed for sale. The quantity depends largely on the City’s vision for the area, applicable zoning, and buildable land.
- **Rental Residential.** Despite solid national development prospects and strong market area demand due to high growth, low-rise rental apartments and multiplexes are likely the primary building types feasible in the study area because of relatively weak market characteristics. Existing rents in the region are relatively low and may struggle to attract prominent multifamily developers in the region due to the continuously rising nature of construction costs. Single-family homes, multiplexes, townhomes, cottage clusters, and low-rise “garden” apartments are all residential development types that would likely be feasible in the study area in the near-term. Higher-density developments may require additional incentives or other interventions
- **Retail.** The study area is well-positioned for new retail development., particularly large-format retail. Neighborhood-serving retail may be a mid-to-long-term aspiration when additional residential construction occurs. Retail prospects are relatively strong for certain retail sectors, despite relatively weak market conditions (including rent, vacancy, absorption, etc.). The Three Mile Lane study area likely checks off many site selection criteria and market characteristics typically desired by prospective retailers. While there are few retailers currently in the area, desired physical characteristics, such as visibility, vacant developable land, and ease of access are all present. Further, McMinnville’s central location between the Oregon Coast, the Portland Metro, and Salem provides access to a wide variety of markets. Significant household growth and the burgeoning tourism industry will continue to improve retail prospects.
- **Office.** The office market is relatively weak, and the absorption of significant speculative new development should not be expected. Regionally, however, projections show significant employment growth in education, healthcare, and professional and business services – all of which drive the most demand for new office construction. Opportunities

may arise because of McMinnville's high quality of life, and the Three Mile Lane Corridor's proximity to the airport and institutional users, such as healthcare and education.

- **Industrial.** Industrial users are likely to find the Three Mile Lane area an attractive location given its separation from incompatible land users (like residential), ease of access, highway location, level terrain, and proximity to the airport. The industrial market remains strong due to the growth of agriculture, food and beverage production, and manufacturing. Continued growth may generate demand in the study area, but development may negatively impact prospects for other land uses, such as lodging and multifamily due to concerns over air and noise pollution as well as truck traffic.
- **Lodging** is likely to be a significant development type over the long-term, but the area may struggle to attract hotel developers due to its existing industrial character, lack of walkable amenities, and isolation from downtown. An assessment of the opportunities to capture demand associated with the burgeoning \$7 billion wine industry in the Willamette Valley and related tourism development requires further, more nuanced analysis.
- **Tourism** is a booming industry, particularly with regard to the wine industry, increasing market pressure for the new construction of compatible uses, such as experiential retail and restaurants, lodging, and craft industrial, as well as recreational amenities, such as trails and parks, that combined help to create an authentic, vibrant place

Figure 5. Three Mile Lane Market Area



Source: TIGER, Leland Consulting Group

COMMUNITY VISION AND GOALS

An aspirational vision statement, community goals and objectives, and potential criteria to evaluate land use and transportation options for the Three Mile Lane area were developed early in the project. They were created to articulate the Three Mile Lane Area Plan's desired outcomes and help in the evaluation of options for the area. Plan objectives were further refined using McMinnville's Great Neighborhood Principals.

Three Mile Lane Vision and Goals

The Three Mile Lane District is a vibrant community that serves as the gateway to Downtown McMinnville and Oregon Wine Country. Employment opportunities, attractive housing options, and tourist destinations characterize the area. Residents and workers enjoy safe and efficient options to travel to Downtown McMinnville and benefit from close proximity to a variety of goods and services, all easily reached by motorist, bicyclist, pedestrian, and transit rider alike. The connection to McMinnville's rich history and the surrounding landscape is reflected in urban design elements throughout the area, highlighting the uniqueness of this special place. The following goals capture the community's desire to enhance this special area. These goals are not in any particular priority order and should all be viewed as equal goals for the study area.

GOAL 1: ECONOMIC DEVELOPMENT - Support and enhance the district's economic vitality and marketability.

This plan aims to support development of significant industrial and commercial parcels within the study area, enhance existing business by diversifying goods and services available in the area, and increase tourism. Alternatives will be evaluated qualitatively for how well they address the area's development/redevelopment potential.

GOAL 2: COHESIVE LAND USE PLAN - Provide opportunities for a complementary mix of land uses, consistent with the vision of a diverse and vibrant district.

The study area contains several existing residential neighborhoods, including assisted-living and manufactured home residences, as well as major employers and tourism destinations. This plan aims to provide a mix of land uses that support one another to create a unique part of the city.

GOAL 3: TRANSPORTATION - Enhance multi-modal connections throughout the district.

This plan aims to create a complete, multimodal transportation network that serves the north and south side of OR 18 within the district, and that connects the business community, the hospital, residential neighborhoods, and tourism amenities to each other and to the city center. Alternatives will be evaluated through criteria measuring transportation safety and performance for all modes of travel: pedestrian, bicycle, transit, freight, and personal vehicles.

GOAL 4: AESTHETICS AND DESIGN - Create an aesthetically pleasing gateway to the City of McMinnville

The study area is a primary gateway to the City of McMinnville. Alternatives will be evaluated qualitatively for how well they provide an identity for the district, reflect McMinnville's intrinsic character and highlight the landscape features of the district.

GOAL 5: RESIDENTIAL QUALITY OF LIFE - Improve the district for existing and future McMinnville residents in the area.

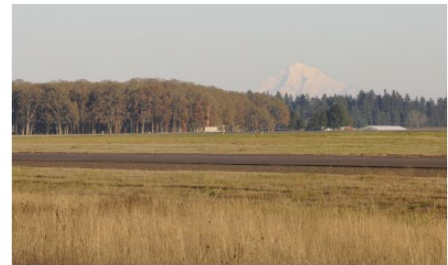
The City of McMinnville's Great Neighborhood Principles identifies amenities and facilities that should be present in all residential areas, including a variety of housing types, pedestrian and bicycle connectivity, preservation of scenic views and natural features, access to open space, and access to commercial necessities. This plan aims to support those Great Neighborhood Principles for residents in the study area by providing multi-modal connectivity, single-family and multi-family housing, provisions for open spaces, and commercial amenities, such as grocery stores, restaurants, and more.

Great Neighborhood Principles

In April 2019, the City of McMinnville adopted the Great Neighborhood Principles into the City's Comprehensive Plan. Their purpose is to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. These 13 principles are listed below. Under each principle are specific policies that detail how these principles are expected to be expressed in a site and context-specific way within the Three Mile Lane Area.

1. *Natural Feature Preservation*

- Strive to protect tree groves
- Strive to protect individual trees
- Protect riparian corridors and adjacent native landscape



2. *Scenic Views*

- Provide and protect views to rolling hills and volcanoes
- Provide visual and physical access to North Yamhill River
- Orient streets and open spaces to views



3. *Parks and Open Spaces*

- Connect to Galen McBee Airport Park
- Connect to Joe Dancer Park
- Create new gathering spaces that incorporate natural areas and views
- Plant landscapes that incorporate natives and exhibit seasonal variation



4. *Pedestrian Friendly*

- Provide a network of sidewalks and trails to connect people to key locations
- Incorporate shade streets with mature tree canopy

5. *Bike Friendly*

- Plan safe routes for residents and touring cyclists

6. *Connected Streets*

- Connect to existing street grid in the Three Mile Lane area

7. *Accessibility*

- Design new development for ease of use by all ages and abilities

8. *Human Scale Design*

- Respect typical scale of commercial uses in McMinnville
- Design to reflect the micro-climate—outdoor life, porches, balconies
- Promote inclusion and interaction within the right-of-way

9. *Mix of Activities*

- Encourage mixed-use development where feasible

10. *Urban-Rural Interface*

- Reflect patterns of wine industry—eg, rows of vines, southern orientation, shelter belts of trees
- Consider adjacency to agricultural fields and respect this heritage through careful transitions
- Design simple roof forms (industrial and agricultural). Height and distinctive forms of silos can be inspiration
- Consider functional site planning of vineyard and farm complexes as conceptual model for new development

11. *Housing for Diverse Incomes and Generations*

- Allow for a mix of housing forms and types that serve a variety of household incomes and respect the current character of Three Mile Lane



12. *Housing Variety*

- Respect existing variety of housing types in Three Mile Lane and ensure diversity of design for future housing

13. *Unique and Integrated Design Elements*

- Ensure visibility from highway; Welcome to McMinnville
- Make functions of sites visible (airplanes, winemaking); continue expression of industry/making where applicable
- Aviation legacy: display large planes; consider sensation of low-flying planes, potential visual impact of sites from the air
- Consider local and/or sustainable materials for cladding and building structure (timber, corrugated steel cladding, red brick)
- Use vibrant color



THE THREE MILE LANE AREA PLAN

This section describes the land use, urban design, and transportation elements that will guide future development and planning decisions in the Three Mile Lane Area. These elements are part of the “Preferred Alternative,” arrived at through conversation with the community at several online and in-person open houses and refined by City staff and stakeholders. The Area Plan’s combination of desired uses and transportation connections achieves the community’s vision and goals while uniquely realizing the City’s Great Neighborhood Principles.

Land Use Summary

The Three Mile Lane Area Plan’s land uses are shown in Figure 6. The defining characteristics south of the highway include a mixed-use high-density residential neighborhood with neighborhood serving commercial amenities west of the hospital, a large (40 - 60-acres (not to exceed 33 net buildable acres, net being all acreage that is buildable and not encumbered in the public domain)) area envisioned as a future retail center (“Mixed-Use Town Center”), and a large (140 – 160 acres) site for a potential corporate “Innovation Campus” to the south of this retail center, and a trail system connecting all of these developments to the existing Airport Park. To the west, in areas near SE Norton Lane and the Willamette Valley Medical Center, opportunities for an expanded health care campus and offices are envisioned. North of the highway is another proposed mixed-use high-density residential neighborhood with neighborhood serving commercial amenities west of the Physicians Medical Center on the current Baker Rock site, continued development of the tourism attraction at the Evergreen Campus, and tourism commercial amenities on the site south of the Olde Stone Village at the eastern gateway to the study area, and a trail system connecting all of these developments to existing Joe Dancer Park.

