

Planning Commission
Thursday, April 4, 2024
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/84808603865?pwd=WE03Ukt3bDU5VkUwRUhla1Jnb2w0QT09>

Meeting ID: 848 0860 3865

Meeting Password: 166748

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) **Written testimony in advance of the meeting** – Email written testimony 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) **In person at the meeting** – Sign up in advance to provide testimony at the meeting by emailing heather.richards@mcminnvilleoregon.gov, or sign up at the meeting by filling out a testimony form found at the entry to the hearing chambers.
- 3) **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.
- 4) **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
Dan Tucholsky, Vice Chair	1. Call to Order
Rachel Flores	2. Minutes: <ol style="list-style-type: none"> a. June 1, 2023, (Exhibit 1) b. June 15, 2023, (Exhibit 2) c. July 6, 2023, (Exhibit 3) d. January 4, 2024, (Exhibit 4)
Gary Langenwalter	3. Citizen Comments
Sylla McClellan	4. Public Hearings:
Elena Mudrak	A. <u>Quasi-Judicial Hearing: Administrative Variance (AV 1-24), for a covered, unenclosed patio on property at 1768 NW Woodland Drive, Map & Tax Lot R4418DB 2100 – (Exhibit 5)</u>
Brian Randall	Request: Request for review and approval of an Administrative Variance (AV 1-24) for property located at 1768 NW Woodland Drive, to allow construction of a covered, unenclosed patio, part of which would be located nine feet from the rear property line, plus eaves extending no more than an additional 24 inches.
Beth Rankin	Section 17.54.020(D) of the Zoning Ordinance states, “An unenclosed covered patio or a covered deck enclosed only by railings may be placed in the rear yard of a residence provided that no part is closer than 10 (ten) feet to a rear property line; eaves may extend 24 inches into this setback...”
Vacant – At-Large	Section 17.74.090 of the Zoning Ordinance states, “The Planning Director may grant limited adjustments to the terms of this title as follows:...B. Setbacks: Maximum adjustment of 10 (ten) percent of the required setback.”
	Applicant: Marilu Hernandez, on behalf of property owner Hernandez Marilu 2012 Trust
	5. Commissioner Comments
	6. Staff Comments
	7. Adjournment

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.

EXHIBIT 1 - MINUTES

**June 1, 2023
Planning Commission
Regular Meeting**

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

Members Present: Sidonie Winfield, Dan Tucholsky, Gary Langenwalter, Beth Rankin, Megan Murray, Brian Randall, Elena Mudrak, and Sylla McClellan

Members Absent: Matt Deppe

Staff Present: Tom Schauer – Senior Planner and Susan Muir – Parks and Recreation Director

1. Call to Order

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

She swore in new Planning Commissioner Elena Mudrak.

2. Citizen Comments

None

3. Minutes

None

4. Public Hearings

None

5. Work Session/Update – Parks, Recreation, and Open Space (PROS) Master Plan Update

Parks and Recreation Director Muir introduced the topic.

Jon Pheanis, consultant with MIG, gave the project update. He discussed the purpose of the PROS Plan, planning process and community engagement, existing system highlights, map of the park system, areas that were underserved, park condition assessment, system maintenance and expenditures per acre, community needs summary, recap of last meetings with the Planning Commission and DEI Committee where challenges and opportunities were discussed, community engagement to date, online questionnaire results, equitable park and recreation access, map of developed park access, key themes from the outreach, and top needs.

There was discussion regarding the classification of parks, how the City compared with other cities for parks, use of school property, acquiring more park land, incentivizing dedication of park land, park safety, and planning process compared to other cities.

Mr. Pheanis discussed definitions of the future vision, goals, and objectives. He asked what changes the Commission suggested making to the current vision statement and what other specific goals or objectives they would like to see.

The Commission thought the vision should be a broader, higher level, and overarching vision and that the bullet points from the current version should be turned into goals. The goals should address bike lanes, serving those with physical disabilities, diversity in each park, address the park desert and working with the school district, need for significant parks in areas of future development and more density, climate resilience, creating an afterschool volunteer program to monitor parks, and better utilization of facilities.

The Commission discussed funding and volunteering options, pairing the goals with objectives for how to reach the goals, how the goal of 14 acres per 1,000 was unachievable and coming up with a more achievable goal, and parks as event and gathering places and the facilities needed to accommodate them.

The consultant would refine what was discussed and bring it back in September.

6. Commissioner Comments

The Commission decided to meet on Saturday, September 9, to discuss the information gathered by Commissioner Rankin.

7. Staff Comments

Senior Planner Schauer gave an update on upcoming agenda items.

8. Adjournment

Chair Winfield adjourned the meeting at 8:07 p.m.

EXHIBIT 2 - MINUTES

**June 15, 2023
Planning Commission
Regular Meeting**

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

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

Members Absent: Sidonie Winfield

Staff Present: Heather Richards – Community Development Director, Tom Schauer – Senior Planner, Adam Tate – Associate Planner, and John Swanson – Senior Planner

1. Call to Order

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

2. Citizen Comments

None

3. Minutes

None

4. Public Hearings

A. Quasi-Judicial Hearing: Conditional Use Permit (Docket CU 2-23) and Historic Structure Parking Variance (Docket VR 1-23)

Request: CU 2-23. Applicant Christie Toal is requesting approval of a Conditional Use Permit to operate a Bed and Breakfast on property located in the O-R (Office Residential) Zone. The proposal would continue to provide 4 sleeping rooms in the main house and a basement apartment, as well as renovation of the detached garage into a fifth sleeping room/suite. Each sleeping room would be improved with an attached bathroom increasing the number of bathrooms from three to seven and a half.

VR 1-23. The applicant is also requesting a parking variance for the historic structure, as provided for in Section 17.60.150 of the Zoning Ordinance. The application states the property would continue to have two parking spaces, and the applicant is requesting a variance for a historic structure such that the 4 additional parking spaces required for guests based on the standards for a bed and breakfast would not be required.

Location: 706 SE First Street, Tax Lot R4421CB 300

Applicant: Christie Toal

Vice Chair Langenwalter opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application.

Commissioner Tucholsky met Ms. Toal at Humble Spirit one night and they spoke about her plans, but he stopped when he realized he shouldn't be speaking about that. It would not impact his ability to vote on this matter.

Vice Chair Langenwalter asked if any Commissioner had visited the site. Commissioners Deppe, Randall, Rankin, Tucholsky, and Langenwalter had visited the site.

Vice Chair Langenwalter 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: Associate Planner Tate said this was a request for a conditional use to convert the historic home into a bed and breakfast and for a parking variance. He discussed the subject site, project summary, applicable review criteria, agency comments, and questions from Commissioner McClellan. Staff recommended approval with conditions.

There was discussion regarding how if the applicant moved and no manager was on site, it could not operate as a bed and breakfast. It would need a permit to function as an Air B&B or VRBO. There was further discussion regarding the definition of bed and breakfast and how there were no additional requirements needed for the building to meet the building code. There was no definition of "meal," but the Planning Commission could add a condition of approval regarding the definition. There was more discussion on widening the driveway.

Applicant's Testimony: Christie Toal, applicant, said the plan was to retain as much of the historical character and the footprint of the structure as possible while bringing it to today's standards. She would offer a meal at least once per week and would work with a local bakery to bring in an assortment of different options. She did not plan to have a large, sit-down meal. Every room would have its own bathroom and would operate more like a hotel. The three rooms upstairs would be three suites and there would be one suite on the main floor. She would be living in the basement apartment. The carriage house would be remodeled to a fifth guest suite. She would also be redoing the landscaping. To create additional parking spaces would be detrimental to the footprint of the existing house, given its historic nature. There was plenty of on-street parking in front of the property as well. She was asking for a 66% reduction for parking. She planned to market no cars and would work with local drivers for transportation to and from the airport. She planned to have people park on 1st and her neighbors had not complained about the on-street parking.

Proponents: None

Opponents: None

Commissioner Deppe MOVED to CLOSE the public hearing, SECONDED by Commissioner Tucholsky. The motion PASSED 7-0.

Vice Chair Langenwalter closed the public hearing.

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

Commission Deliberation: Commissioner Murray thought this was exactly what the City needed, especially restoration of a historic home that would be used for tourism. Commissioner Randall agreed. He did not think there would be that many cars parked all at once at the property.

Commissioner McClellan was concerned about the parking, especially with the increased traffic on 1st and the other businesses that also needed parking. She thought approving the application would set a precedent.

Commissioner Langenwalter said there would not be as much competition for parking as the B&B customers would be parked during the night, not during the day when the businesses would be open.

Commissioner Deppe thought it met all the requirements.

Commissioner Rankin was not concerned about the parking, especially since parking would be addressed in the upcoming Transportation System Plan update.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Deppe MOVED to APPROVE VR 1-23. SECONDED by Commissioner Murray. The motion PASSED 6-1 with Commissioner McClellan opposed.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Deppe MOVED to APPROVE CU 2-23 with conditions. SECONDED by Commissioner Tucholsky. The motion PASSED 7-0.

B. Legislative Hearing: Comprehensive Plan Amendment and Zoning Ordinance Amendment (Docket G 3-22)

(Continued from May 4, 2023)

Proposal: **THE CITY OF MCMINNVILLE IS PROPOSING AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR A NATURAL HAZARDS INVENTORY AND MANAGEMENT PROGRAM, AS FOLLOWS:** Amendment to the McMinnville Comprehensive Plan, Volume I - Background Element, adopting the Natural Hazards Inventory and Management Program Options and Recommendations; amendment to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled Natural Features; amendments to the McMinnville Municipal Code, Chapters 17.48, Flood Area Zone, and Chapter 17.49, Natural Hazard Overlay Subdistricts; and the adoption of the Natural Hazard Mitigation Zone (NH-M) and Natural Hazard Protection Zone (NH-P)

Applicant: City of McMinnville

Vice Chair Langenwalter opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Staff Report: Community Development Director Richards presented on natural hazard areas in McMinnville and how to move forward with development in these areas from the perspective of safety planning without undue burdens on property owners and developers. These actions would not impact properties within the City's UGB until they were annexed into the City limits. Most of the protection zone that was not also within the floodplain zone was in the UGB by Fox Ridge Road. Staff recommended continuing the hearing to July 20 for additional evaluation, deliberation, and research. She discussed Oregon land use, City's Goal 7 natural hazards work, natural hazard planning, adding a social vulnerability assessment, geologic hazard maps, and the resulting recommended program and plan. She explained the new natural hazards overlay zones, conformance/exemptions, natural hazard zones new construction requirements, transfer of development rights, partner agency review, public outreach, property owner concerns, meeting with DOGAMI and DLCD staff, Planning Commission direction thus far, and new testimony received tonight. The next steps were to engage with state representatives, listen to public testimony, and continue the hearing. Staff would continue to collect people's concerns, visit with experts, and continue to refine the program.

There was discussion regarding what other communities were doing for natural hazards, geologic study requirements for new development, differences between the current code and the proposed new code for building a single-family home in one of these zones, and appeal process.

Bill Burns, landslide specialist at DOGAMI, spoke about natural hazard risk reduction, the use of Lidar topographic data, and FEMA grants to help do the work.

Marian Lahav, Natural Hazards Mitigation Planning Program Coordinator at DLCD, said the City's analysis was thorough and consistent with the implementation of statewide planning goal 7. DLCD supported the proposal with some recommended refinements. She reviewed the changes suggested.

There was discussion regarding updating the Natural Hazard Mitigation Plan when new hazard data was made available, eligibility for certain FEMA mitigation funds, what was considered new data information on which they had to act, making sure the community qualified to receive as much federal funding as possible, and Lidar data and geographic mapping.

Mark Davis, McMinnville resident, was supportive of the plan, but he was concerned that the maps were not very accurate. He hoped the City applied for the grant and they could get better data. He thought there needed to be a clear explanation of the numbers on the map.

Allison Reynolds, land use attorney in Portland, was representing Schnitzer Steel Industries. She raised an issue regarding the areas mapped as natural hazards at the steel mill which were manmade for the operation of the mill. They requested that those areas be removed from the overlay zone. The other two issues were in regard to a site north of the mill that Schnitzer wanted to sell and facilitate a land division to split off the floodplain area from the development lot as part of the sale. Schnitzer planned to retain the floodplain area as a conservation lot. The issue was land divisions were prohibited in the natural hazards protection zone unless the applicant went through a planned development process. They would like an option for an exception to the planned development requirement when they were just creating a lot for conservation. The second issue was the natural hazard areas on the lot that would be developed and this made it questionable for potential buyers whether it could be developed. They would like the City to provide an option for owners to conduct the geological evaluation now for possible removal from the overlay maps or to confirm what mitigation would be required.

Commissioner Tucholsky MOVED to CONTINUE G 3-22 to July 20, 2023. SECONDED by Commissioner McClellan. The motion PASSED 7-0.

C. Legislative Hearing: Zoning Ordinance Amendment (Docket G 3-23) – (Exhibit 3)

Proposal: **THE CITY OF MCMINNVILLE IS PROPOSING AMENDMENTS TO CHAPTER 17.57 OF THE ZONING ORDINANCE REGARDING LANDSCAPING AND LANDSCAPE PLANS AND AMENDMENTS TO CHAPTER 17.58 REGARDING STREET TREE REMOVAL PERMITS, AS FOLLOWS:** The proposal would amend various provisions of Chapter 17.57 regarding landscape plans and landscaping standards. The proposal would also amend provisions of Chapter 17.58 to create categories for “simple” and “complex” permits for major pruning or removal of trees which are subject to Chapter 17.58. Applications for simple permits would now be reviewed by staff, while applications for complex permits would continue to be reviewed by the Landscape Review Committee.

Applicant: City of McMinnville

Vice Chair Langenwalter opened the public hearing and read the hearing statement. He asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Staff Report: Senior Planner Schauer presented on the proposed amendments to the zoning ordinance regarding standards for landscaping, landscape plans, and tree removal. He discussed the key issues including two categories of tree removal applications, changes to the requirements for landscape plans, and additional work and further refinements needed. Staff recommended continuing the hearing to July 20. Staff would bring back a revised draft to the next hearing.

There was discussion regarding conflicts between streetlights and street tree locations and having utility plans submitted earlier, compliance enforcement, bump from 30 to 45 days for applications to go to the Landscape Review Committee, landscaping for parking lots, street tree survey, cost of Landscape Review Committee review of street tree removals vs. administrative review, emergency removals at no cost, size of replacement tree, options for tree removal and sidewalk repair, funding resources to help with the cost, and creating tree lists for neighborhoods.

Commissioner Deppe MOVED to CONTINUE G 3-23 to July 20, 2023. SECONDED by Commissioner Randall. The motion PASSED 7-0.

D. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (Docket CPA 1-20) and Zoning Map Amendment (Docket ZC 1-20) – (Exhibit 4)

The application for Docket CPA 1-20/ZC1-20 has been withdrawn.

This application was previously continued from the February 16, 2023 Planning Commission meeting to June 15, 2023. Because the application has been withdrawn, no public hearing will be held.

Location: 3225 NE Highway 99W, Tax Lot R4410 1500

Applicant: White Top Properties LLC

7. Work Session

None

8. Commissioner Comments

Commissioner Rankin said a curb needed to be painted yellow at the corner of Fellows and Sitka. She scheduled a meeting at her house on September 23.

Commissioner Deppe discussed the need for robust parking enforcement downtown and the option of lot sharing.

9. Staff Comments

Community Development Director Richards said the Council adopted the short term rental provisions and the moratorium had been lifted. The Gwendolyn Hotel did not appeal the Council's decision.

10. Adjournment

Vice Chair Langenwalter adjourned the meeting at 9:20 p.m.

DRAFT

EXHIBIT 3 - MINUTES

**July 6, 2023
Planning Commission
Regular Meeting**

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

Members Present: Dan Tucholsky, Gary Langenwalter, Beth Rankin, Brian Randall, Sylla McClellan, and Sidonie Winfield

Members Absent: Matt Deppe and Megan Murray

Staff Present: Heather Richard – Community Development Director, Adam Tate – Associate Planner, and John Swanson – Senior Planner, and Bill Kabeiseman – Bateman Seidel

1. Call to Order

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

2. Citizen Comments

None

3. Minutes

- April 6, 2023

Commissioner Rankin said on agenda item 4, her comment should read, “Commissioner Rankin had just received the County Assessor’s Office information on property transfers from corporations and would share her information at a future meeting.”

Commissioner Tucholsky moved to approve the April 6, 2023 minutes as amended. The motion was seconded by Commissioner McClellan and passed unanimously.

4. Public Hearings

A. Quasi-Judicial Hearing: Conditional Use (CU 1-23)

Request: An application for a Conditional Use Permit to operate a CrossFit Gym in zone M-2 (General Industrial) at 1245 NE Alpha Drive, Building 1A, (Tax Lot R4415C 03100). The proposed Conditional Use would occupy 1,976 square feet of an existing building.

Location: 1245 NE Alpha Drive, Building 1A, more specifically described at Tax Lot 3100, Section 15C, T.4S., R 4 W., W.M.

Applicant: Cyra & JP Kloninger

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

Commissioner McClellan said she was friends with applicants and was a former client, but it had been many years and it would not affect her ability to make an impartial decision.

Vice Chair Langenwaller 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: Senior Planner Swanson said this was a request for a conditional use for a CrossFit gym facility in an industrial zone. He described the subject site and project summary. The use would occupy 1,976 net square feet of the building and would require 7 parking spaces. The gym would operate according to a set schedule and customer capacity limits. He then reviewed the site plan, building photo, criteria, and conditions of approval. Staff recommended approval with conditions.

There was discussion regarding changes to the use that would need to be brought back to the Planning Commission, how the industrial uses surrounding the building might affect the business in using potentially toxic materials, how there were air systems in each building to protect other uses and they would be reviewed per building code, concern about shortage of parking and options to address it, and building permit requirement for this application.

Commissioner Winfield joined the meeting virtually.

Applicant's Testimony: Cyra & JP Kloninger said they were there to answer any questions.

There were questions regarding the industrial uses allowed in this area that might not be appropriate for a gym to be nearby, jobs the business would provide, community need for this type of business, concern about setting a precedent, and no equipment or storage in the parking lot or outside.

Proponents: Mikalie Moreno, McMinnville resident, was in support of the application.

Opponents: None

Commissioner McClellan MOVED to CLOSE the public hearing, SECONDED by Commissioner Tucholsky. The motion PASSED 6-0.

Vice Chair Langenwaller 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, Commissioner Tucholsky MOVED to APPROVE CU 1-23 with conditions. SECONDED by Commissioner Rankin. The motion PASSED 6-0.

B. Quasi-Judicial Hearing: Appeal of Historic Landmarks Committee of Denial for a Certificate of Approval for exterior alterations to a historic landmark (AP 9-23)

Request: The applicant has submitted an appeal of the Historic Landmarks Committee decision to deny the application (HL 1-22) for a Certificate of Approval for exterior alterations to a historic landmark. The decision was to deny the proposed alterations, based on the applicable criteria are in Section 17.65.060(B) of the McMinnville City Code.

Location: 436 SE Baker Street, more specifically described at Tax Lot 9800, Section 21CB, T.4S., R 4 W., W.M.

Applicant: Emily & Ryan Forbes

Vice Chair Langenwalter opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. He asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Vice Chair Langenwalter 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: Associate Planner Tate said this was an appeal of the Historic Landmarks Committee's decision to deny the application for a Certificate of Approval for exterior alterations to a historic landmark. He discussed the subject site, project summary, applicable review criteria, and Commission options. Staff recommended remanding the application back to the Historic Landmarks Committee with the direction that the current property owners provide a detailed photo survey of the existing stairwell for the HLC to consider and the following conditions to be retained: the property owners would allow the Building Official to inspect the staircase and room it accessed, any improvements to bring the staircase up to code as recommended by the Building Official would be undertaken, and the Building Official would determine if the room accessed from the staircase could be deemed habitable.

Community Development Director Richards said the findings recommended denial. If the Commission wanted to approve the appeal, they would implement a provision from the National Park Service and Secretary of Interior standards to approve the appeal on the basis of new additions should look new and not replicate the old and the rehab should be financially feasible and non-public facing sides were given more leniency. The remand was based on the fact that the HLC did not have enough information to make a decision.

The Commission discussed what the HLC approved and the garage demolition which was a staff decision.

Applicant's Testimony: Emily & Ryan Forbes were the new owners of the property and had not been aware of any lingering approval processes before they closed on the home. They wanted to work with the City to resolve the issue. They would prefer not to remove a functioning staircase but bring it into code compliance instead. They would be able to provide the information needed to the HLC. The staircase was the only way to access the storage room as it was blocked off from the rest of the house. The home was currently a short-term vacation rental, but guests were not given access to the space.

There was discussion that this did not come up in the inspection or title search and how the applicant was unaware of this issue until they received the notice of denial and had not attended any of the HLC meetings. There was further discussion regarding a procedural

change that could be made in the future that the property could not transfer ownership if there was pending action.

City Attorney Kabeiseman said there was no authority for the City to adopt regulations that would prevent a transfer of property.

Proponents: None

Opponents: None

Commissioner Tucholsky MOVED to CLOSE the public hearing, SECONDED by Commissioner Rankin. The motion PASSED 6-0.

Vice Chair Langenwalter closed the public hearing.

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

Commissioner Tucholsky said the applicants were not given a fair opportunity to provide the information to the HLC. He supported remanding it back to the HLC. The rest of the Commission agreed.

Based on the materials submitted by the applicant, Commissioner Tucholsky MOVED to REMAND AP 9-23 to the Historic Landmarks Committee. The applicant shall provide a detailed photo survey of the existing stairwell for the HLC to consider. SECONDED by Commissioner McClellan.

Commissioner Randall amended the motion, to say the applicant shall provide documentation in consultation with staff for the HLC to consider. The amendment PASSED 6-0.

The motion to REMAND AP 9-23 as amended PASSED 6-0.

5. Commissioner Comments

Commissioner Rankin said the Planning Commission and staff gathering at her home would be held on September 16.

6. Staff Comments

Community Development Director Richards said the property owners for the commercial Comprehensive Plan amendment and rezone on Three Mile Lane had withdrawn their applications. Staff had been updating the Housing Needs Analysis, Economic Opportunity Analysis, and Public Land Need Analysis and she explained the deficit of land supply found in the process. To meet the need, they would be doing a sequential Urban Growth Boundary amendment process. They would go through a land use efficiencies process next year to better determine what the land need was. They would also need to do a Housing Production Strategy. In the recently adopted budget for next year, a new Associate Planner position was included. This position would support the affordable housing program. Advertising for the Planning Commission vacancy would begin on Monday, with interviews in August. She then shared stories from residents in the Baker Creek North area and encouraged the Commission to walk around and talk to people in these new developments.

There was discussion regarding getting more multi-family housing in the City.

City Attorney Kabeiseman thought they could mandate multi-family housing to be done in the first phase of a development, but there might be unintended consequences that he would have to research.

7. Adjournment

Vice Chair Langenwalter adjourned the meeting at 8:01 p.m.

DRAFT

EXHIBIT 4 - MINUTES

January 4, 2024
Planning Commission
Regular Meeting

6:30 pm
Hybrid Meeting
McMinnville, Oregon

Members Present: Sidonie Winfield, Matt Deppe, Dan Tucholsky, Gary Langenwalter, Beth Rankin, Rachel Flores, Brian Randall, Sylla McClellan, and Elena Mudrak

Members Absent:

Staff Present: Heather Richards – Community Development Director, Tom Schauer – Senior Planner, and Bill Kabeiseman – Bateman Seidel

1. Call to Order

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

2. Swearing in of New Commissioner Elena Mudrak

Chair Winfield swore in new Planning Commissioner Elena Mudrak.

3. Selection of Chair and Vice-Chair

The Commission selected Sidonie Winfield for Chair and Dan Tucholsky for Vice Chair.