The Three Mile Lane Area Plan is accompanied by context-sensitive urban design considerations that build on the Great Neighborhood Principles. These include:

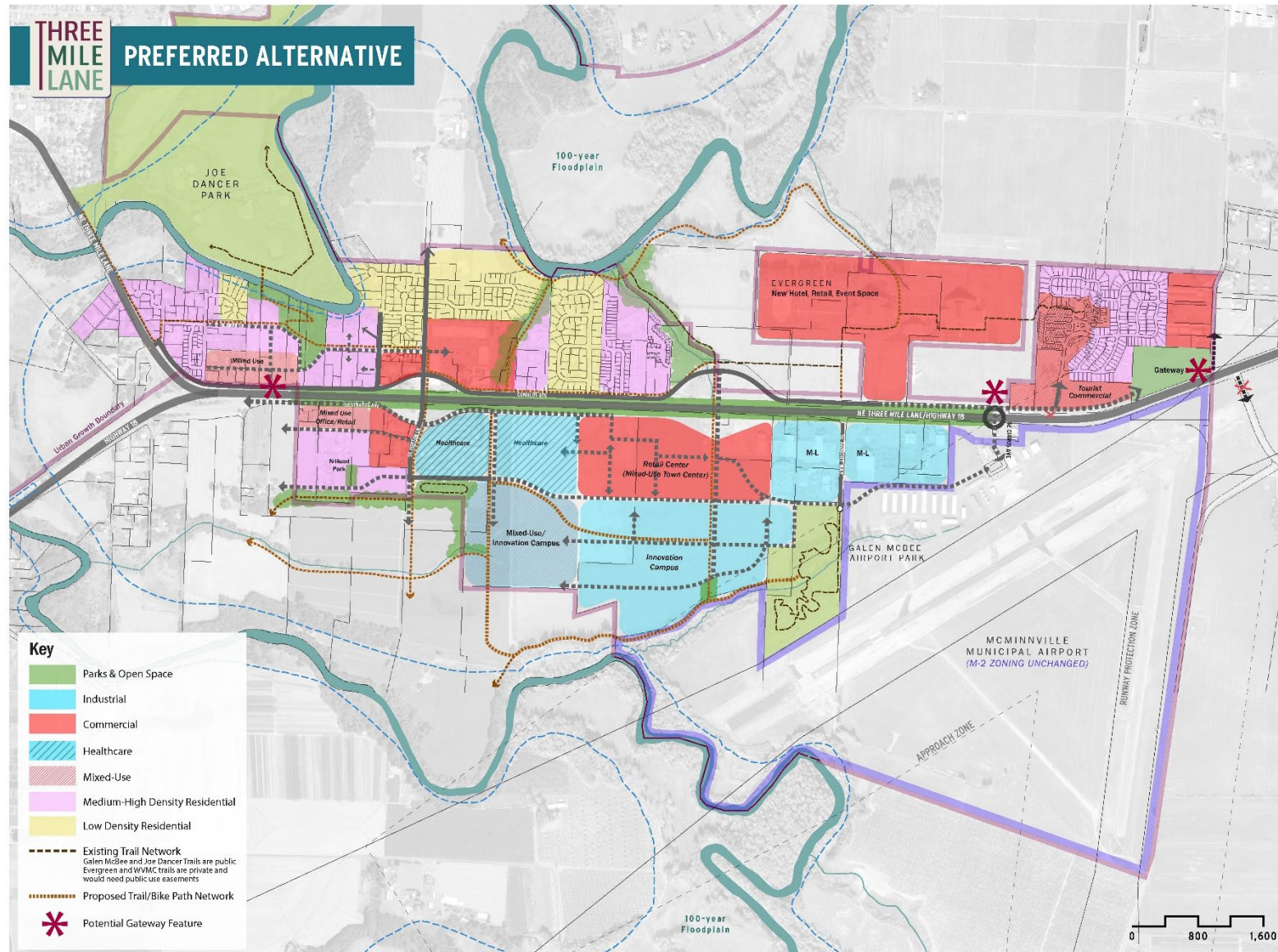
- Avoid parking lots and blank walls on OR 18 edge
- Create a walkable retail development with a “town center” feel (as described in the following pages)
- Encourage orientation of industrial campus buildings to Yamhill River and maintain view corridors through campus
- Consider setting future development back from Yamhill River to reduce impacts
- Create grid of walkable streets
- Improve frontage roads for safer walking and biking
- Integrate new Evergreen campus development with architectural language of existing buildings and site landscape features, preserve views of oak forest
- Consider aviation-themed gateway features

Key features of the Area Plan include:

- **Walkable Retail Development.** A central feature is a sizable, retail center south of Three Mile Lane at Cumulus (not to exceed 33 net buildable acres, net being all acreage that is buildable and not encumbered in the public domain). The quality of this development’s architecture and streetscape, the connectivity it provides to the street system south of OR 18, and generally, how well it responds and contributes to McMinnville’s Great Neighborhood Principles will be key to the success of this plan in gaining public approval.
- South of this retail development is a prime location for a mix of corporate office and industrial users in an **Innovation Campus**. Due to its proximity to the Yamhill River, the campus has the potential for “Trail-Oriented Development,” an increasingly popular amenity-driven development trend which offers future users and tenants an appealing orientation to views of natural features and use of outdoor space for employee wellness.
- West of the retail center and industrial campus site, a **flexible zone of mixed office or industrial** uses is offered, providing potential sites for users drawn by the synergy of being close to larger corporate users, with subcontractors or suppliers in office or light industrial spaces.
- **New mixed-use and health care-related uses** have been identified near the existing hospital. Housing, especially senior housing, is a very strong market opportunity. Building forms are expected to be horizontal mixed-use, rather than vertical mixed-use.
- The **Evergreen Tourism Area** is identified as a good location for new hotel, retail, and event space. The site is highly visible and suitable for a clustering of mutually beneficial uses. Travel-related commercial development is envisioned in the northeastern portion of the study area. This area is advantageously situated near the Evergreen complex, making it a good site for additional services and attractions for the traveling public.

- **New residential neighborhoods and continued development of existing neighborhoods** in locations in the western parts of the study area.
- **A cohesive trails system** that ties together major amenities and neighborhoods, with safe crossings of OR 18 and a potential connection to Joe Dancer Park.

Figure 6. Three Mile Lane Area Plan



Urban Design Elements

The plan features some distinct areas where change is expected to occur over time. North of Three Mile Lane, the most notable change is the mixed-use neighborhood designation in the northwest with high-density residential development and neighborhood-serving commercial amenities on Cumulus Avenue. South of the highway, land use designations that are distinctly different than what exists today include another mixed-use neighborhood designation in the southwest with high-density residential development and neighborhood-serving commercial amenities on Stratus Avenue, an expanded medical campus near the Willamette Valley Medical Center, the commercial area between the medical campus and the McMinnville Municipal Airport, and the Innovation Center south of the commercial area. Specific features and design considerations for the Three Mile Lane's diverse areas are discussed in this section. Key urban design elements that are expected to be incorporated into future development are listed below, as well as illustrated in "precedent" images and conceptual site designs.

Mixed-use Area

The Three Mile Lane Area Plan envisions continued growth and development in the northwest of the study area between Cumulus Ave and the Yamhill River. Existing residential neighborhoods are anticipated to see gradual infill and redevelopment in this area. New households in the Three Mile Lane area will require and support local services. The improved transportation connectivity envisioned with the Three Mile Lane Area Plan will provide alternatives to OR 18 for local trips.

Locally serving retail and services have been a major discussion item during this planning process. As the area continues to evolve, providing more opportunities for a mix of uses, employment, and tourism, the existing industrial site (Baker Rock Site) on NE Cumulus Avenue may prove to be a more suitable location for something other than a ready-mix concrete plant. Allowing for a variety of commercial and residential uses in this area can provide additional housing, locally serving retail and other amenities, and enhanced multi-modal transportation connectivity. This area is well-suited for mixed-use development because it is large enough to accommodate and separate several uses in a way that responds to different context conditions. The site is also mostly flat with potential for good connections to the east and west. This is a great site to explore a small Neighborhood Activity Center concept similar to what is identified in McMinnville's Comprehensive Plan and Zoning Ordinance. Although smaller in size than what the zoning ordinance would require, a planned development overlay with similar attributes and components is recommended.

Figure 7. *Mixed Use Area (Baker Rock Site) Conceptual Design*

Figure 7 shows this site, which extends between OR 18 and a steep bluff overlooking the North Yamhill River, two adjacencies that will shape its eventual development. Most of McMinnville's Great Neighborhood Principles shall be honored through future site master planning. This infill development can protect natural areas and views, connect to parks and open spaces, provide a connected, bike and pedestrian-friendly neighborhood, and encourage mixed-use development with diverse housing types and unique, high-quality design. Retail or office uses are better suited to the more visible and accessible southern half of the site. Residential uses are best suited to the northern half, further away from OR 18, with views to the river and Joe Dancer Park. Vertical and geographical mixing of uses similar to a Neighborhood Activity Center as described in McMinnville's Comprehensive Plan and Zoning Ordinance should be considered as part of a planned development overlay for this site.

Key Urban Design Elements:

- Local street grid. Local streets can be logically extended through the site from the west (NE Atlantic) and the east (NE Dunn Place), creating access to the commercial and residential halves of the site, while a new central 'Main Street' can be extended north from NE Cumulus Avenue, bisecting the site and creating two crossroads intersections. The proposed street extending east-west across the northern half of the site follows the top of the bluff and should be designed as a well-landscaped parkway, with an adjacent multi-use trail which will eventually extend throughout the Three Mile Lane study area as a safe parallel route to OR 18.
- Building orientation. New buildings should be located to form an urban frontage, with no setbacks, at the intersections of local streets.

- Building and site design. Pedestrian-scaled ground floors, prominent entries, and canopies over sidewalks with street trees, on-street parking, and safe crossings. Surface parking could include EV charging stations, bicycle parking and a transit stop and be located behind these frontages, separated from adjacent uses by well-landscaped green buffers.
- Natural features. Where the Main Street meets the bluff-top street, a public overlook can provide views to Joe Dancer Park and perhaps even a trailhead for a nature trail switch-backing down the bluff to a riverside trail system and a potential footbridge over the river connecting to the park and beyond to downtown. This could serve as a valuable pedestrian and cycling connection to downtown to supplement the new Three Mile Lane Bridge.

Tourist Commercial

The Evergreen complex continues to draw visitors to McMinnville who support other local businesses in the Three Mile Lane area and beyond. The Area Plan foresees the continuation and intensification of tourism-related uses as allowed by existing zoning designations. East of Evergreen, land is currently zoned for commercial uses along the highway and has the possibility of hosting more tourism- and travel-related commercial uses in the vicinity of the Aviation & Space Museum and waterpark. The Area Plan envisions activities and uses related to visitors and the traveling public that could boost tourism and be mutually beneficial to existing attractions. A cluster of these uses in the northeast part of the study area could have a synergistic effect, strengthening McMinnville's and the region's reputation as a destination.

Key Urban Design Elements:

- Connectivity to the Evergreen complex. An important design element of this visitor-oriented area is connectivity to existing Evergreen tourist uses. Providing a safe walking and biking connection parallel to OR 18 will help integrate future development with the Evergreen attractions, which will continue to attract significant amounts of visitors.
- "Gateway" location. In addition, with a prominent location on the east entrance to McMinnville, this development opportunity area should be required to meet the City's Great Neighborhood Principles with high-quality design.

Health Care Area

Vacant parcels surrounding the Willamette Valley Medical Center are a significant opportunity for medical offices, housing for people reliant on medical services, and other uses that benefit from a health care cluster. As envisioned in the Area Plan existing industrial and high-density residential land and uses fronting the highway and in close proximity to the Medical Center could, over time, develop with housing – including assisted living and long-term care facilities - office uses, and services related to the hospital.

Key Urban Design Elements

- Transitions between uses: Health care facilities and surrounding residential areas. Health care facilities are often active around the clock with bright lighting and they generate significant vehicle traffic. They also require a lot of delivery traffic and, in the case of a major

medical center, helicopter use. Buffering between uses should be considered, particularly senior housing or market-rate apartments with trees, landscaping and other treatments. Assisted living or nursing care facilities, however, would benefit from close proximity to the hospital.