4. Citizen Comments

None

5. Public Hearings

A. Quasi-Judicial Hearing: Planned Development Amendment (PDA 1-23), Subdivision (S 1-23 and Three Mile Lane Review (TML 5-23), for a Town Home Housing Development at 235 NE Dunn Place)

(Continued from December 7, 2023)

Requests: The applicant is requesting concurrent review and approval of three applications for the Dunn Place 21-Lot Subdivision Townhouse Development: a Planned Development Amendment for an amended Master Plan (PDA 1-23), Subdivision Tentative Plan approval for the 21-lot subdivision (S 1-23), Three Mile Lane Review (TML 5-23). (VR 3-23). Tax Lot R44CD 01700

Applicant: Andrey Chernishov, HBH Consulting, on behalf of, property owner Evergreen Court Townhomes LLC, c/o Jason Flores

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

Commissioner Mudrak abstained.

Commissioner Tucholsky had emailed Senior Planner Schauer about meeting out at the site with the opponents, but that did not take place. He visited the site, but did not speak with the applicant or any opponents during the site visit.

Most of the Commission visited the site.

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 Deppe had read an article in the *News Register*.

Staff Report: Senior Planner Schauer said this was a request for approval of a planned development amendment to replace the memory care plan with the proposed subdivision/townhouse plan, subdivision tentative plan, and Three Mile Lane review. The proposal was for a 21 lot subdivision, 20 townhouse lots, 1 additional residential lot, and a common tract. He discussed the additional information entered into the record after the December 28, 2023, meeting packet, subject site, site plan, elevations, previous approvals, and side by side comparison with the previous 2019 approval. He reviewed the applications, criteria, key issues noted from the December 7 hearing, and additional condition and findings.

There was discussion regarding what would happen if the proposal did not meet the geotechnical requirements in the additional condition and changing the condition to read, "Results shall be updated to meet calculated factor of safety, soil properties, and pseudo acceleration."

Applicant's Testimony: Jason Flores, Andrey Chernishov, Peter Glennie, and Randy Goode were there to answer questions.

There were questions regarding how the applicant was preserving the views of the river, homeowners association when there were tenants and concern about additional fees to tenants, addressing stormwater drainage concerns, plans for lot 21, variation of design, addressing streets, meeting the additional condition, adding a condition that lot 21 was not buildable, and working with the neighbors.

Proponents: None

Opponents: George Siegfried, McMinnville resident, spoke about his chiropractic clinic, which was on the riverbank at a setback of 180 feet, downstream from this development. He was concerned about the dangerous and unstable bank and potential impact to neighboring properties. He described how the bank was steadily slipping and sinking and how possible storm drainage failure could damage his driveway and ability to care for patients when they could not access the clinic. He questioned whether the storm drain could support the development in the long term. He viewed it as an ecosystem and the neighborhood and bank needed to be taken into consideration.

There was discussion regarding the difference in bank erosion from Dr. Siegfried's lot and those south of the property and engineers that came to his property years ago to stabilize the bank but said there was no guarantee.

Mike Full, McMinnville resident, discussed the area from his perspective and how it was the sharpest bend of the Yamhill River, which made it highly susceptible to erosion. The subject site had been a garbage dump at one time. If they were just looking at a restricted agenda, these issues could not be addressed. This piece of property was dangerous to build on and he thought the development needed to be less dense. He thought the geotechnical study was fundamentally flawed and should not be used.

Joseph Strunk, attorney, objected to the condition proposed regarding later submission of information for the geotechnical report. He thought that both the planned development amendment and subdivision plan required consideration of code provisions, goals, and policies regarding impact to surrounding properties. The geotechnical report did not go beyond the scope of the property and was extremely limited. He did not think the applicant had submitted sufficient evidence to support a finding of compliance. The 60 foot setback proposed was not adequate. The tests were not done on the bank they were talking about. There was substantial evidence in the record that did not support the applications and applicable criteria were not met.

Rebuttal: Mr. Goode clarified how the original borings were done to log samples.

Mr. Chernishov said the proposed buildings were going to be 80 feet back from the top of bank.

Mr. Flores said borings were not done on the hillside because they were not going to build on the hillside. They would be building on the flat area. He explained the locations of the boring, which were in the geotechnical report. They planned to capture the additional stormwater into the drainage system. A stormwater analysis was done by the City which was the capacity they had to make sure they did not exceed.

There was discussion regarding the additional condition and if they would be able to move forward with it. City Attorney Kabeiseman thought they could move forward based on the information that the City said the applicant had shown they met the criteria, they just needed to fill in the blanks.

Community Development Director Richards said the data that was needed was per code to define the design for the foundation to respond to the soil analysis.

Commissioner Randall MOVED to CLOSE the public hearing, SECONDED by Commissioner Langenwalter. The motion PASSED 7-1-1 with Commissioner Tucholsky opposed and Commissioner Mudrak abstaining.

Chair Winfield closed the public hearing.

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

Commission Deliberation: Commissioner Randall said in the Three Mile Lane Area Plan policies, development was supposed to reflect the wine/agricultural heritage of the area. He suggested adding a condition to the subdivision to rename the street to reflect the area.

Commissioner Langenwalter was not in support of the application due to the issues in the area, however he could not find anything in the code where he could say no.

Chair Winfield agreed. She would have liked to see documentation on what the opponents said and the geology of the area over time.

Commissioner McClellan appreciated the opposing testimony. However, they needed housing in the City and the setback was further than the required amount. The applications met the criteria.

Commissioner Deppe said the development was less dense than middle housing allowed. He agreed they needed housing.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and the evidence in the record, Commissioner Langenwalter MOVED to APPROVE PDA 1-23 with conditions and the added condition about the geotechnical report as amended. SECONDED by Commissioner Rankin. The motion PASSED 7-1-1 with Commissioner Tucholsky opposed and Commissioner Mudrak abstaining.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and the evidence in the record, Commissioner Tucholsky MOVED to APPROVE TML 5-23 with conditions. SECONDED by Commissioner Randall. The motion PASSED 8-0-1 with Commissioner Mudrak abstaining.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and the evidence in the record, Commissioner Langenwalter MOVED to APPROVE S 1-23 with conditions and the added condition about the street name. SECONDED by Commissioner Tucholsky. The motion PASSED 8-0-1 with Commissioner Mudrak abstaining.

Community Development Director Richards noted there were both state and local regulations that protected riparian corridors and floodplains.

Commissioner McClellan left the meeting.

B. Legislative Hearing: Comprehensive Plan Amendment (Docket G 1-22)

Proposal: **THE CITY OF MCMINNVILLE IS PROPOSING AN AMENDMENT TO THE MCMINNVILLE COMPREHENSIVE PLAN AS FOLLOWS:** A proposal to adopt the Fox Ridge Road Area Plan as a supplemental document to the McMinnville Comprehensive Plan.

Applicant: City of McMinnville

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

Commissioner Langenwalter said he had been on the project advisory committee. Commissioner Tucholsky said his wife was chair on that committee. Commissioner Mudrak attended a few of the public meetings held by the committee.

Most of the Commission visited the site.

Staff Report: Senior Planner Schauer said this was a legislative public hearing where the Planning Commission made a recommendation to the City Council. The request was to adopt the Fox Ridge Road Area Plan as a supplemental document to the McMinnville Comprehensive Plan. In December 2020, the City and County adopted the McMinnville Growth

Management and Urbanization Plan. Updated policies in Chapter IX (Urbanization) of the Comprehensive Plan outlined successive levels of planning for UGB expansion areas. This application was the first of the area plans for the UGB expansion areas. He explained the Comprehensive Plan and Framework Plan for future land needs within the UGB expansion areas. The Fox Ridge Road area was approximately 230 acres in the western portion of the UGB west of Hill Road with a Comprehensive Plan designation of Urban Holding (UH). The plan for the area was primarily housing. A significant amount of the site was owned by the School District for a future high school. There would also be a partial Neighborhood Activity Center (NAC) and one neighborhood park. There would be opportunities for a natural resource community park, natural greenspaces, greenways, and trails. He described the Fox Ridge Road area planning process, what was included in the area plan and map, final preferred land use concept, agency comments noted in the staff report, and additional information for the record after the packet. Consistent with the Project Advisory Committee, staff recommended the Planning Commission recommend approval to the City Council with the following: incorporate editorial corrections to address scrivener's errors and clarify that tree grove protection would be based on the City's official inventory through a separate Goal 5 planning process.

There was discussion regarding properties being contiguous to City limits on the south side and not creating islands, natural resource area, how an area plan was not an expansion of the UGB but planning for future land uses in the UGB, sewer capacity, and market analysis for the neighborhood center.

Proponents: Sid Friedman, Project Advisory Committee member, thought the plan did a good job of mixing commercial uses, residential densities, and park uses. It respected existing natural features and he supported it.

Mark Davis, McMinnville resident, supported the plan. He thought it did a good job of getting more needed housing and acreage for parks. He commented on errors in the number of acres. He wanted to make sure they knew how much land was available for housing and parks. He noted the parks were proposed to be on non-buildable land.

Peter Van Patten, Fox Ridge Road resident, thought they had done a good job on the plan, however property owners did not know what the document meant. More outreach needed to be done. He was concerned about developing the quarry area as well.

Brian Morrissey, Fox Ridge Road resident, asked if the City had made any plans to purchase the quarry.

Community Development Director Richards said the City had no plans for purchasing any property in this area.

Sarah Tucholsky, Project Advisory Committee Chair, supported the plan. The committee and City had made a great effort to get community input. This was the vision for the area and did not necessarily mean it was set in stone.

Opponents: None

Commissioner Tucholsky MOVED to CLOSE the public hearing, SECONDED by Commissioner Rankin. The motion PASSED 8-0.

Commission Deliberation: There was discussion regarding outreach to the Fox Ridge residents.

Community Development Director Richards said notices had already been sent throughout the process to the property owners and they had conversations with many of the property owners as well. Another notice could be sent prior to the Council meeting letting people know this action did not rezone any property or bring any property into the City.

Commissioner Tucholsky suggested setting up an informal meeting to discuss the plan before the Council meeting. Staff would schedule a meeting.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and the evidence in the record, Commissioner Tucholsky MOVED to RECOMMEND the City Council APPROVE G 1-22. SECONDED by Commissioner Randall. The motion PASSED 8-0.

C. Legislative Hearing: Comprehensive Plan Amendment and Zoning Ordinance Amendment (Docket G 3-22)

(Continued from November 16, 2023)

Proposal: **THE CITY OF MCMINNVILLE IS PROPOSING AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN AND ZONING ORDINANCE FOR A NATURAL HAZARDS INVENTORY AND MANAGEMENT PROGRAM, AS FOLLOWS:** Amendment to the McMinnville Comprehensive Plan, Volume I - Background Element, adopting the Natural Hazards Inventory and Management Program Options and Recommendations; amendment to the McMinnville Comprehensive Plan, Volume II – Goals and Policies, adding a new Chapter XI, entitled Natural Features; amendments to the McMinnville Municipal Code, Chapters 17.48, Flood Area Zone, and Chapter 17.49, Natural Hazard Overlay Subdistricts; and the adoption of the Natural Hazard Mitigation Zone (NH-M) and Natural Hazard Protection Zone (NH-P).

Applicant: City of McMinnville

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

Community Development Director Richards said staff needed more time to work through the process and requested a continuance.

Commissioner Langenwaller MOVED to CONTINUE the hearing for G 3-22 to March 7, 2024. SECONDED by Commissioner Rankin. The motion PASSED 8-0.

7. Commissioner Comments

Commissioner Tucholsky expressed thanks to former Commissioner Murray for her service.

8. Staff Comments

Community Development Director Richards discussed recruitment for two planning positions.

9. Adjournment

Chair Winfield adjourned the meeting at 10:07 p.m.



EXHIBIT 5 - STAFF REPORT

DATE: April 4, 2024
TO: Planning Commission Members
FROM: Taylor Graybehl, Senior Planner
SUBJECT: Docket AV 1-24, Public Hearing
Administrative Variance, 1768 NW Woodland Drive (Tax Lot R4428 DB01200)

STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

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

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

Report in Brief:

This proceeding is a quasi-judicial public hearing of the Planning Commission to consider an application for an Administrative Variance of 1768 NW Woodland Drive (Tax Lot R4418 DB 02100). The proposed administrative variance would reduce the required rear yard setback to allow for an unenclosed covered patio within nine (9) feet of the rear property line.