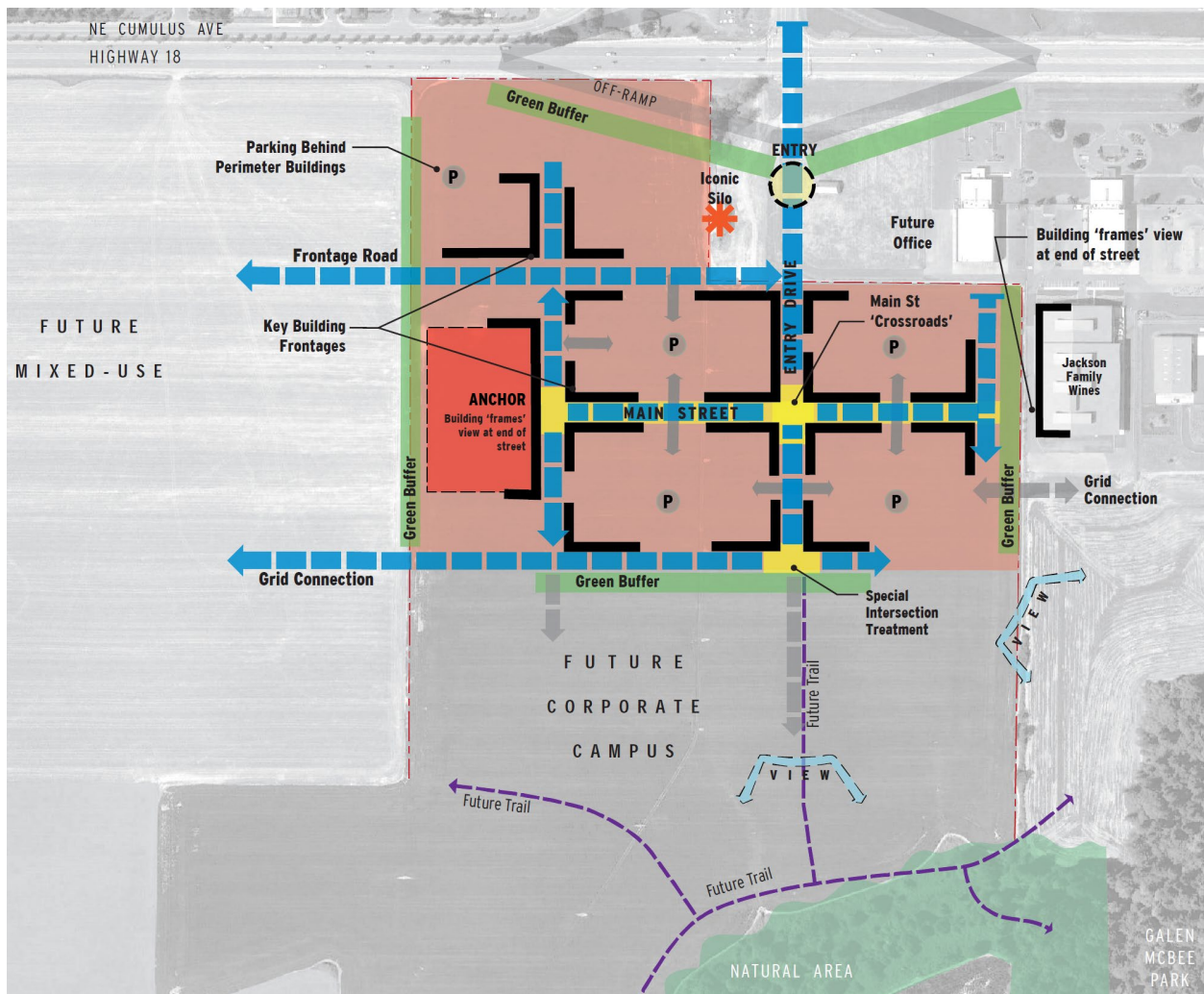
- Transitions between uses: Health care facilities and other commercial uses. The scale and orientation of existing uses, as related to future uses should be considered. For example, while Senior Housing might benefit from a location within walking distance of a retail center, there should be careful site planning to ensure the housing isn't directly adjacent to loading or parking facilities. It may be most feasible to place health-care related housing with an orientation south towards views and the river.
- Walkability between uses. Convenient, safe connections between a variety of uses in this area will be important to current and future users.
- Visual quality of buildings facing OR 18. New development should avoid placing loading docks or creating blank walls visible from passing vehicles.

Retail Center/Innovation Campus

A large area of currently vacant or farmed land stretching from the highway south to the Yamhill River provides a unique opportunity for future development. The design envisioned in the Area Plan is the latest iteration in a process that began with a Property Owners' Workshop. This half-day workshop held at City offices included a presentation of existing site conditions, with confirmation from property owners of natural features, parcel ownership, access, and previous uses. A summary of market conditions was presented, with some suggested adjustments from the owners to reflect their individual research. The workshop concluded with a roundtable discussion of opportunities and constraints, including an exercise where prototypical program 'chips' scaled to the sites, were placed in a variety of potential arrangements to inform initial sketches of concept alternatives.

In addition to the focused property owner workshop, the City of McMinnville held a design charrette for the entire corridor study area with the Citizen Advisory Committee on April 8, 2019. Project participants identified a number of key strengths, including high visibility from Oregon OR 18, many large and/or underutilized parcels, proximity to the airport, concentration of tourist amenities and medical uses, strong connections to regional assets, and an abundance of natural features. Specific opportunities the participants identified included: pedestrian bridges over the highway could provide needed connections at key points, the creation of special complete street standards to encourage biking and walking, requiring stormwater treatment and extensive street tree plantings on all study area streets, considering shared parking standards and 'shadow platting' to encourage future infill on surface lots, and opportunities for new residential at the south edge of the case study site and west of the hospital.

Figure 8. Retail Center Conceptual Design



The retail market continues to evolve rapidly in response to the challenges of competing with online retail and market consolidation. One tactic that the retail industry has successfully used to attract and retain shoppers to brick and mortar establishments is the creation of mixed-use “town centers” that offer gathering spaces, walkable streets and more dining options than typical strip suburban developments or enclosed shopping centers. Mixed-use town centers offer a greater diversity of uses that typical retail developments, particularly as it pertains to entertainment and some office uses, with the latter providing critical daytime population for retailers.

Figure 9. Retail Center Precedent: Old Mill District, Bend, Oregon



Regionally-inspired architecture



Walkable Streetscape with Active Ground Floors

A retail center at Cumulus Ave. is a central feature of the Area Plan. The design of this development, the connectivity it provides to the street system south of OR 18, and how well it contributes to McMinnville’s Great Neighborhood Principles will be key in the success of this plan. This almost 60-acre parcel is one of the largest regional sites with easy highway access. The site is flat and developable—a unique characteristic for a site of this size, and has a locational advantage being both near to the highway and the McMinnville Municipal Airport. Figure 8 provides an example of how this site could develop, implementing design features desired in the Three Mile Lane Area.

Flexibility is key to attracting a corporate Innovation Campus. The City and/or developer would have to be opportunistic and actively market the property and McMinnville as a corporate destination. Early infrastructure investments and construction of housing and commercial amenities within walking distance of the property would help attract a corporate user, as would a clear but flexible vision and development plan for the property.

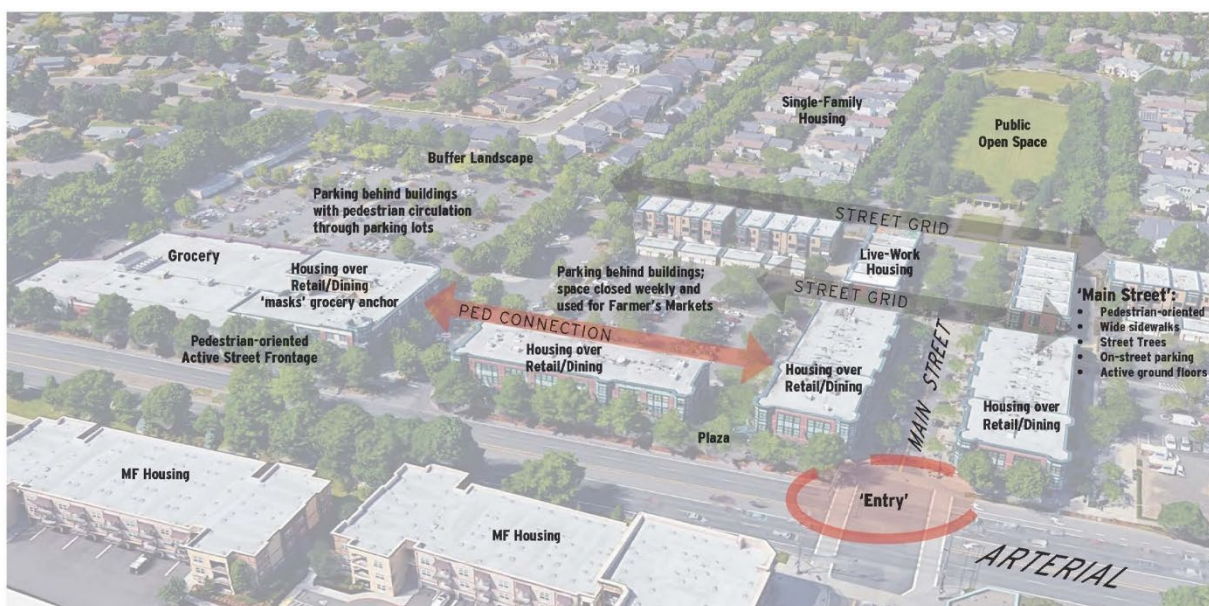
Figure 10. *Retail Center Precedent: Northwest Crossing, Bend, Oregon*



The overall goal is for new developments in the Three Mile Lane Area is to echo the features of traditional, older retail districts like downtown McMinnville. Figures 9, 10, and 11 show examples from other Oregon communities, with similar common features that include:

- Human-scale development that is pedestrian friendly.
- Walkable, narrow main streets connecting through the center, with parallel or angled on-street parking in front of retail storefronts.
- Public gathering spaces, bordered by dining and entertainment attractions, featuring play areas and flexible space for programmed public events.
- Shared parking lots, generally located behind buildings, featuring wide pedestrian walkways, EV charging stations, bicycle parking, and transit stops. As well as integrated stormwater treatment and ample landscaping including shade trees.
- Sustainable high-quality architecture, themed in a regionally appropriate way, with buildings placed in prominent locations that contribute to the quality of the pedestrian experience, versus behind large surface parking lots.
- Building edges that create 'frontage' on walkable streets or pedestrian walks, with higher-quality materials, generous windows and pedestrian-scale signage in the first 20-30' of elevation.
- Proximity and connection to a mix of other uses, to encourage walking from residential or office areas to the retail center.
- Generous landscape buffers between the retail center and roadways or parking lots while maintaining maximum visibility for retailers.
- A prominent entry to the site, with signage or a gateway feature.

Figure 11. Retail Center Precedent: Orenco Station, Hillsboro, Oregon



Key Urban Design Elements

- Local identity.** Maintaining the local identity through gateway design elements and development opportunities; establishing formal view protection corridors for Mt Hood, Mt Jefferson, and Amity Hills encouraging mixed uses whenever feasible; and mitigating the visual impact of development on the OR 18 edge.
- Connectivity.** Transportation and connectivity have been major themes during the planning process. Connectivity—in terms of internal circulation to parks and recreational features and surrounding neighborhoods—is essential, including for pedestrians and cyclists.
- Parks and open space.** The community has provided input on parks and open space opportunities, identifying the following: prioritizing connections to existing trails and open space (such as connections into Joe Dancer Park), creating a public greenway along South Yamhill River with trail and connections to the study area and McBee Park, and increasing open space opportunities in the study area adjacent to residential uses.