Applications for Administrative Variances are processed according to the procedures for a "Director's Review with Notification" as specified in Sections 17.72.090 and 17.72.110 of the Zoning Ordinance. This process includes mailed notice to surrounding property owners and provides a 14-day comment period from the date the notice is mailed during which comments may be submitted, and during which a person who has received notice may request a public hearing. If a public hearing is requested, the Planning Commission becomes the decision-maker, and the public hearing is held by the Planning Commission following the procedures in Section 17.72.120 of the Zoning Ordinance. The decision of the Planning Commission is the final decision unless appealed to City Council.

Background:

Request

The applicant would like to build an outdoor patio attached to their residential property. Per Section 17.54.020(D) of the McMinnville Municipal Code, "an unenclosed covered patio or a covered deck enclosed only by railings may be placed in the rear yard of a residence provided

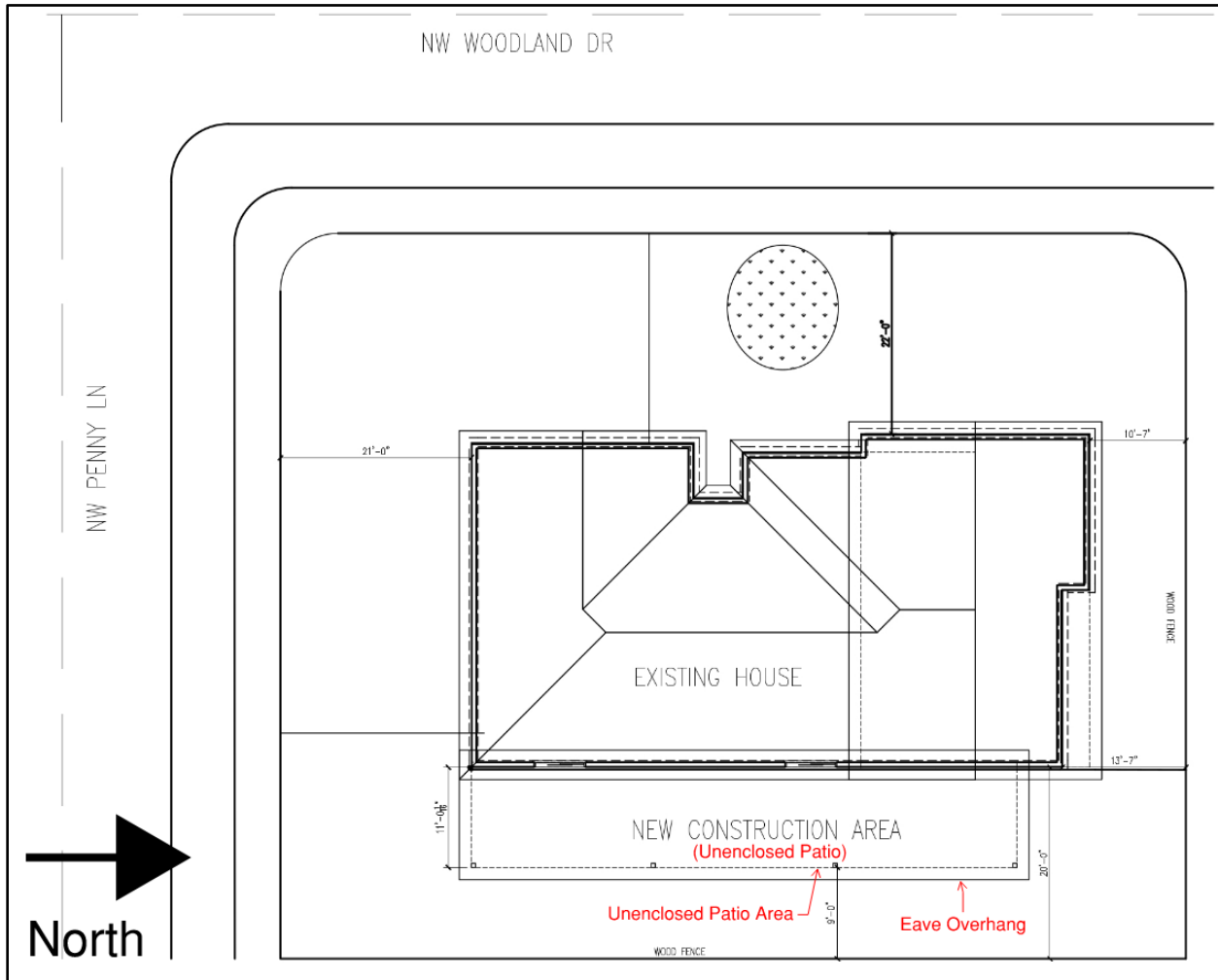
that no part is closer than ten (10) feet to a rear property line, eaves may extend 24 inches into this setback.”

The applicant is requesting that the rear yard property line setback encroachment of the covered deck be reduced from ten (10) feet to nine (9) feet, a reduction of one (1) foot or ten percent (10%) to allow for the placement of an unenclosed covered patio.

Section 17.74.090 of the McMinnville Municipal Code (MMC) allows the Planning Director to grant limited variances to the terms of the City’s Zoning, Ordinance, Title 17 of the MMC. 17.74.090(B) allows the Planning Director to approve an administrative variance for up to 10 (ten) percent of the required setback.

The subject property is located at 1768 NW Woodland Drive (Tax Lot R4418 DB 02100), at the northeast corner of the intersection of NW Woodland Drive and NW Penny Lane. The subject property is located within the Park Meadows Third addition and is subject to the Planned Development Ordinance NO. 4789¹. **See Figure 1: Site Plan.**

Figure 1. Site Plan



¹<http://gis.ci.mcminnville.or.us/gisdata/img/ords/ord%204789.pdf>

Discussion:

Administrative variances are normally an administrative decision as they are considered a Type II land-use application, meaning that the decision-making for compliance with the criteria is based on clear and objective standards that do not allow limited discretion. However, in McMinnville, during the 14-day notice period to adjacent property owners, anyone may request that the application be considered at a public hearing with the planning commission. That request was made by a neighboring property owner for this land-use application. The criteria for rendering a decision remains the same whether it is an administrative decision or a decision by the planning commission, and the decision needs to be rendered based on a clear and objective review and evaluation. The decision document attached to this staff report provides the criteria that should be used for rendering a decision on this land-use application.

Public Comments

Comments Received During Director's Review Notification

Notice of the Director's Review was mailed to property owners within 100 feet of the subject site on February 23, 2024. Following notice was mailed to property owners located within 300 feet of the subject site on March 12, 2024, for the April 4, 2024, Planning Commission Hearing. Three public testimonies were received:

1. Letter from Patricia Bogh received March 4, 2024, the neighboring property owner located east of the subject site along the rear yard, concerned about loss of privacy and decrease in property value to their property. The letter included a request for a public hearing.
2. Letter from Garald Ottoboni received March 8, 2024, a neighboring property owner, concerned about the definition of the proposed addition and if it qualifies as an accessory structure, size of the patio cover, appearance of the patio cover, potential to block light and street view of the property located east of the subject site along the rear yard. Their letter is attached.
3. Letter from Patricia Bogh received March 24, 2024, the neighboring property owner located east of the subject site along the rear yard, concerned about loss of privacy, decrease in property value, and loss of view to their property as well as lack of justification for the proposal.

Summary of Issues Raised in Public Testimony

Reduction in Privacy on Neighboring Property

The application is for the placement of a patio with four (4) posts and covering it with common roofing shingles. A minor change to the ground floor elevation may occur as part of the project. The project does not propose the removal of any fencing between neighboring properties. The McMinnville Municipal Code (MMC) does not have review criteria linked to privacy between single-family houses and patio accessory use. Privacy is not a regulatory criterion for administrative variances.

Size of Structure

Surrounding property owners have expressed concern that the proposed patio is too large and will block sunlight and viewsheds. Impacts on sunlight and viewsheds are not regulatory criteria for administrative variances.

The patio will be reviewed against MMC standards as part of the associated building permit 569-23-000465-STR. The MMC does not provide specific standards for sunlight and viewsheds between detached dwelling units, including unenclosed patios. A set of criteria that may address this issue includes building height requirements.

Building height standards for the subject zone (R-2 zone) of thirty-five (35) feet (MMC 17.15.050) further regulate an unenclosed patio. The proposed patio has a height that is less than the primary structure and less than the maximum height of thirty-five (35) feet. The patio cover is proposed with a maximum height of approximately ten (10) feet at the point closest to the property line and thirteen (13) feet attached to the house. The façade of the house to which the connection is proposed has an approximate height of twenty-one (21) feet.

Decreased Property Values

Surrounding property owners have expressed concern that the reduced rear yard setback from ten (10) feet to nine (9) feet will negatively impact their property values. However, considering property value is not a regulatory criterion for administrative variances.

Justification

A concern was expressed related to the justification for the proposed administrative variance. However, justification is not a regulatory criterion for administrative variances.

Enclosed Patio Definition

Concern was expressed related to the definition of an unenclosed patio and that it is not an accessory structure subject to standards within Section 17.54.020. The comment pointed to the preamble of Section 17.54.020, which describes an accessory structure as a detached structure and the proposed patio is attached to the building. Please see below. Emphasis in **bold**:

17.54.020 Residential Accessory Structure and Use. An accessory structure **refers to a detached**, non-habitable building (such as a shed or greenhouse) generally used for storage or other non-commercial use. An accessory structure is permitted in addition to an attached or detached garage and shall comply with the following limitations:

With that said, the City of McMinnville has always interpreted 17.54.020(D) to include both attached and detached patios per the definition below. The impact of the patio on adjacent property owners is the same whether it is attached to the structure or detached from the structure.

Additional definitions to better understand a patio are provided within Chapter 17.06 MMC and detailed below:

Patio – An unenclosed area adjoining a dwelling or other building and adapted especially to outdoor dining and living that may be covered or uncovered.

Adjoining – See “Abutting.”

Abutting – Two or more lots joined by a common boundary line or point. Abutting does not apply to buildings, uses or properties separated by public right-of-way. Abutting properties may be separated by a private street, alley, or easement.

Based on that historical precedence and previous interpretation of the 17.54.020(D) MMC, staff is recommending approval but has asked for a legal interpretation. Staff will provide that as part of the staff report at the public hearing.

Attachments:

- A. AV 1-24 Decision Document

Fiscal Impact:

Not Applicable to Quasi-Judicial Decision.

Recommendation:

Planning Commission Options (for Quasi-Judicial Hearing):

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

Staff Recommendation:

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

Staff **RECOMMENDS APPROVAL** of the application, subject to the conditions specified in the attached Decision Document.

Suggested Motion:

BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, THE MATERIALS SUBMITTED BY THE APPLICANT, AND EVIDENCE IN THE RECORD, I MOVE THAT THE PLANNING COMMISSION APPROVE THE DECISION DOCUMENT AND APPROVE MINOR PARTITION APPLICATION AV 1-24 SUBJECT TO THE CONDITIONS SPECIFIED IN THE DECISION DOCUMENT.

DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF AN ADMINISTRATIVE VARIANCE TO REDUCE THE REAR YARD SETBACK FROM 10 FEET TO 9 FEET AT 1768 NW WOODLAND DRIVE FOR AN UNENCLOSED COVERED PATIO ENCROACHMENT.

DOCKET: AV 1-24 (Administrative Variance)

REQUEST: Approval of an administrative variance to reduce the required rear yard setback from 10 feet to 9 feet for an unenclosed patio.

LOCATION: 1768 NW Woodland Drive (Tax Lot R4418 DB 02100)

ZONING: R-2 PD (LOW-DENSITY, 7000 SF LOT RESIDENTIAL)

APPLICANT: Marilu Hernandez, property owner

STAFF: Taylor Graybehl, Senior Planner

DATE DEEMED COMPLETE: February 21, 2024

DECISION MAKING

BODY & ACTION: An Administrative Variance is typically a Planning Director's decision with notification. However, since an adjacent property owner requested a public hearing with the Planning Commission, the McMinnville Planning Commission will make the final decision unless the Planning Commission's decision is appealed to the City Council.

DECISION DATE & LOCATION:

April 4, 2023 at 6:30 PM, Civic Hall, 200 NE 2nd Street, McMinnville, OR
Zoom Meeting ID: 848 0860 3865, Passcode: 166748

PROCEDURE:

An application for an Administrative Variance is processed in accordance with the procedures in Section 17.72.110 of the McMinnville Municipal Code for a Director's Review with Notification.

CRITERIA:

The applicable criteria for an Administrative Variance are specified in Section 17.74.090 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.

Attachments:

- Attachment 1 – Application and Application Attachments
- Attachment 2 – Public Testimony, Letter from Patricia Bogh, dated March 4, 2024
- Attachment 3 – Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)
- Attachment 4 – Public Testimony, Letter from Patricia Bogh, dated March 24, 2024

APPEAL: As specified in Section 17.72.180 of the Zoning Ordinance, the Planning Commission’s decision may be appealed to the City Council within fifteen (15) calendar days of the date the written notice of decision is mailed. The City’s final decision is subject to the 120-day processing timeline, including resolution of any local appeal.

DECISION

Based on the findings and conclusionary findings, the Planning Commission finds the applicable criteria are satisfied with conditions and **RECOMMENDS APPROVAL** of the Administrative Variance (AV 1-24), **subject to the conditions of approval provided in Section II of this document.**

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

Planning Commission: _____
Sidonie Winfield, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

Attachments:

- Attachment 1 – Application and Application Attachments
- Attachment 2 – Public Testimony, Letter from Patricia Bogh, dated March 4, 2024
- Attachment 3 – Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)
- Attachment 4 – Public Testimony, Letter from Patricia Bogh, dated March 24, 2024

I. APPLICATION SUMMARY:

Subject Property & Request

The subject property is located at 1768 NW Woodland Drive, zoned R-2 PD (LOW-DENSITY, 7000 SF LOT RESIDENTIAL), and is 7,040 square feet in area. The project site is subject to standards found within the Planned Development Ordinance NO. 4789¹. The ordinance established the rezoning of 14.8 acres from EF – 80 (Exclusive Farm Use) to R-2 PD for the Park Meadows Third Addition with an average lot size of a minimum of 7,000 square feet. **See Figure 1: Vicinity Map and Figure 2: Zoning Map.**

The applicant would like to build an outdoor patio attached to their residential property. Per Section 17.54.020(D) of the McMinnville Municipal Code, “an unenclosed covered patio or a covered deck enclosed only by railings may be placed in the rear yard of a residence provided that no part is closer than ten (10) feet to a rear property line, eaves may extend 24 inches into this setback.”

The applicant is requesting that the rear yard property line setback encroachment of the covered deck be reduced from ten (10) feet to nine (9) feet, a reduction of one (1) foot or ten percent (10%) to allow for the placement of an unenclosed covered patio.

Section 17.74.090 of the McMinnville Municipal Code (MMC) allows the Planning Director to grant limited variances to the terms of the City’s Zoning, Ordinance, Title 17 of the MMC. 17.74.090(B) allows the Planning Director to approve an administrative variance for up to 10 (ten) percent of the required setback.

The applicant has requested an administrative variance to reduce the required rear yard setback to allow for an unenclosed covered patio within nine (9) feet of the rear property line. The request would reduce the rear yard setback for the residential accessory structure from ten (10) feet to nine (9) feet, a reduction of one (1) foot or ten percent (10%). **See Figure 3: Site Plan.**

¹ <http://gis.ci.mcminnville.or.us/gisdata/img/ords/ord%204789.pdf>

Attachments:

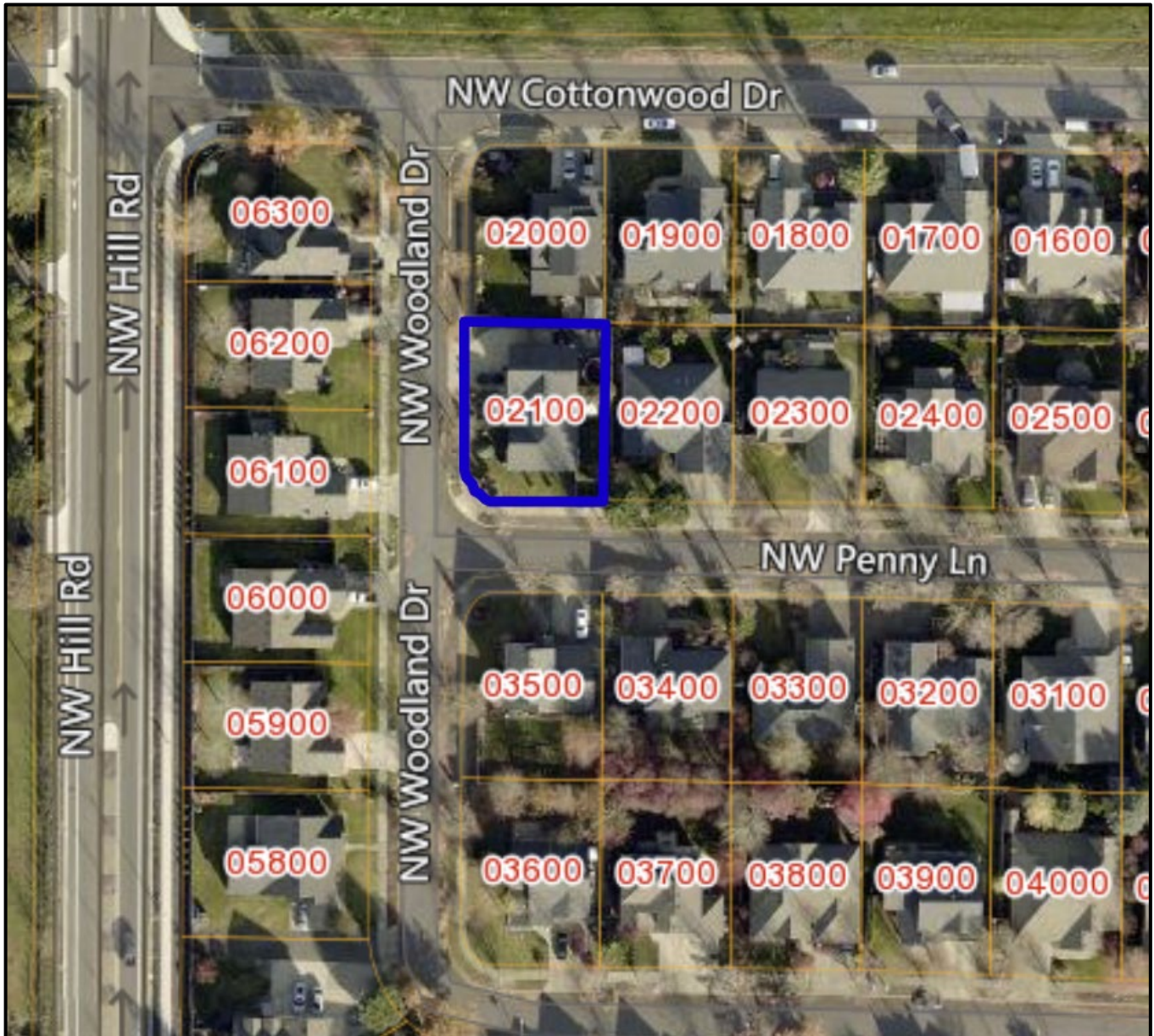
Attachment 1 – Application and Application Attachments

Attachment 2 – Public Testimony, Letter from Patricia Bogh, dated March 4, 2024

Attachment 3 – Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)

Attachment 4 – Public Testimony, Letter from Patricia Bogh, dated March 24, 2024

Figure 1. Vicinity Map



Attachments:

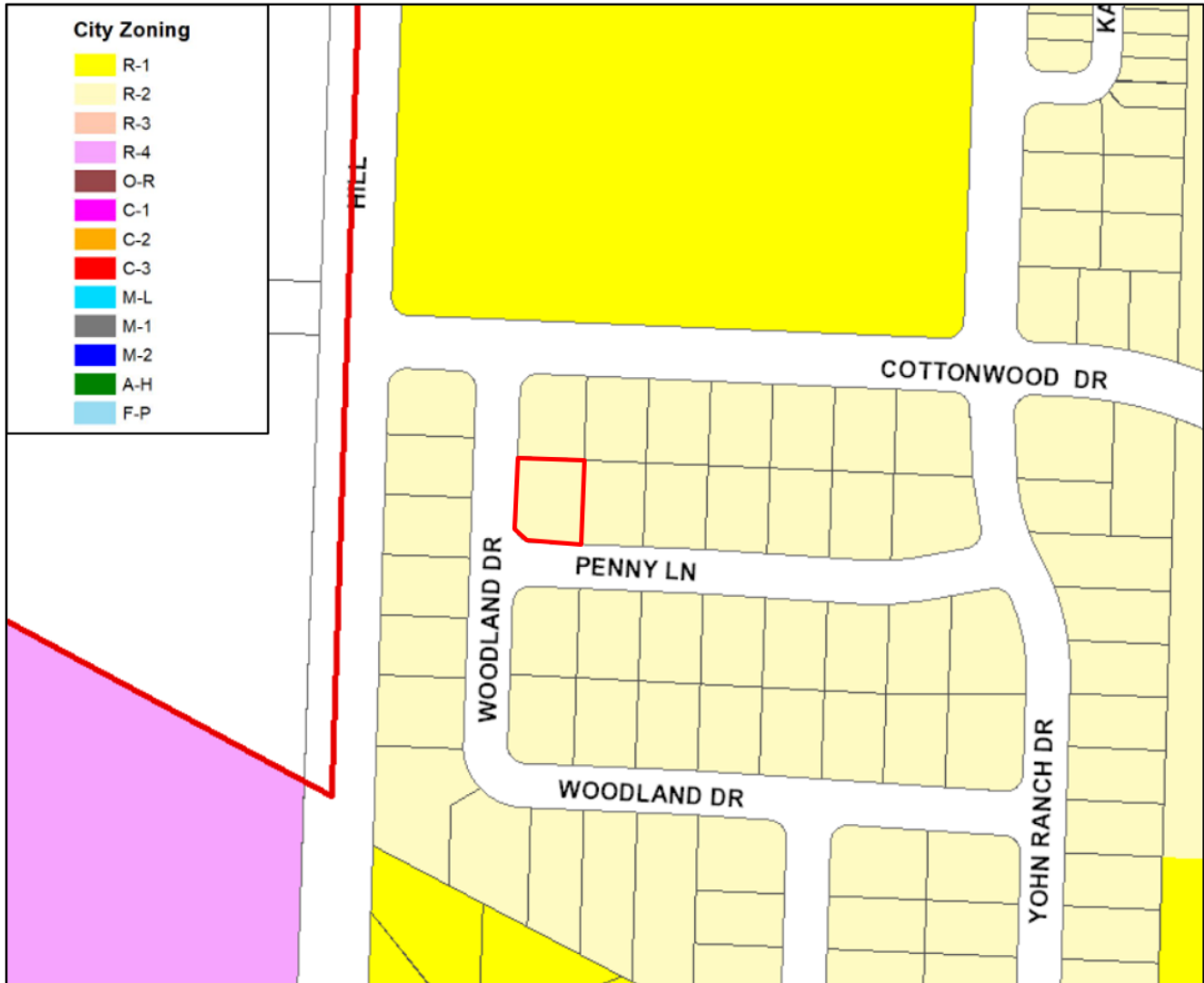
Attachment 1 – Application and Application Attachments

Attachment 2 – Public Testimony, Letter from Patricia Bogh, dated March 4, 2024

Attachment 3 – Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)

Attachment 4 – Public Testimony, Letter from Patricia Bogh, dated March 24, 2024

Figure. 2 Zoning Map



Attachments:

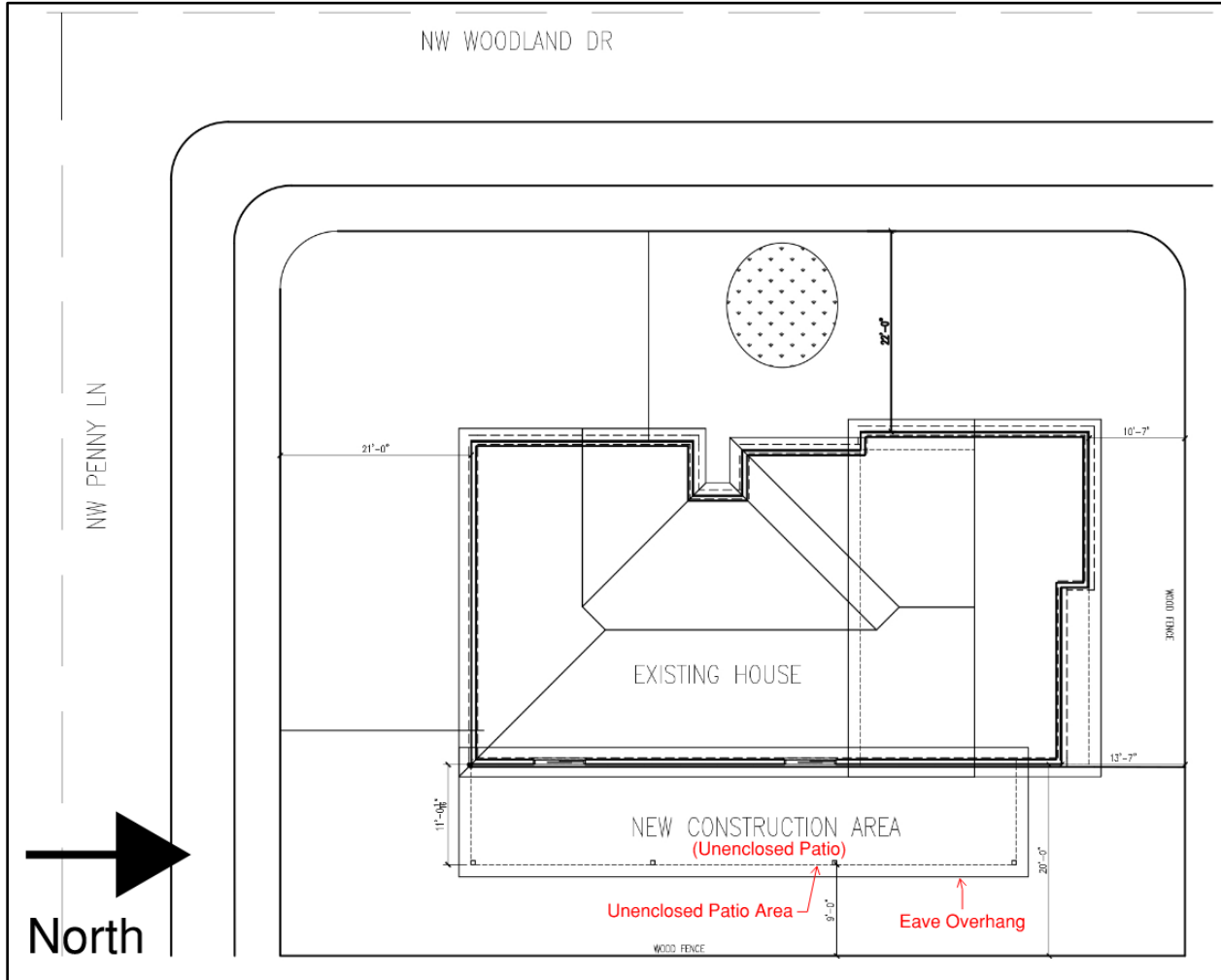
Attachment 1 – Application and Application Attachments

Attachment 2 – Public Testimony, Letter from Patricia Bogh, dated March 4, 2024

Attachment 3 – Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)

Attachment 4 – Public Testimony, Letter from Patricia Bogh, dated March 24, 2024

Figure 3. Proposed Site Plan



Attachments:

- Attachment 1 – Application and Application Attachments
- Attachment 2 – Public Testimony, Letter from Patricia Bogh, dated March 4, 2024
- Attachment 3 – Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)
- Attachment 4 – Public Testimony, Letter from Patricia Bogh, dated March 24, 2024

Summary of Criteria

The application is subject to standards and procedures established within Chapter 17.74 Review Criteria of the Zoning Ordinance. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific criteria for reviewing an administrative variance are Section 17.74.080 and Section 17.74.090 of the McMinnville Municipal code per below. As a Type II land-use application, the criteria are clear and objective, and if the criteria are achieved, then the application needs to be approved.

17.74.080 Administrative Variance Limitations. *Limitations for an administrative variance are outlined in Section 17.74.090. A request for an administrative variance beyond these limitations shall be submitted and processed as a variance application.*

17.74.090 Administrative Variance-Review Criteria. *The Planning Director may grant limited adjustments to the terms of this title as follows:*

- A. *Lot area: Maximum possible adjustment of one percent of the minimum lot area, but not more than 90 (ninety) square feet;*
- B. *Setbacks: Maximum adjustment of 10 (ten) percent of the required setback.*
- C. *These provisions shall be used sparingly and shall not be exceeded except by regular referral to the Planning Commission.*
- D. *Special conditions may be attached to adjustments if such conditions relate directly to the adjustments.*

Subjects not allowable for adjustment are: number of dwelling units permitted, parking requirements, height of building, vision clearance area, density, or use of property.

Additionally, the standard to be reduced is Section 17.54.020(D).

17.54.020 Residential Accessory Structure and Use. *An accessory structure refers to a detached, non-habitable building (such as a shed or greenhouse) generally used for storage or other non-commercial use. An accessory structure is permitted in addition to an attached or detached garage and shall comply with the following limitations:*

- D. *An unenclosed covered patio or a covered deck enclosed only by railings may be placed in the rear yard of a residence provided that no part is closer than 10 (ten) feet to a rear property line; eaves may extend 24 inches into this setback. An uncovered deck may be located within the required rear yard or the required side yard behind the back building line provided that it may not be closer than five feet to a property line.*

The requested reduction is within the maximum ten (10) percent reduction allowed through the administrative variance process. The subject site is zoned R-2 PD, and the proposed future development, an unenclosed patio, is permitted per Section 17.54.020(D). The R-2 PD zone requires a ten (10) foot minimum rear yard for unenclosed covered patios with eaves that may extend an additional 24 inches into the setback, as detailed in Section 17.54.020(D). The proposed one (1) foot reduction from ten (10) to nine (9) feet constitutes a ten (10) percent reduction in compliance with standards.

Summary of Issues Raised

Reduction in Privacy on Neighboring Property

The application is for the placement of a patio with four (4) posts and covering it with common roofing shingles. A minor change to the ground floor elevation may occur as part of the project. The project

Attachments:

Attachment 1 – Application and Application Attachments

Attachment 2 – Public Testimony, Letter from Patricia Bogh, dated March 4, 2024

Attachment 3 – Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)

Attachment 4 – Public Testimony, Letter from Patricia Bogh, dated March 24, 2024

does not propose the removal of any fencing between neighboring properties. The McMinnville Municipal Code (MMC) does not have review criteria linked to privacy between single-family houses and patio accessory use. Privacy is not a regulatory criterion for administrative variances.

Size of Structure

Surrounding property owners have expressed concern that the proposed patio is too large and will block sunlight and viewsheds. Impacts on sunlight and viewsheds are not regulatory criteria for administrative variances.

The patio will be reviewed against MMC standards as part of the associated building permit 569-23-000465-STR. The MMC does not provide specific standards for sunlight and viewsheds between detached dwelling units, including unenclosed patios. A set of criteria that may address this issue includes building height requirements.

Building height standards for the subject zone (R-2 zone) of thirty-five (35) feet (MMC 17.15.150) further regulate an unenclosed patio. The proposed patio has a height that is less than the primary structure and less than the maximum height of thirty-five (35) feet. The patio cover is proposed with a maximum height of approximately ten (10) feet at the point closest to the property line and thirteen (13) feet attached to the house. The façade of the house to which the connection is proposed has an approximate height of twenty-one (21) feet.

Decreased Property Values

Surrounding property owners have expressed concern that the reduced rear yard setback from ten (10) feet to nine (9) feet will negatively impact their property values. However, considering property value is not a regulatory criterion for administrative variances.

Justification

A concern was expressed related to the justification for the proposed administrative variance. However, justification is not a regulatory criterion for administrative variances.

Enclosed Patio Definition

Concern was expressed related to the definition of an unenclosed patio and that it is not an accessory structure subject to standards within Section 17.54.020. The comment pointed to Section 17.54.020, which is provided below with emphasis in **bold**:

17.54.020 Residential Accessory Structure and Use. An accessory structure **refers to a detached**, non-habitable building (such as a shed or greenhouse) generally used for storage or other non-commercial use. An accessory structure is permitted in addition to an attached or detached garage and shall comply with the following limitations:

[...]

D. An **unenclosed covered patio** or a covered deck enclosed only by railings may be placed in the rear yard of a residence provided that no part is closer than 10 (ten) feet to a rear property line; eaves may extend 24 inches into this setback. An uncovered deck may be located within the required rear yard or the required side yard behind the back building line provided that it may not be closer than five feet to a property line.

Additional definitions to better understand a patio are provided within Chapter 17.06 MMC and detailed below:

Attachments:

Attachment 1 – Application and Application Attachments

Attachment 2 – Public Testimony, Letter from Patricia Bogh, dated March 4, 2024

Attachment 3 – Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)

Attachment 4 – Public Testimony, Letter from Patricia Bogh, dated March 24, 2024

Patio – An unenclosed area adjoining a dwelling or other building and adapted especially to outdoor dining and living that may be covered or uncovered.

Adjoining – See “Abutting.”

Abutting – Two or more lots joined by a common boundary line or point. Abutting does not apply to buildings, uses or properties separated by public right-of-way. Abutting properties may be separated by a private street, alley, or easement.

II. CONDITIONS OF APPROVAL:

None.

III. ATTACHMENTS:

1. Application and Application Attachments
2. Public Testimony, Letter from Patricia Bogh, dated March 4, 2024
3. Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)
4. Public Testimony, Letter from Patricia Bogh, dated March 24, 2024

IV. COMMENTS:

Public Comments

Notice of the application was provided by the McMinnville Planning Department to property owners within 100 feet of the subject site, consistent with Section 17.72.110 of the McMinnville Zoning Ordinance. As of the date of this Staff Report on Thursday, March 28, 2024, the following public testimonies have been received by the Planning Department:

1. *Letter from Patricia Bogh, (dated March 4, 2024)*, the neighboring property owner located east of the subject site along the rear yard, concerned about loss of privacy and decrease in property value to their property. Their letter is attached.
2. *Letter from Garal Ottoboni, (received March 8, 2024, date written is not legible)*, a neighboring property owner, concerned about the definition of the proposed addition and if it qualifies as an accessory structure, size of the patio cover, appearance of the patio cover, potential to block light and street view of the property located east of the subject site along the rear yard. Their letter is attached.

Notice of the application was provided by the McMinnville Planning Department was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was provided in the News Register on Friday, March 29, 2024

1. *Letter from Patricia Bogh, (dated March 24, 2024)*, the neighboring property owner located east of the subject site along the rear yard, concerned about loss of privacy, decrease in property value, and loss of view to their property as well as lack of justification for the proposal.

Attachments:

Attachment 1 – Application and Application Attachments

Attachment 2 – Public Testimony, Letter from Patricia Bogh, dated March 4, 2024

Attachment 3 – Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)

Attachment 4 – Public Testimony, Letter from Patricia Bogh, dated March 24, 2024

V - FINDINGS OF FACT – PROCEDURAL FINDINGS

1. The applicant submitted the Administrative Variance application (AV 1-24) on February 21, 2024.
2. The application was deemed complete on February 21, 2024. Based on that date, the 120-day land use decision time limit expires on June 20, 2024.
3. Notice of the application was provided by the McMinnville Planning Department to property owners within 100 feet of the subject site, consistent with Section 17.72.110 of the McMinnville Zoning Ordinance.