Transportation

Enhancements to the existing local street network supporting the Area Plan are illustrated in Figure 12. The network includes completion of parallel and intersecting streets both north and south of OR 18 and network extension within currently undeveloped lands.

New shared-use paths complement the planned street network that link neighborhoods with planned activity centers and the Galen McBee Airport and Joe Dancer Parks.

Future vehicle traffic conditions for the Three Mile Lane Area, as detailed in Appendix D, were analyzed using three key steps:

1. **Housing and Employment Demographic Data.** Demographic data within the McMinnville UGB was prepared and summarized for year 2041, assuming the no-change “base” land use condition and what conditions would be if the area developed according to the preferred alternative described in this Plan and 2041 Tier 2 land use plan, based housing and employment demographics (McMinnville UGB) for ODOT model inputs.
2. **Transportation Model Network Refinement – Preferred Alternative.** The consultant team coordinated with ODOT to incorporate results from the preferred land use analysis (see Appendix D) to develop assumptions for the Oregon Small Urban Models (OSUM) travel demand model, reflecting the preferred land use option, future OR 18 facility design, and local street system network.
3. **OSUM Model Outcomes and Study Area Intersection Analysis.** ODOT provided future year (2041) model volumes. The analysis for the street design alternative used the travel demand model results to generate traffic forecasts at study area Intersections.¹ The consultant team also did detailed traffic analysis using the model to evaluate future intersection operations in the Three Mile Lane Area.

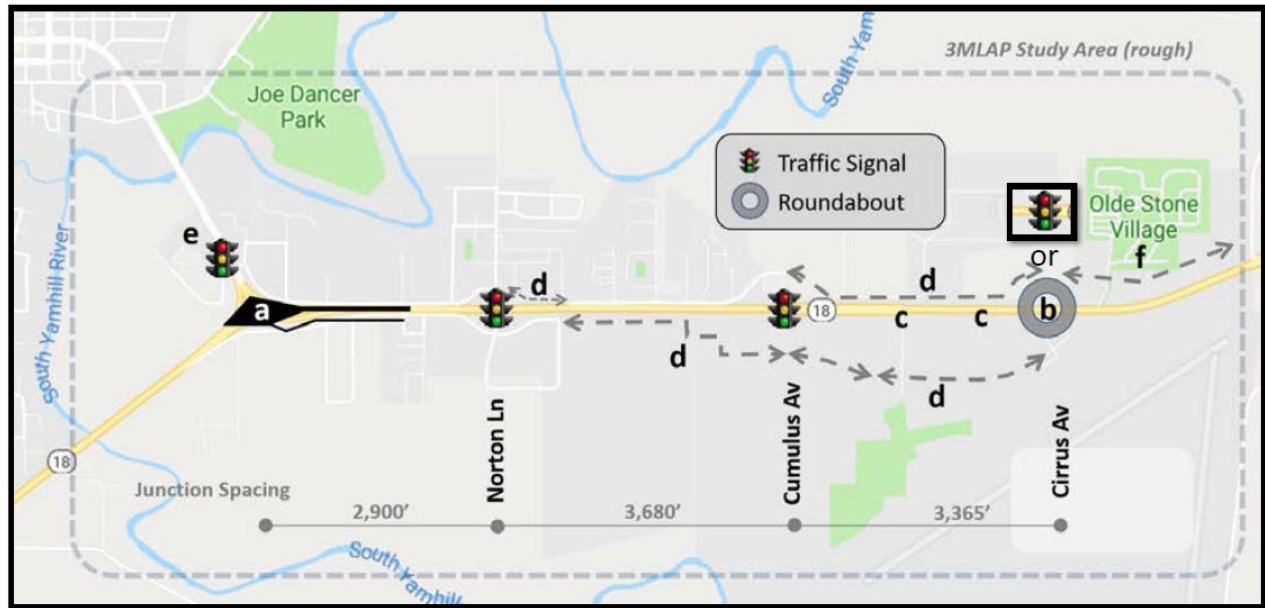
The results of the analysis confirmed that both signalized intersections in the area –OR 18 and Norton Lane and OR 18 and Cumulus Avenue - will operate at volume-to-capacity ratios below ODOT’s established standards under year 2041 Preferred Alternative traffic conditions. However, two of the study area unsignalized intersections fail to meet established mobility targets:

- **Three Mile Lane & First Street –** Three Mile Lane experiences high traffic volumes throughout the day, especially during the PM peak hour. There are limited gaps in the Three Mile Lane traffic flow for motorists turning from First Street. The intersection also doesn’t meet mobility targets based on 2018 traffic conditions.
- **Three Mile Lane & Cumulus Avenue –** The westbound and eastbound approaches are controlled with stop signs. There is no separate left-turn lane on the north leg of Three Mile Lane. Future traffic on Three Mile Lane and Cumulus Avenue is sufficiently high that eastbound and westbound motorists will find insufficient gaps to turn and travel north or south through the intersection.

¹ This work was conducted in accordance with the Methodology Memorandum, December 10, 2018. See Appendix D.

Preferred Facility Design

Figure 12. Preferred Facility Design Concept



- a) Three Mile Lane interchange - reconstructed for full directional access and crossing, with new connector to Stratus Avenue - see Figure 13).
- b) Cirrus Avenue – appropriate traffic control, which could include a traffic signal, roundabout, or other measures approved by ODOT
- c) Removal of at-grade street and driveway accesses to OR 18 in the section between Cumulus Avenue and the eastern edge of the study area, including Loop Road and Cruickshank Road (Cruickshank Road is not shown in Figure 12, as Cruickshank Road is external to the Three Mile Lane Study area).
- d) New east-west frontage streets north and south of OR 18, linking Cirrus Avenue, Cumulus Avenue and Norton Lane. These and other local street connectors are depicted in Figures 16 and 17.
- e) New traffic signal (or roundabout) at Three-Mile Lane and Cumulus Avenue.
- f) Loop Road - disconnect from OR 18 and realign to new Cirrus Avenue connector and roundabout.

Figure 13 illustrates the reconstructed interchange of OR 18 at Three Mile Lane. The interchange modifications allow full vehicular movement to and from the highway in all directions, and a bi-directional connection between the southern half of the Study Area and McMinnville's city center via Stratus Avenue. These new connections will likely carry significant local traffic demand that would otherwise travel on OR 18 between the study area and McMinnville's city center. The Stratus Avenue connection also provides direct connectivity for pedestrian and cyclists traveling between the southern half of the Study Area and McMinnville's city center. Separated, two-way cycle tracks

on both Cumulus Avenue and Stratus Avenue will improve rider comfort and significantly reduce level of traffic stress on these routes.

Figure 13. OR 18 / Three Mile Lane Interchange Preferred Facility Design



This plan includes interchange layout and traffic control concepts that will require further study and engineering analysis, including:

- A. Re-align Cumulus Avenue (and Nehemiah Lane) intersection approximately 200 feet north with Three Mile Lane to provide additional spacing from future OR 18 interchange ramps.
- B. New traffic control (signal or roundabout) if supported by MUTCD signal warrant analysis.
- C. Spacing sufficiency on Three Mile Lane between the new traffic signal and OR 18 westbound off-ramp.
- D. Re-alignment of Lawson Lane and its new connection to Martin Lane.
- E. The Urban Growth Boundary (UGB) is approximately coterminous with Stratus Avenue. The Stratus Avenue extension to the new interchange (and Lawson Lane re-alignment) will likely not require a UGB amendment (see ORS 215.283).

Figure 16. Major Collector Street Cross Section

Major Collector

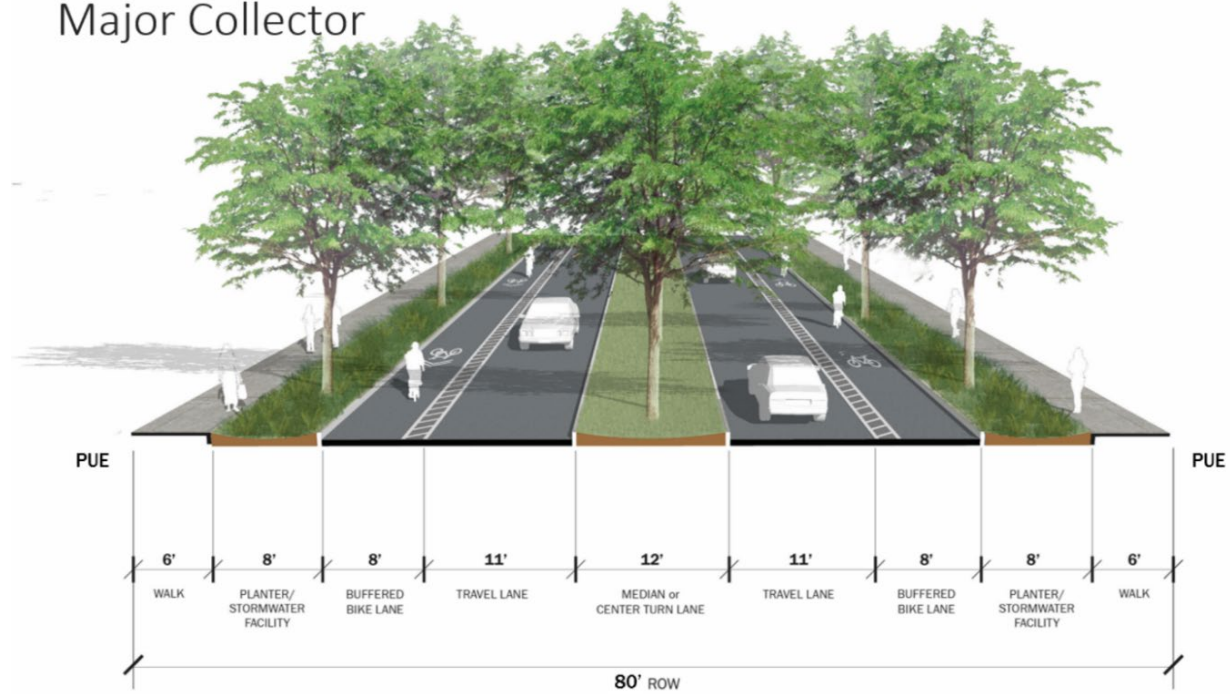
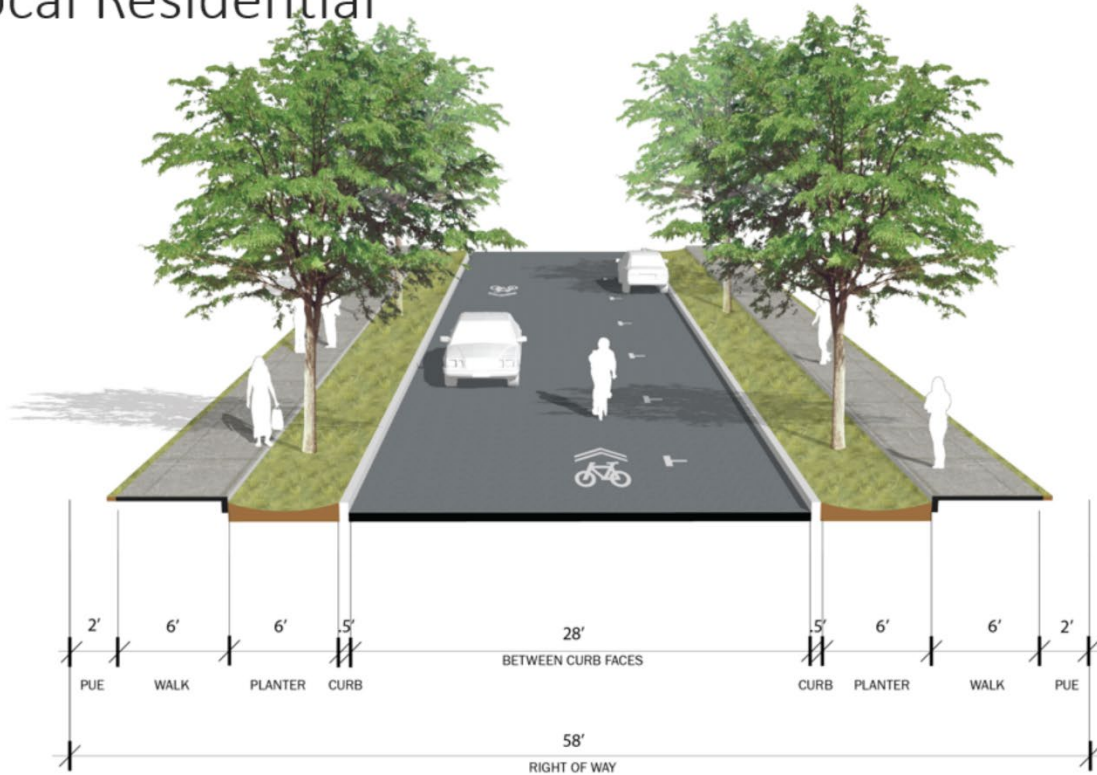


Figure 17. Local Residential Street Cross Section

Local Residential



Pedestrian Facilities

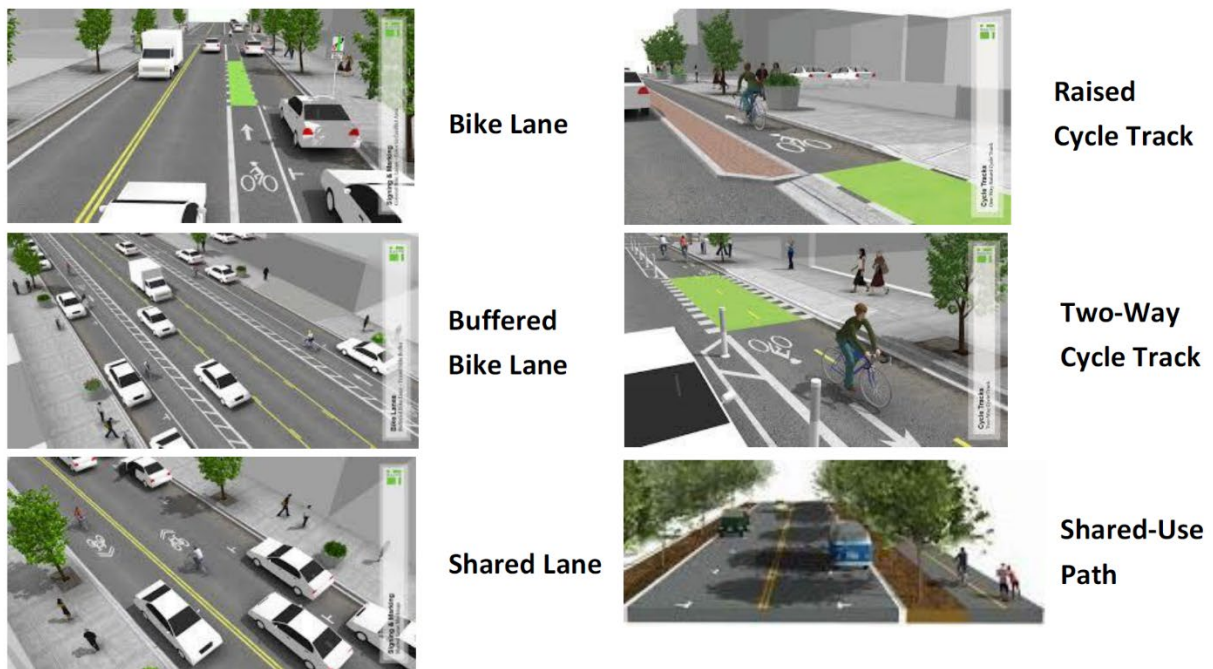
The combination of pedestrian facility improvements along existing and planned collector streets, and planned pathway improvements in the study area will significantly improve overall pedestrian access, mobility, and comfort for all users. A detailed evaluation of pedestrian facilities in the plan is included in Appendix D.

Bicycle Facilities

The Preferred Alternative includes recommended bicycle system improvements on existing streets and new connectors to help form a more complete bicycle network within the 3MLAP study area. Bicycle facilities provide improved mobility for users riding to the city center and seeking active transportation options that support a healthy lifestyle. Bicycle facilities considered in the study include bike lanes, buffered bike lanes, bike boulevards (shared lane), cycle tracks and shared-use paths as summarized in Figure 18.

The combination of bicycle facility improvements along existing and planned collector streets, and planned pathway improvements in the study area will significantly improve bicycle access, mobility and comfort for users of all ages and confidence levels. A detailed evaluation of bicycle facilities is included in Appendix D.

Figure 18. *Types of Bicycle Facilities*



Source: NACTO

Transit Connections

The extension of frontage roads east along the north and south sides of OR 18 identified in the Area Plan (see Figure 12) will provide opportunity for YCTA to extend Route 2 service within the study area.

Figure 19. YCTA Route 2 in the Three Mile Lane Area



Policies

The following policies shall guide development and future planning decisions in the Three Mile Lane area. These policies implement the Three Mile Lane Area Plan goals and describe how Great Neighborhood Principles are expected to be expressed in the future growth and development of the Three Mile Lane Area.

1. *Require future development to be consistent with the design elements of the Three Mile Lane Area Plan.*
2. *Public improvements and private development shall strive to protect tree groves and mature individual trees.*
3. *Riparian corridors and adjacent native landscape shall be protected.*
4. *The built environment will be designed to provide and protect views to rolling hills and volcanoes and to enhance visual and physical access to the North Yamhill River. New streets and open spaces will be oriented to capture views.*
5. *Enhancing connections to existing trails and open space, such as connections into Joe Dancer Park and McBee Park, and creating a public greenway along South Yamhill River with trails and connections to the Three Mile Lane Area is a priority.*
6. *New gathering spaces will be designed to incorporate natural areas and views.*
7. *Require native landscape plantings with seasonal variation and tree plantings that include shade streets with mature tree canopy.*
8. *A network of sidewalks and trails will connect people to key locations within the Three Mile Lane Area.*
9. *The Three Mile Lane Area will have safe bicycle routes for residents and touring cyclists.*

10. *Proposed new streets will connect to the existing local street grid, consistent with the conceptual designs in the Three Mile Lane Area Plan and in compliance with Transportation System Plan standards.*
11. *New commercial developments should be designed to be at a walkable, human scale and for ease of use by all ages and abilities.*
12. *New commercial, office, mixed-use, and multi-family developments should be designed to reflect the micro-climate and enhance outdoor life through the incorporation of features such as porches, balconies, courtyards, plazas, etc.*
13. *New commercial, office, mixed-use, and industrial campus developments should promote inclusion and interaction within the right-of-way.*
14. *Encourage mixed-use development where feasible.*
15. *Proposed site landscape for new development should strive to reflect patterns of wine industry—eg, rows of vines, southern orientation, shelter belts of trees – and consider functional site planning of vineyard and farm complexes as conceptual models.*
16. *New development should consider adjacency to agricultural fields and respect this heritage through careful transitions.*
17. *Architectural building design that includes simple roof forms (industrial and agricultural) is encouraged in the Three Mile Lane Area.*
18. *Encourage a diversity of future housing forms, types, and design that respect the current character of the area.*
19. *Ensure that new commercial and industrial campus development creates a welcoming and visible interface with Three Mile Lane.*
20. *Encourage site design and architecture that visibly convey the historic or current industry on the site (e.g., aviation, winemaking).*
21. *New commercial, mixed-use, office, and industrial campus development should consider using local materials for cladding and building structure (timber, corrugated steel cladding, red brick), and incorporating vibrant color.*
22. *Public safety services shall be considered as part of master planning, including access, response times and opportunity for substations if needed.*
23. *Ensure that no incompatible heavy industrial uses are allowed along Highway 18 in the Three Mile Lane Area or as part of the Innovation Campus.*
24. *Significant natural features shall be inventoried and protected as much as possible within new development plans.*

IMPLEMENTATION PLAN

Overview

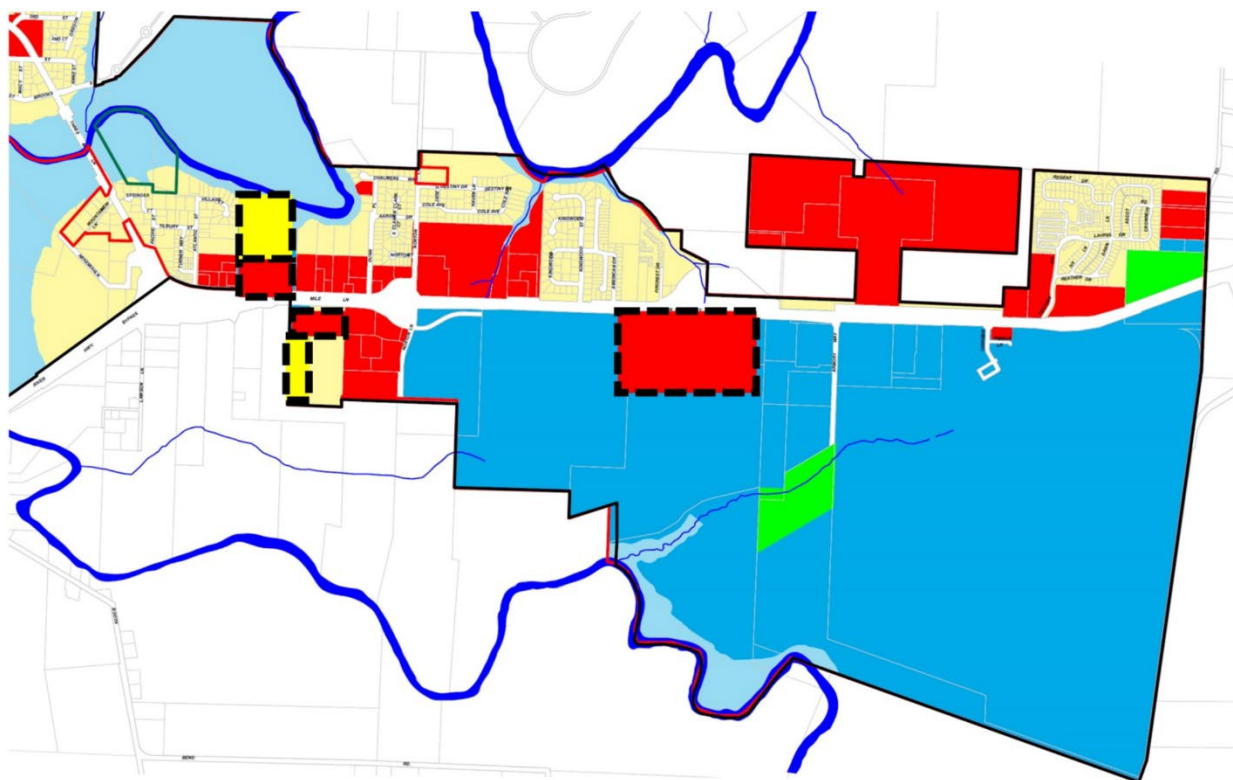
Through the development and implementation of the Three Mile Lane Area Plan, McMinnville has the opportunity to establish land use and transportation policy for the area and set standards and guidelines that will help the community realize the vision for this area. The Area Plan will be adopted as an element of the City's Comprehensive Plan to guide future land use, transportation improvements, and development decisions. This plan will be implemented through the City's Master Plans, Zoning Ordinance, Municipal Code, and the Three Mile Lane Planned Development Overlay. This section details the recommended modifications to the City's Comprehensive Plan and the Planned Development Overlay Ordinance.