Public testimonies received by the Planning Department within the public comment period are addressed in Section IV of the Decision Document.

4. One of the property owners, Patricia Bogh, requested a public hearing before the Planning Commission for the application.
5. Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was provided in the News Register on Friday, March 29, 2024.

Public testimony received by the Planning Department within the public comment period are addressed in Section IV of the Decision Document.

6. A duly noticed public hearing of the McMinnville Planning Commission will be held on April 4, 2024, for the Commission to render a decision on the application.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:** 1768 NW Woodland Drive (Tax Lot R4418 DB 02100)
2. **Size:** The existing parcel is 7,040 square feet.
3. **Comprehensive Plan Map Designation:** Residential
4. **Zoning:** R-2PD (Ordinance NO. 4786)
5. **Overlay Zones/Special Districts:** None.
6. **Current Use:** Single Detached Dwelling
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** None
 - b. **Other:** None Identified
8. **Other Features:** No significant or distinguishing natural features are associated with this property.

Attachments:

- Attachment 1 – Application and Application Attachments
- Attachment 2 – Public Testimony, Letter from Patricia Bogh, dated March 4, 2024
- Attachment 3 – Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)
- Attachment 4 – Public Testimony, Letter from Patricia Bogh, dated March 24, 2024

9. **Utilities:**
 - a. **Water:** Water service is available to the subject site.
 - b. **Electric:** Power service is available to the subject site.
 - c. **Sewer:** Sanitary sewer service is available to the subject site.
 - d. **Stormwater:** Storm sewer service is available to the subject site.
 - e. **Other Services:** Other utility services are available to the property. Northwest Natural Gas and Comcast are both available to serve the site.

10. **Transportation:** NW Woodland Drive and NW Penny Lane are identified in the McMinnville Transportation System Plan as a Local Residential Street. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for Local Residential Street with a right-of-way width of 50 feet. The right-of-way width for NW Woodland Drive and NW Penny Lane is 50 feet. Therefore, NW Woodland Drive and NW Penny Lane are in conformance with standards and no right-of-way dedication is required.

VII. CONCLUSIONARY FINDINGS

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for an Administrative Variance are specified in 17.74.090 of the Zoning Ordinance, which includes consistency with the Comprehensive Plan.

Comprehensive Plan Volume II:

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

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

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

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

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

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Director’s review of the request. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

Attachments:

- Attachment 1 – Application and Application Attachments
- Attachment 2 – Public Testimony, Letter from Patricia Bogh, dated March 4, 2024
- Attachment 3 – Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)
- Attachment 4 – Public Testimony, Letter from Patricia Bogh, dated March 24, 2024

McMinnville Municipal Code

The following Sections of the McMinnville Municipal Code (MMC) provide criteria applicable to the request:

Chapter 17.74. Review Criteria

17.74.080 Administrative Variance Limitations. *Limitations for an administrative variance are outlined in Section 17.74.090. A request for an administrative variance beyond these limitations shall be submitted and processed as a variance application.*

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The requested administrative variance is within the limitations outlined in Section 17.74.090, as described below.

17.74.090 Administrative Variance-Review Criteria. *The Planning Director may grant limited adjustments to the terms of this title as follows:*

- A. *Lot area: Maximum possible adjustment of one percent of the minimum lot area, but not more than 90 (ninety) square feet;*
- B. *Setbacks: Maximum adjustment of 10 (ten) percent of the required setback.*
- C. *These provisions shall be used sparingly and shall not be exceeded except by regular referral to the Planning Commission.*
- D. *Special conditions may be attached to adjustments if such conditions relate directly to the adjustments.*

Subjects not allowable for adjustment are: number of dwelling units permitted, parking requirements, height of building, vision clearance area, density or use of property.

APPLICANT’S RESPONSE: None.

FINDING: SATISFIED. The subject site is zoned R-2 PD, and constructing an unenclosed covered patio is permitted under Section 17.54.020(D). Section 17.54.020(D) requires a 10-foot minimum rear yard setback for unenclosed covered patios, with eaves permitted to extend 24 inches into this setback. The applicant has requested an administrative variance to reduce the required rear yard setback by one (1) foot otherwise by ten (10) percent to allow for an unenclosed covered patio within nine (9) feet of the rear property line with eaves to extend twenty-four (24) inches.

The requested ten (10) percent reduction is equal to the maximum ten (10) percent reduction allowed by the administrative variance procedure. The proposed adjustment is permitted by the criteria provided within Section 17.74.090.

TG

Attachments:

- Attachment 1 – Application and Application Attachments
- Attachment 2 – Public Testimony, Letter from Patricia Bogh, dated March 4, 2024
- Attachment 3 – Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)
- Attachment 4 – Public Testimony, Letter from Patricia Bogh, dated March 24, 2024



Planning Department
231 NE Fifth Street o McMinnville, OR 97128
(503) 434-7311 Office o (503) 474-4955 Fax
www.mcminnvilleoregon.gov

Office Use Only:	
File No.	AV 1-24
Date Received	2/21/2024
Fee	\$1,190.00
Receipt No.	PAID
Received by	AW

569-24-000050-PLNG

Zoning Variance Application

Applicant Information

Applicant is: Property Owner Contract Buyer Option Holder Agent Other _____

Applicant Name Marilyn Hernandez Phone 971-312-3236

Contact Name _____ Phone _____
(If different than above)

Address 1768 NW Woodland Drive

City, State, Zip McMinnville, OR, 97128

Contact Email hmarilyn70@gmail.com

Property Owner Information

Property Owner Name Same as above. Phone _____
(If different than above)

Contact Name _____ Phone _____

Address _____

City, State, Zip _____

Contact Email _____

Site Location and Description

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

Property Address 1768 NW Woodland Drive, McMinnville, OR, 97128

Assessor Map No. R4415DB-02100 Total Site Area 0.161596

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Residential Zoning Designation R-2

Please indicate the type of variance requested:

Lot Size Requirement _____ Reduction to _____
 Setback – Front, Rear, Side Requirement 20 ft Reduction to 9 ft
 Other _____

1. Describe the nature of the request in detail: Build a porch where we can spend quality family time and have a relaxing space to come home after work and a peaceful place to enjoy when I retire.

2. What exceptional or extraordinary circumstances apply to the property which do not apply generally to other property in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this ordinance, topography, or other circumstance over which the applicant has no control?

It's the only house on the corner in direction of Woodland Drive and the vicinity lots are in direction of ~~the~~ Cottonwood, Penny and there for my zoning variance is different from the other lots

3. What property right would be preserved by granting the variance? Rights wouldn't change

4. What unnecessary hardship would be avoided by granting the variance? Us not having our dreamed place to spend with the family relax and having a peaceful place to gather

5. Why won't this request be detrimental to the surrounding area? Because it doesn't interfere with any neighbors

6. Please explain how this would be the minimum variance necessary to alleviate the hardship? _____

Because it will provide us the place of relaxing
with the family and enjoying our time together

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

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed buildings, dimensions, and adjacent street(s), distances from property lines, access, and any other information that would help substantiate or clarify your request.
- Compliance of Neighborhood Meeting Requirements.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

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

Mariú Hernández

Applicant's Signature

6-1-2023

Date

Mariú Hernández

Property Owner's Signature

6-1-2023

Date

07/30/2023

Dear Terramark Properties LLC:

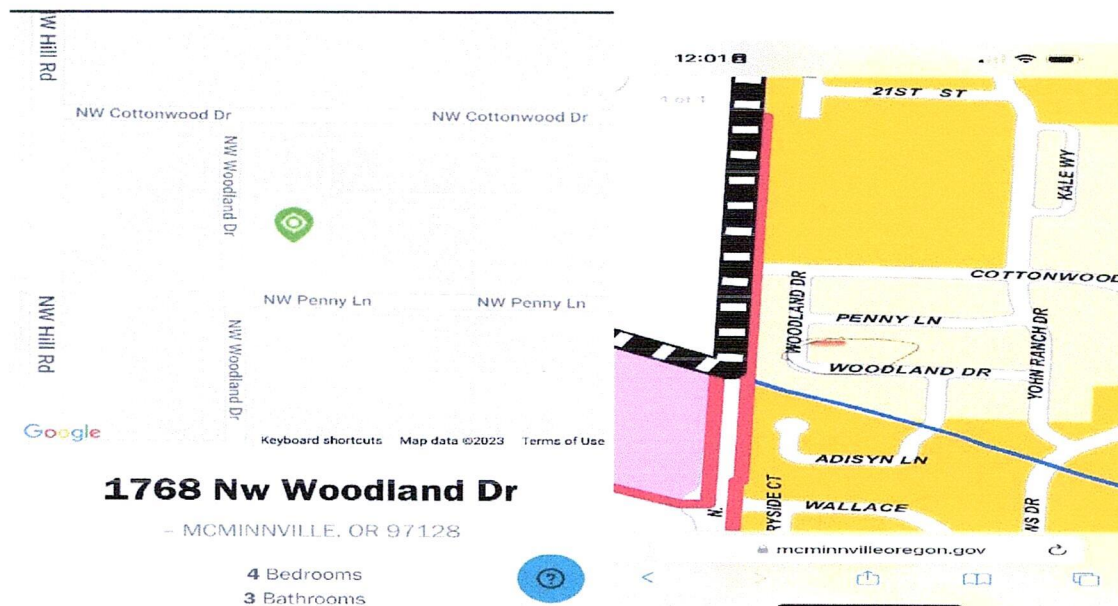
In accordance with the City of McMinnville, we are notifying you as a neighboring property owner that the City of McMinnville Zoning board will be holding a Public Hearing.

On: Saturday August 20th, 2023, at 2:00 pm

At: 1768 NW Woodland Dr

McMinnville OR 97128

Regarding my application for a setback variance on the property located at: 1768 NW WOODLAND DR
Zoning District D-4, D-5



We are requesting a variance for our setback, we want to build a family porch in our backyard but that will reduce our setback from 20 ft to 9 ft from the back of the house to property line.

Anyone who is concerned with this matter may address the Board at the public Hearing, or write to them at:

PLANNING DEPARTMENT
231 NE 5TH STREET
MCMINNVILLE, OR, 97128

Letters must be received before the public hearing.

Sincerely,

DAVID MARTINEZ INFANTE

TAXLOT	SITUS	OWNER	OWNER	MAILING ADD	MAILING ADD	MAILING ADD	MAILING ADD
R4418DB 03300	1976 NW PENNY LN	GRAVEN GREGORY	GRAVEN GEORGIA	1976 NW PENNY LN	MCMINNVILLE	OR	97128
R4418DB 03400	1984 NW PENNY LN	BERG LAUREN	BERG ERICH	1984 NW PENNY LN	MCMINNVILLE	OR	97128
R4418DB 03500	2016 NW PENNY LN	KAM WENDY M		PO BOX 93	MCMINNVILLE	OR	97128
R4418DB 06000	1743 NW WOODLAND DR	TERRAMARK PROPERTIES LLC		PO BOX 694	MCMINNVILLE	OR	97128
R4418DB 06100	1753 NW WOODLAND DR	TERRAMARK PROPERTIES LLC		PO BOX 694	MCMINNVILLE	OR	97128
R4418DB 02300	1979 NW PENNY LN	OTTOBONI GARALD L	OTTOBONI JULIA A	1979 NW PENNY LN	MCMINNVILLE	OR	97128
R4418DB 02200	1997 NW PENNY LN	BOGH PATRICIA		1997 NW PENNY LN	MCMINNVILLE	OR	97128
R4418DB 02100	1768 NW WOODLAND DR	HERNANDEZ MARILU TRUSTEE FOR	HERNANDEZ MARILU 2012 TRUST	1768 NW WOODLAND DR	MCMINNVILLE	OR	97128
R4418DB 06200	1785 NW WOODLAND DR	TERRAMARK PROPERTIES LLC		PO BOX 694	MCMINNVILLE	OR	97128
R4418DB 01800	1972 NW COTTONWOOD DR	CHITWOOD DAVID G	CHITWOOD KATHLEEN M	1972 NW COTTONWOOD DR	MCMINNVILLE	OR	97128
R4418DB 01900	1996 NW COTTONWOOD DR	MUNOZ SHANE C		1996 NW COTTONWOOD DR	MCMINNVILLE	OR	97128
R4418DB 02000	2014 NW COTTONWOOD DR	BUNN-WILSON CASEY	WILSON MITCHEL	2014 NW COTTONWOOD DR	MCMINNVILLE	OR	97128
R4418DB 06300	1803 NW WOODLAND DR	CRUICKSHANK JEFFREY W	COLLINS EMILY M	11400 SE STOCKHOFF RD	DAYTON	OR	97114

07/30/2023

Dear

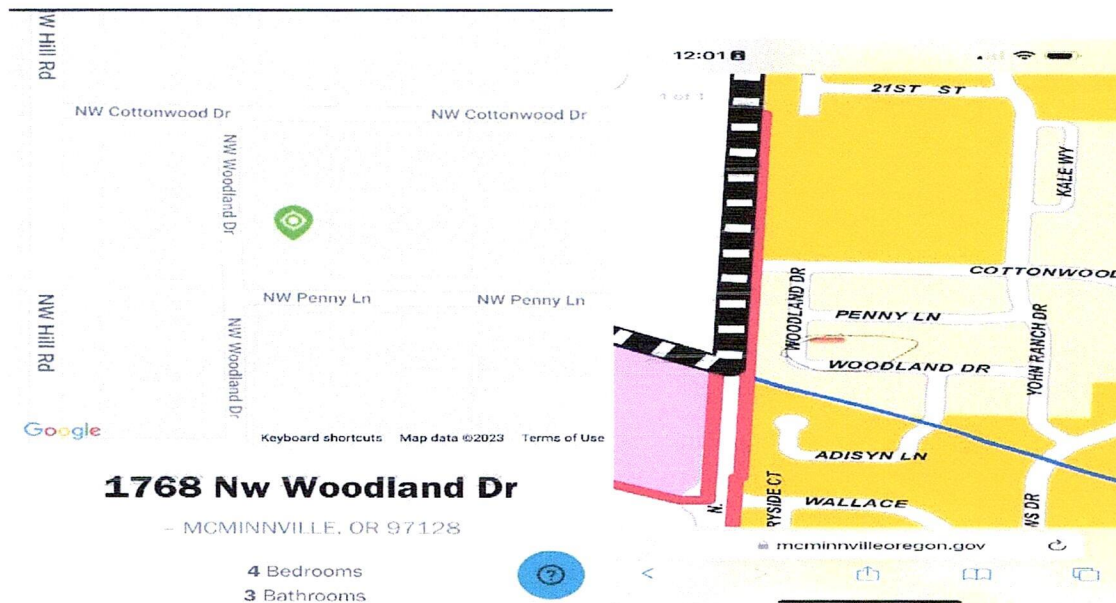
In accordance with the City of McMinnville, we are notifying you as a neighboring property owner that the City of McMinnville Zoning board will be holding a Public Hearing.

On: Saturday August 20th, 2023, at 2:00 pm

At: 1768 NW Woodland Dr

McMinnville OR 97128

Regarding my application for a setback variance on the property located at: 1768 NW WOODLAND DR
Zoning District D-4, D-5



We are requesting a variance for our setback, we want to build a family porch in our backyard but that will reduce our setback from 20 ft to 9 ft from the back of the house to property line.

Anyone who is concerned with this matter may address the Board at the public Hearing, or write to them at:

PLANNING DEPARTMENT
231 NE 5TH STREET
MCMINNVILLE, OR, 97128

Letters must be received before the public hearing.

Sincerely,



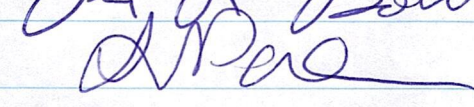

DAVID MARTINEZ INFANTE

7/7/2023

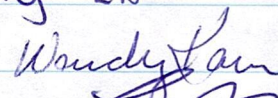

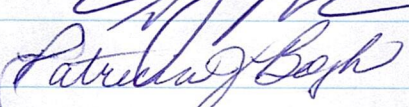
Signature collection from my neighbors for the property 1768 NW Woodland Dr.

Required by the city of McMinnville Oregon to grant permits to build a backyard roof.

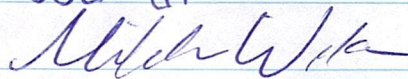
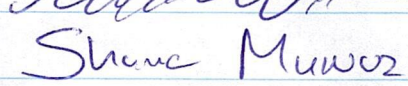
Woodland dr Neighbors.

- ① 1803  Meredith Abdi 503 954 0899
- ② 1785  R. B. Benn
- ③ 1753  A. P. [unclear]
- ④ 1743  [unclear]

Penny Ln

- ① 2016  Wendy Kam 503.890.0230
- ② 1984  ERIC BERG 503,313.4860
- ③ 1997  Patricia [unclear]

Cottonwood dr.

- ① 2014  Mitch Wilson 541-543-7762
- ② 1996  Shene Muzoz 971-990-6865

Meeting 7-14-23 - 9:00 AM to 2:00 PM.

NEIGHBORHOOD MEETING

Future Land Use Application:

ZONING VARIANCE

DATE:

08 - 20 - 2023

TIME:

2:00pm.

Meeting Location:

Contact Name:

Contact Number:

1768 Nw Woodland dr. McMinnville OR 98128

CONTRACTOR

M&H OREGON CONSTRUCTION LLC

DESING AND DRAFTER.

M&H OREGON CONSTRUCTION LLC.

ENGINEER

INDEX OF DRAWINGS

A - 01: PERSPECTIVE VIEW AND INFORMATION GENERAL

A - 02: SITE PLAN

A - 03: FLOOR PLAN

A- 04: ROOF PLAN

A - 05: FOUNDATION PLAN

A - 06: GENERAL DETAILS

A - 07 ELEVATION

NOTES

2. EXISTING HEADERS USED UNLESS NOTED OTHERWISE (U.N.O.)

3. THE DRAWINGS ENCLOSED ARE FOR DESIGN INTENT ONLY. THE DRAFTER SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, OR SEQUENCING OF TRADES INVOLVED. TO THE BEST OF MY KNOWLEDGE THESE PLANS ARE DRAWN TO COMPLY WITH OWNER'S AND/ OR BUILDER'S SPECIFICATIONS AND ANY CHANGES MADE ON THEM AFTER PRINTS ARE MADE WILL BE DONE AT THE OWNER'S AND/OR BUILDER'S EXPENSE AND RESPONSIBILITY.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONFIRMING RELEVANT OVERALL DIMENSIONS SHOWN ON PLANS FOR LOCATION OF NEW WALLS AND VERIFICATION OF EXISTING DIMENSIONS ACCORDING TO DESIGN INTENT. WHILE EVERY EFFORT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO AVOID MISTAKES, THE MAKER CAN NOT GUARANTEE AGAINST HUMAN ERROR.

5. IN THE EVENT THERE IS A DISCREPANCY IN THESE

DRAWINGS AND THE ACTUAL FIELD CONDITIONS, PRIOR TO CONTINUING WITH THE WORK, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE DESIGNER OR STRUCTURAL ENGINEER IN WRITING BY INDICATING WHERE THE DISCREPANCY EXISTS AND THE DESIGNER WILL RESPOND IN WRITING WITHIN 5 WORKING DAYS.

6. DO NOT SCALE DRAWINGS. LARGER SCALE DETAIL DRAWINGS TAKE PRECEDENCE OVER SMALL SCALE DRAWINGS.

7. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION OF ALL TRADES & THAT NO SUBSEQUENT TRADE DAMAGES WORK COMPLETED BY A PREVIOUS TRADE.

8. THESE DRAWINGS ARE THE SOLE PROPERTY OF M&H OREGON CONSTRUCTION LLC AND CANNOT BE REPRODUCED WITHOUT PRIOR CONSENT OF M&H OREGON CONSTRUCTION LLC.



M&H OREGON
CONSTRUCTION LLC

CONSULTANTS

M&H OREGON CONSTRUCTION LLC
JUAN JOSE MEJA CORREAS
9712370011

PORCHE DAVID MC

1768 NW WOODLAND DR
MCMNNVILLE OR 97128

OWNER

DAVID MARTINEZ INFANTE

MARK	DATE	DESCRIPTION
------	------	-------------

PROJECT NO: **D04**
CAD DWG FILE: **D04-A-01 PERSPECTIVE VIEW.DWG**
DRAWN BY: -
CHK'D BY: -
COPYRIGHT:

SHEET TITLE

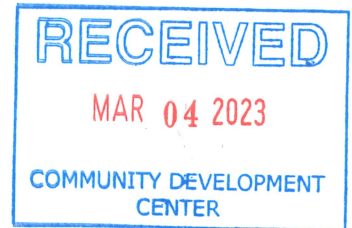
PERSPECTIVE VIEW

A-01

SHEET - OF -

March 4, 2024

City of McMinnville Zoning Board
231 NE 5th Street
McMinnville, Oregon



Dear Planning Department,

I am writing to state my opposition to the administrative variance related to the planned family porch addition at 1768 NW Woodland Dr. I request that either the variance be denied, or a planning commission be scheduled to address precedence and impacts.

I purchased my home in December 2022 because the neighborhood was spacious, quiet and the back and side yards felt private. The proposed porch will raise the height of the floor 7'5" reducing the privacy provided by the existing fence. By not keeping the existing 10 ft setback rule, it will further reduce my privacy potentially causing a hardship and impacting my property value or future marketability of my residence.

Without seeing any real hardship identified within the variance application or brief staff findings document, it appears that there is no real justifiable reason for the applicant to need the variance or the planning department to approve it. Generally, I am concerned about the negative precedence this sets for future requests in our R-2 zoning and more specifically I am concerned about the direct impact this will have on my property. Zoning laws are in place for a reason: to protect property owners.

Sincerely'

Patricia Bogh
1997 NW Penny Lane
McMinnville, Oregon
rpbogh@gmail.com

City of McMinnville Planning Department
 Planning Director,

March 2024

This letter is my response to the notice of
 Pending Administrative Decision Administrative Variance
 1768 N.W. Woodland Drive, Docket Number AV-1-24.

Referring to Review Criteria 17.54.020
 An accessory structure refers to a detached non-
 habitable building...
 Further 17.54.020 A. Refers to One accessory structure
 may be located within a required rear yard...

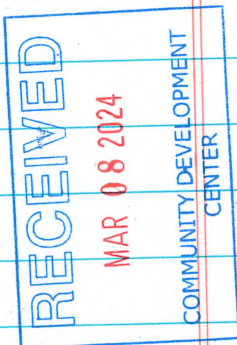
The proposed new construction west Roof line
 is attached to the roof of the existing house.
 There is already one accessory structure in the
 rear yard.

Whether you find these points pertinent Viable
 or not my belief is that the proposed structure
 is Just too Big and an eyesore to the
 neighbor hood, especially to the present and
 future neighbors in the adjacent House
 directly east of the subject property. Its too
 close for comfort a will block valuable light + Street Views.

I believe ^{and Ask} that the Building Permit and/or Variance
 for this Project not be Granted.

Thank you for Considering
 My Comments + Concerns,

Gerald Ottoboni
 1979 S.W. Penny Ln.
 McMinnville, OR.



March 24, 2024

City Of McMinnville Zoning Board
231 NE 5th Street
McMinnville, Oregon

Dear Planning Department,

Thank you for meeting with us Tuesday morning to discuss the administrative variance for 1768 NW Woodland Drive.

I am opposing this variance because of the financial impact on my property. There seems to be no hardship requiring this addition to be closer to the neighboring property line.

The additional foot of roof coverage requested is 60 feet long and extends the entire length of my home. This diminishes the open space between our properties as there is already a 12 foot wide accessory shed next to the shared fence. The higher extended roofline reduces the view from my 3 west facing windows. The proposed raised patio floor also reduces the privacy provided by the existing fence.

There does not appear to be a justifiable reason for this variance to be approved.

Thank you for your consideration of my objection to this variance in this established neighborhood.

Sincerely,



Patricia J Bogh

rpbogh@gmail.com