Comprehensive Plan Amendments

Comprehensive Plan Map

In addition to the Three Mile Lane Area Plan being adopted as an element of the Comprehensive Plan, a map amendment will be a necessary implementation action. As described in the previous section, the Area Plan envisions land uses that are different than what is currently planned for on the City's Comprehensive Plan map. To allow for the area to develop consistent with the vision for the Three Mile Lane Area, the City will need to change the Comprehensive Plan Land Use Map in the areas indicated by the dashed black line in Figure 20.

Figure 20. Comprehensive Plan Map Amendments



The predominant change is from an Industrial designation to a Commercial designation for approximately 40 – 60 acres south of OR 18 (not to exceed 33 net buildable acres, net being all acreage that is buildable and not encumbered in the public domain). The other change south of the highway, west of Norton Lane, is from Industrial to Commercial and Residential. The Industrial Comprehensive Plan amendment on the northern side shown in Figure 20, entails proposed Commercial and Residential Comprehensive Plan redesignations

Policies

Policies in the Three Mile Lane Area Plan are intended to supplement policies in the City's existing Comprehensive Plan and support implementation of the Area Plan. The policies were developed to implement the Three Mile Lane Area Plan goals and describe how Great Neighborhood Principals are expected to be expressed in the future growth and development of the Three Mile Lane Area.

Transportation System Plan

To support the changes represented in the preferred land use option and the facility design for OR 18 there will need to be key improvements to the transportation system. The City of McMinnville's 2010 Transportation System Plan will need to be updated to capture these improvements. Complete Street design will require changes to City street standards in the TSP as well as the Zoning Ordinance. Modifications are noted in Table 1 and include an increase in sidewalk widths and planter strip widths along residential streets. To enhance cyclists' comfort, the revised standards require buffered bike lanes (or cycle tracks) on collector streets and sharrow markings for shared lanes on local residential streets.

Table 1: Complete Street Standards

	Major Collector Existing Standards	Notes	Local Residential Existing Standards	Notes
Right-of-Way	74'	Increase to 80'	50'	Increase to 58'
Speed	25-30 mph		15-25 mph	
Maximum Average Daily Traffic (ADT)	16,000		1,200	
Adjacent Land Use Intensity	Medium		Low	
Sidewalks	5' residential 10-12' commercial	6'	5'	Increase to 6'
Planter Strips	6' residential N/A commercial	8'	5'	Increase to 6'
Curb-to-Curb Street Width	44'	Suggest 50'	28'	
On-Street Parking Two Sides	N/A		yes	Switch to one side parking if travelway too narrow... see below
Bike Facility	2 lanes (5')	Change to 8' buffered bike lanes (or cycle tracks)	Shared Lane	OK, with sharrow markings
Median / Center Turn Lane	12'		None	
Travel Lane Width	2 lanes (11')		See street width	

Project phasing, costs, and design standards related to implementing the preferred OR 18 improvements will also need to be reflected in the updated TSP, consistent with what is shown in Table 2.

Table 2: OR 18 Improvements – Planning-Level Cost Estimates and Phasing

Phase	Description	Notes	Low Cost 2021 (millions)	High Cost 2021 (millions)
1. Independent State and/or City Projects				
	New Multi-Lane Roundabout at OR 18 and Cirrus Avenue		\$8.0	\$10.0
	Construct Bicycle Lanes and Sidewalks on NE Cumulus Avenue from Cumulus Avenue to Evergreen Air and Space Museum Entrance		\$0.4	\$0.6
	Extend Cumulus Avenue East from Norton Lane and Modify Intersection Traffic Control at Existing Norton Lane/Cumulus Avenue Intersection	[1]	To be determined	
2. City/State Projects Reliant on Completion of New OR 18 / Cirrus Roundabout				
	Disconnect Loop Road from OR 18 and Re-align to Cirrus Avenue		\$2.5	\$3.0
	New OR 18 Frontage Roads Between Cumulus Avenue and Cirrus Avenue (both north and south of OR 18)	[2]	To be determined	
3. City/State Projects Commensurate with/Reliant on New Extension of Cumulus Avenue South of OR 18				
	Construct Cumulus Avenue south of OR 18	[2]	To be determined	
	Revise Traffic Signal at OR 18/Cumulus Avenue Intersection		\$1.1	\$1.2
	Construct Bicycle Lanes and Sidewalks on Cumulus Avenue from OR 18 to NE Cumulus Avenue		\$0.5	\$0.7
4. State and City Projects Commensurate with or Reliant on New OR 18/Three Mile Lane Interchange				
	Reconstruct OR 18/Three Mile Lane Interchange	[3]	\$60.0	\$90.0
	Re-Fit Cumulus Avenue (north side) with 2-Way Cycle Track, Buffer Strip and Wider Sidewalk: Three Mile Lane to Norton Lane		\$3.1	\$3.4
	Re-Fit Stratus Avenue (south side) with 2-Way Cycle Track, Buffer Strip and Wider Sidewalk: Martin Lane to Norton Lane		\$1.6	\$1.8
	Re-align Cumulus Avenue and Nehemiah Lane at Three Mile Lane		\$2.4	\$2.6
	New Traffic Signal on Three-Mile Lane at Cumulus Avenue		\$0.5	\$0.6
	Re-align Lawson Lane		\$1.5	\$1.7
Total			\$81.6	\$115.6

Notes:

- [1] Subject to coordination and approval between City of McMinnville and Chemeketa Community College.
- [2] Subject to private development access needs.
- [3] Including general cost items of demolition, pavement, curb, sidewalk, signing and striping, drainage and landscaping, and new traffic signal or roundabout at junction of OR 18 eastbound ramps and Stratus Avenue.

These cost estimates are for planning purposes only and are subject to refinement during concept development and preliminary engineering. Neither ODOT, City of McMinnville or private development roles and responsibilities in funding these projects have been identified.

The cost estimates for the recommended projects in Table 2 are for planning purposes only and are subject to refinement during concept development and preliminary engineering. Identifying ODOT, City of McMinnville or private development roles and responsibilities in funding these projects have not been identified. Redesigning and retrofitting streets, highways and land use with new, multimodal transportation infrastructure sometimes requires taking exception to design standards so that new projects fit within existing rights-of-way, natural and built environmental constraints. As the concepts identified in the Plan are taken forward into preliminary engineering and final design, there will likely be the need to examine exceptions to roadway and junction design standards. Table 3 summarizes those projects identified in the Area Plan that may require design exceptions.

Table 3: OR 18 Improvements – Design Phase Issues

Recommended Plan Project	Constraints	Design Standard Issues or Possible Exceptions
Reconstruct OR 18/ Three Mile Lane Interchange	Proximity of Yamhill River Bridge, Cumulus Avenue/Nehemiah Lane intersection, OR 18 eastbound off-ramp junction, and UGB boundary (current alignment of Stratus Avenue)	Junction spacing and traffic control at: <ul style="list-style-type: none"> • Three Mile Lane • OR 18 Westbound Off-Ramp at Three Mile Lane • OR 18 Eastbound Off-ramp at Three Mile Lane/ Stratus Avenue
New Roundabout at OR 18 and Cirrus Avenue	Standard two-lane roundabout likely requires additional rights-of-way. OR 18 posted and design speeds entering McMinnville UGB.	Roundabout geometric design treatments to: <ul style="list-style-type: none"> • Reduce approaching vehicle speeds and accommodate multi-axle trucks on OR 18 • Accommodate bicycle and pedestrian traffic
Re-purposing Cumulus and Stratus Avenues with two-way cycle tracks	Limited street rights-of-way and need to accommodate future bus stops amenities.	Two-way cycle tracks are not currently incorporated in the City's design standards. Reference ODOT Blueprint for Urban Design, AASHTO and NACTO for design guidance.

The designation of OR 18 as a freight route on the State Highway Freight System also has implications for roadway design and mobility standards. Oregon statute states that the Oregon Transportation Commission may not permanently reduce the “vehicle-carrying capacity” of an identified freight route unless safety or access considerations require the reduction, or a local government requests an exemption and the Commission determines it is in the best interest of the state and freight movement is not unreasonably impeded.² The design of proposed improvements on OR 18 will need to be closely coordinated with ODOT, including the Mobility Services Team

² Oregon Revised Statute 366.215, https://www.oregonlegislature.gov/bills_laws/ors/ors366.html . In the context of this statute, “vehicle-carrying capacity” refers to the vertical and horizontal clearance of a highway section that can physically carry motor vehicles.

whose responsibility is to invite statewide transportation stakeholders to participate in required Stakeholder Forums considering improvements that may impact vehicle-carrying capacity on a freight route.³

Zoning Ordinance Amendments

This planning effort included a land use evaluation (see Appendix D) which considered the adequacy of existing policies and development regulations in implementing the Preferred Alternative. Specifically, the analysis considered the design features desired for future development in the Three Mile Lane Area and determined whether existing zoning and development ordinances would enable or require these features. The results of this analysis and recommended modifications to development requirements are summarized below. Model text amendments to update City ordinances are found in Appendix E.

Regulatory Framework

Land use and development in the Three Mile Lane area is regulated by the City's Zoning Ordinance and the Three Mile Lane Planned Development Overlay. The Zoning Ordinance governs uses, density, and dimensional requirements for zoning districts in the area, as well as site design and permitting requirements. The Planned Development Overlay contains requirements specific to the Three Mile Lane area that either modify or add to underlying zoning standards.

No changes to existing zoning designations are proposed with the Area Plan. Changes to the underlying Comprehensive Plan are recommended (see Figure 20), and will allow for property owners to initiate rezoning in these key areas over time. Also, no changes related to the type of development subject to a land use review process within the Three Mile Lane area are proposed. The following requirements will continue to apply:

- **Development Approval.** The review and approval process for land use applications is through Three Mile Lane Design Review, Director's Review with Notification.
- **Zone changes.** Zone changes within the Three Mile Lane Planned Development Overlay area are evaluated using Planned Development Overlay standards and procedures and approved by Planning Commission.
- **Industrial Campus/M-L Zoning.** Proposed Industrial uses in the M-L zone must be approved by the Planning Commission, after evaluating impacts such as noise, traffic generation, air and water pollution, and appearance.
- **Commercial Zoning.** New commercial structures larger than 25,000 square feet of gross floor area require Director approval through Large Format Commercial Design Review.
- **Signage.** Signage in areas designated commercial and industrial require approval by the Three Mile Lane Design Review Committee, after evaluating compatibility and design elements such as color, material, size, form, and relationship to site and building design.

³ For more information about the process and ORS 366.215 requirements see https://www.oregon.gov/ODOT/Planning/Documents/ORS_366.215_Implementation_Guidance.pdf .

Future development proposals shall address the special urban design elements described in this Area Plan - specifically in the mixed-use neighborhoods, ~~and~~ retail center, and innovation campus areas - through the planned development approval process (Chapter 17.51 Planned Development Overlay).⁴ This shall be a requirement of future development on those sites to ensure compliance with this Plan's policies and guiding principles.

To ensure that future development in this area reflects the City's vision for the Three Mile Lane area, after adopting this Plan, the City should work towards implementing the guiding principles and policies in this Plan in the regulatory framework of the City's comprehensive plan and zoning ordinance.

Table 4 lists recommended changes to development requirements that will strengthen the City's current Zoning Ordinance provisions and that, when implemented, will better reflect the future development outcomes envisioned for the Three Mile Lane Area. The table lists the policies describing desired features and outcomes and where modifications to existing requirements or specific actions are needed. Some proposed recommendation items from the earlier analysis have not had a robust community conversation or require additional study or analysis. These items are noted as recommended future action items for the City to consider.

Within the recommendations in the Overlay Amendment column in Table 4 there is a further distinction between requirements that should be applicable to all development in the Three Mile Lane Area and requirements that are more appropriate for larger, planned developments.

After adopting this Plan, the City should work towards implementing the guiding principles and policies in this Plan in the regulatory framework of the City's comprehensive plan and zoning ordinance.

⁴ Today, development proposals within the Three Mile Lane Planned Development Overlay do not have to go through a planned development process and the City cannot require a master plan. Master plans are defined in the Zoning Ordinance as the "maps, illustrations and supported text associated with a planned development which conveys the approved uses for the site along with any associated conditions, phasing schedules and other agreements."

Table 4: Implementation Recommendations

Policy	Overlay Amendment	Recommended Future Action
<p>1. Require future development to be consistent with the design elements of the Three Mile Lane Area Plan.</p>	<p>Include specific development standards (see amendments in this table) in the Three Mile Lane Planned Development Overlay to implement the <i>Three Mile Lane Area Plan</i>. Note that the review and approval process for land use applications is through Three Mile Lane Design Review, Director's Review with Notification.</p> <p>Require Industrial development proposals over [10] acres to be subject to Planned Development Overlay (Chapter 17.51) and Planning Commission approval.</p> <p>Require Mixed-Use and Commercial, proposals over [5] acres to be subject to Planned Development Overlay (Chapter 17.51) and Planning Commission approval.</p> <p>In the Innovation Campus allow office uses that support products and services that are manufactured or developed on-site or that serve as corporate offices for products that are manufactured elsewhere.</p> <p>Housing development shall be consistent with the clear and objective design standards of Chapter 17.11 of the McMinnville Municipal Code.</p>	
<p>2. Public improvements and private development shall strive to protect tree groves and mature individual trees.</p>		<p>Identify tree groves and tree types to be protected and designate as significant or historic trees.</p>
<p>3. Riparian corridors and adjacent native landscapes shall be protected.</p>	<p>Require mapping and protection of stream corridors and re-vegetation with native plantings.</p>	

Table 4: Implementation Recommendations (cont.)

Policy	Overlay Amendment	Recommended Future Action
<p>4. The built environment will be designed to provide and protect views to rolling hills and volcanoes and to enhance visual and physical access to the North Yamhill River. New streets and open spaces will be oriented to capture views.</p>	<p>Require viewshed analysis as part of Design Review.</p>	
<p>5. Enhancing connections to existing trails and open space, such as connections into Joe Dancer Park and McBee Park, and creating a public greenway along South Yamhill River with trails and connections to the Three Mile Lane Area is a priority.</p>	<p>Require connection to the proposed trail, trail right-of-way dedication, and trail construction as part of Design Review/development approval.</p>	
<p>6. New gathering spaces will be designed to incorporate natural areas and views.</p>	<p>When proposed as part of a Planned Development master plan, require gathering spaces to be designed to incorporate natural areas and views as a condition of approval.</p>	
<p>7. Require native landscape plantings with seasonal variation and tree plantings that include shade streets with mature tree canopy</p>	<p>Require native landscaping and plantings of all development through Design Review.</p>	<p>Develop and define approved planting list and approved tree list.</p>
<p>8. A network of sidewalks and trails will connect people to key locations within the Three Mile Lane Area.</p>	<p>Apply pedestrian walkway and connectivity standards to all non-residential development. Note: Pedestrian walkway standards, currently are applied to Large Format Retail; site design requires connections between buildings and from building entrances to streets (§17.56.05 O.C.2).</p>	
<p>9. The Three Mile Lane Area will have safe bicycle routes for residents and touring cyclists.</p>	<p>Require transportation improvements consistent with the Area Plan through Design Review.</p>	

Table 4: Implementation Recommendations (cont.)

Policy	Overlay Amendment	Recommended Future Action
<p>10. Proposed new streets will connect to the existing local street grid, consistent with the conceptual designs in the Three Mile Lane Area Plan and in compliance with Transportation System Plan standards.</p>	<p>Require transportation improvements consistent with the Area Plan through h Design Review.</p>	
<p>11. New commercial developments should be designed to be at a walkable, human scale and for ease of use by all ages and abilities.</p>	<p>Requirements for commercial building size and massing. Standards for parking maximums for all uses. Parking lot location requirements for commercial uses</p>	<p>Additional guidelines or standards are related to façade treatments. 17.56.050 Development Standards</p>
<p>12. New commercial, office, mixed-use, and multi-family developments should be designed to reflect the micro-climate and enhance outdoor life through the incorporation of features such as porches, balconies, courtyards, plazas, etc.</p>	<p>Require as part of Design Review:</p> <ul style="list-style-type: none"> • Standards for non- residential buildings to include minimum pedestrian shelter coverages. along ground floor elevations/ street frontages and main entrances. • Residential design features to include clear and objective building design standards/architectural elements. 	<p>Additional guidelines or standards related to facade treatments</p>
<p>13. New commercial, office, mixed-use, and industrial campus developments should promote inclusion and interaction within the right-of-way.</p>	<p>Require as part of Design Review:</p> <ul style="list-style-type: none"> • New requirements for building orientation (set-to, building orientation). • Additional guidelines or standards related to facade treatments, including transparency. • Provision of on-street parking for ground-floor commercial uses (new requirements allowing on-street spaces to be counted toward parking minimums, new cross-section standards for streets with ground-floor retail). 	

Table 4: Implementation Recommendations (cont.)

Policy	Overlay Amendment	Recommended Future Action
14. Encourage mixed-use development where feasible.		Consider additional guidelines or requirements for the Mixed-Use area.
15. Proposed site landscaping for new development should strive to reflect patterns of wine industry-eg, rows of vines, southern orientation, shelter belts of trees - and consider functional site planning of vineyard and farm complexes as conceptual models.	Require landscaping proposed as part of a Planned Development master plan to demonstrate how it reflects existing patterns.	
16. New development should consider adjacency to agricultural fields and respect this heritage through careful transitions.	Buffer/ perimeter requirements for new non-residential development adjacent to a dissimilar use.	Determine if specific buffering requirements are needed for proposed development abutting land zoned exclusive farm use.
17. Architectural building design that includes simple roof forms (industrial and agricultural) is encouraged in the Three Mile Lane Area.		Develop design guidelines or architectural standards.
18. Encourage a diversity of future housing forms, types, and design that respect the current character of the area.	Buffer/ perimeter requirements for new non-residential development adjacent to a dissimilar use.	Evaluate Zoning Ordinance to ensure there are clear and objective design standards for new residential development
19. Ensure that new commercial and industrial campus development creates a welcoming and visible interface with Three Mile Lane.	Requirements for landscape buffering fronting Three Mile Lane. Requirements for non - residential development related to building facades, including addressing blank walls and requiring articulation and materials or color variation	Develop design guidelines to cohesive visual character along the corridor.

Table 4: Implementation Recommendations (cont.)

Policy	Overlay Amendment	Recommended Future Action
20. Encourage site design and architecture that visibly convey the historic or current industry on the site (e.g., aviation, winemaking).		Develop design guidelines or architectural standards.
21. New commercial, mixed-use, office, and industrial campus development should consider using local materials for cladding and building structure (timber, corrugated steel cladding, red brick), and incorporating vibrant color.	Requirements for non-residential development related to building facades, including addressing blank walls and requiring articulation and materials or color variation.	Develop additional design guidelines or standards related to façade treatments; define acceptable color palate.
22. Public safety services shall be considered as part of master planning, including access, response times and opportunity for substations if needed.		Meet with public safety partners to assess needs in the Three Mile Lane Area and ensure that future master planning addresses needs.
23. Ensure that no incompatible heavy industrial uses are allowed along Highway 18 or as part of the Innovation Campus.		Rezone M2 land to M1 land.
24. Significant natural features shall be inventoried and protected as much as possible in development plans.	Require all planned developments to provide an inventory of natural features that must be approved prior to any removal or demolition.	Define natural features that need to be inventoried.

NEXT STEPS

Incorporate Three Mile Lane Area Plan Findings

Both the City of McMinnville and Oregon Department of Transportation (ODOT) will consider actions to implement key findings of the Three Mile Lane Area Plan as part of their transportation and land use (city) plans as follows:

Joint City/ODOT Project Development

1. OR 18 / Cirrus Avenue Junction

Future project development, development driven or otherwise, will likely require the City, State, and developer to coordinate project concept development, investigate rights-of-way requirements, and begin preliminary design of new junction traffic control (roundabout or traffic signal) at the intersection of OR 18 and Cirrus Avenue. Project includes closing Laurel Lane, Loop Road, and the RV sales private driveway and consolidating these accesses to the OR 18/Cirrus Avenue intersection via a new frontage road constructed along the north side of OR 18. Project development will require specific coordination with the State Traffic Engineer and the Mobility Advisory Committee. An intergovernmental agreement and memorandum of agreement may be used to formalize this coordinated effort.

Project Purpose and Need: Resolve highway safety problem at OR 18/Loop Road (see Appendix A) and revise local access to Cirrus Avenue (city/public street) and removal of private driveways in accordance with Oregon Highway Plan Access Management and Spacing standards, adopted as Appendix to the McMinnville Transportation Systems Plan (2010).

City of McMinnville

1. Update the Comprehensive Plan Land Use Map to reflect proposed land uses in the Three Mile Lane Area Plan.
2. Adopt an Ordinance amending Ordinance 4131 (Three Mile Lane Planned Development Overlay) and Ordinance 5472 (Three Mile Lane Amendment) by adding new sections that reflect the implementation recommendations of the Three Mile Lane Area Plan.
3. Update the 2010 Transportation System Plan to adopt city and state highway improvements projects identified in the Area Plan.
4. Revise and update the Transportation Systems Development Charge to incorporate transportation capacity improvements that serve new development needs as identified in the Area Plan.
5. Review and administer site plan proposals, zone change and/or comprehensive plan change applications within the Area Plan area seeking landowner and/or developer cooperation in reserving rights-of-way for the OR 18 / Cumulus Avenue interchange. *Note that this is not an identified capacity improvement requirement within the current (2021-2041) 20-year planning horizon.*
6. Amend the UGB agreement with Yamhill County.
7. Consider needed refinements to other City Capital Improvement Plans and amend and adopt City Master Plan updates as needed to support future growth in the Three Mile Lane Area.

ODOT

1. Consider the adoption of the 3MLAP as a Facility Plan.
2. Coordinate with the City of McMinnville to identify funding (City, State, and developer), and carry out design and re-construction of the OR 18/Three Mile Lane interchange as identified in the 3MLAP.

Planning Guidance - Post 20-Year Planning Horizon

The City of McMinnville and ODOT will continue to coordinate and monitor land development proposals in the 3MLAP area and evaluate OR 18 traffic trends to determine when the full interchange, as identified in the 1997 OR 18 Corridor Refinement Plan and McMinnville's current TSP, or additional interim traffic capacity improvements are needed at the junction of OR 18 and Cumulus Avenue.

The 1997 OR 18 Corridor Refinement Plan indicates closure of the Norton Lane crossing of OR 18 with no additional OR 18 crossings. Minimum pedestrian highway crossing spacing guidelines outlined in Oregon's Blueprint for Urban Design will be administered as part of any future OR 18/Cumulus Avenue interchange project development.

OR-18/Cumulus Avenue – Potential Interim Capacity Improvements

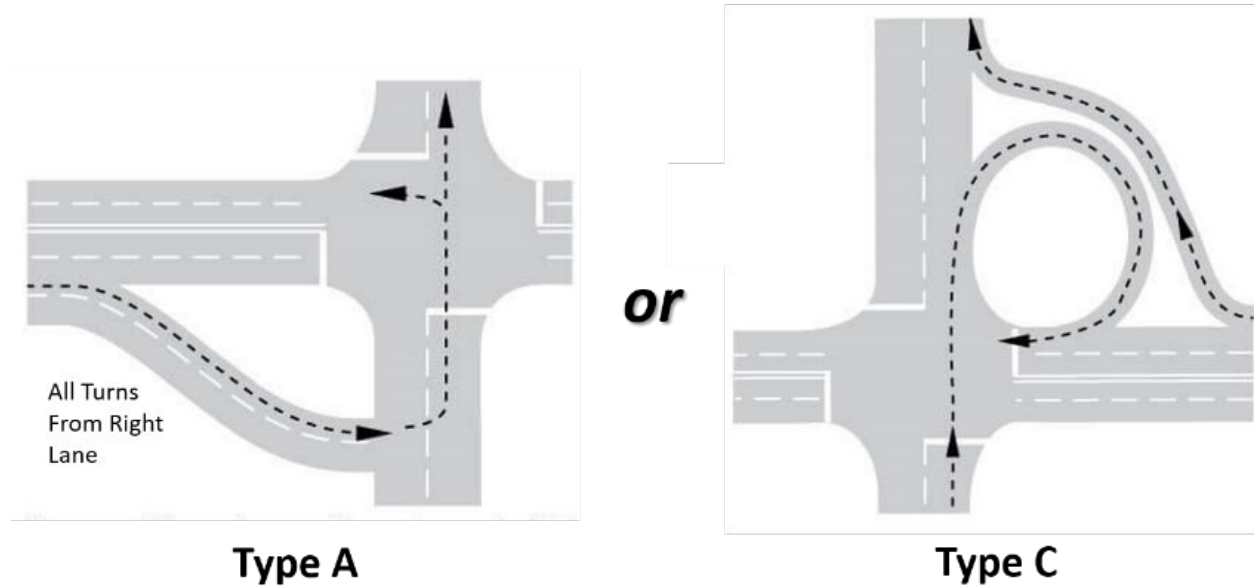
In the drafting of facility design options, the 3MLAP identified a potential need for interim capacity improvements in the form of "jug handles" at the intersection of OR 18 at Cumulus Avenue. The analysis of future traffic operations later indicated that the existing traffic signal at OR 18/Cumulus Avenue will accommodate year 2041 traffic demand without need for additional, vehicle capacity-increasing capital improvements. "Jug Handles" should be considered as a future phase improvement if warranted by mobility standards.

At such a time when the traffic signal can no longer accommodate future traffic and operate within the mobility targets of the OHP, ODOT and the City will require further assessment of potential intersection capacity improvements.

An intersection control evaluation will be needed to determine the final configuration of this intersection, should the existing configuration, jug-handle, or a roundabout improvement be best suited. Final design to be determined through a refinement or project development effort should assess the above-noted considerations.

Any reconfiguration of the intersection traffic control design will need to consider existing traffic patterns and user compliance, as well as the feasibility to operate safely and efficiently with the recommended frontage roads identified in the 3MLAP. Figure 1. Sample Jug Handle Concept Options

Figure 21. Jug Handle Concepts



Source: New Jersey Department of Transportation

Future Bicycle/Pedestrian Overpass Consideration

OR-18/Norton Avenue – Potential Bicycle / Pedestrian Overpass

In the adoption process of the 3MLAP, the City identified a future potential need for a bicycle/pedestrian overpass at OR 18/Norton Avenue to facilitate a separated bicycle and pedestrian crossing opportunity. This was not calculated as a need by the 3MLAP transportation analysis.

The City should continue to evaluate the bicycle and pedestrian movements from north to south at this intersection for mobility and safety and explore opportunities to fund and implement this improvement proactively if determined to be warranted by the community.

**Record for CPA 2-20/ZC 3-20, CPA 1-21/ZC 2-21, CPA 2-21/ZC 3-21
Through April 13, 2023**

Applications:

CPA 2-20/ZC 3-20 (Kimco)

- Original Application and Attachments, deemed complete on April 8, 2021
 - Application Form
 - Narrative
 - March 29, 2021 Supplemental Narrative
 - December 18, 2020 TIA with Full Appendices²
 - January 10, 2020 Memo from Leland Consulting Group
 - February 2020, Draft EOA
 - April 16, 2019 3MLAP Draft Market Analysis
 - August 5, 2019 3MLAP Draft Land Use and Transportation Options and Evaluation
 - Neighborhood Meeting Documentation
- June 21, 2021 Memo from Dana Krawczuk
- December 9, 2021 Letter from Dana Krawczuk
- November 11, 2021 TIA Updated for 3 properties with attachments²
- May 4, 2022 updated TIA/Sensitivity Analysis for 3 properties with attachments (supersedes previous materials)²
- June 8, 2022 KAI response to May 23, 2023 ODOT TIA comments for 3 properties²

CPA 1-21/ZC 2-21 (3330 TML, LLC) and CPA 2-21/ZC 3-21 (DRS Land)

- Original Applications, deemed complete on December 16, 2021
 - Application Form for CPA 1-21/ZC 2-21
 - Application Form for CPA 2-21/ZC 3-21
 - Narrative (same narrative for CPA 1-21/ZC 2-21 & CPA 2-21/ZC 3-21)
 - November 11, 2021 TIA Updated for 3 properties²
 - Supplemental Narrative Addressing Great Neighborhood Principles, submitted January 17, 2022 (same narrative for CPA 1-21/ZC 2-21 & CPA 2-21/ZC 3-21)
- May 4, 2022 updated TIA/Sensitivity Analysis for 3 properties with attachments (supersedes previous materials)²
- June 8, 2022 KAI response to May 23, 2023 ODOT TIA comments for 3 properties²

Hearings:

May 20, 2021 (CPA 2-20/ZC 3-20)

- May 20, 2021 Staff Report with Attachments
 - Attachment 1 – May 20, 2021 Decision Document for CPA 2-20/ZC 3-20 with Attachments
 - Attachment 1. Development and Design Principles and Standards for Condition of PD Overlay Approval, with Attachments
 - 1. June 2019 Draft 3MLAP Design Booklet
 - 2. March 23, 2021 Draft 3MLAP Preferred Alternative Memo
 - Attachment 2. Application and Attachments
 - Attachment 3. DSL Wetland Land Use Notification Form
 - Attachment 4. May 4, 2021 ODOT Comments

- Attachment 2 – CPA 2-20/ZC 3-20 Application and Attachments
- Minutes of May 20, 2021 meeting, including oral testimony from:
 - Sam Knutson, Kimco McMinnville, LLC
 - Dana Krawczuk, representing Kimco
 - Mark Davis
 - Alan Roodhouse, representing Kimco
 - David Koch, representing 3330 TML LLC (property owner to the east)
 - Stewart Kircher
- Additional Agency Comments Received After Staff Report
 - May 19, 2021 e-mail from Daniel Evans, Oregon
- Written Testimony Submitted After Staff Report:
 - May 20, 2021 e-mail letter from Alexis Biddle and Sid Friedman

July 15, 2021 (CPA 2-20/ZC 3-20)

(Packet was prepared, but hearing was continued without a staff report or testimony)

- July 15, 2021 Staff Report with Attachments
 - Attachment 1. Request for Continuance
 - Attachment 2. Ordinance 4976 with Adopted/Acknowledged EOA
 - Attachment 3. EOA Hearing Memo from February 14, 2014
 - Attachment 4. Excerpts from 2013 EOA
 - Attachment 5. June 21, 2021 Memo from Dana Krawczuk
 - Attachment 6. July 2, 2021 e-mail from DLCD Economic Development Specialist Leigh McIlvaine
 - Attachment 7. July 8, 2021 e-mail from City Attorney Amanda Guile-Hinman
 - Attachment 8. April 16, 2019 Final Draft McMinnville Three Mile Lane Area Plan Market Analysis
- Minutes of July 15, 2021 meeting (no oral testimony taken)

December 16, 2021 (CPA 2-20/ZC 3-20)

- December 16, 2021 Staff Report with Attachments
 - Attachment A. December 9, 2021 Letter from Dana Krawczuk
 - Attachment B. June 21, 2021 Memo from Dana Krawczuk
- Minutes of December 16, 2021 meeting, including oral testimony from:
 - Dana Krawczuk, representing Kimco
 - Sid Friedman
- Written Testimony Submitted After Staff Report:
 - December 15, 2021 letter from Alexis Biddle and Sid Friedman

April 20, 2023 (CPA 2-20/ZC 3-20, CPA 1-21/ZC 2-21, CPA 2-21/ZC 3-21)

- April 20, 2023 Staff Report with Attachments
 - April 20, 2023 Decision Document for CPA 2-20/ZC 3-20
 - April 20, 2023 Decision Document for CPA 1-21/ZC 2-21
 - April 20, 2023 Decision Document for CPA 2-21/ZC 3-21
 - Development and Design Principles and Standards for Condition of PD Overlay, with Attachments
 - May 4, 2022 updated TIA/Sensitivity Analysis for 3 properties with attachments (supersedes previous materials)²
 - May 23, 2022 TIA Comment Letter from ODOT²

- June 8, 2022 KAI response to May 23, 2023 ODOT TIA comments for 3 properties²
- October 6, 2022 Comment Letter from DEA on Behalf of City²
- Final Adopted Three Mile Lane Area Plan, Adopted November 8, 2022

Notes:

- 1. Staff Reports regarding continuances are not listed above, but are available from the Planning Department.**
- 2. The City and ODOT accepted the analysis in the May 4, 2022 TIA/Sensitivity Analysis together with the corrections in the June 8, 2022 supplemental response, which supersedes the previous materials.**