

**Planning Commission  
Thursday, May 16, 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/89368634307?pwd=MOREY3RVSzFHeFdmK2pZUmJNdkdSZz09>

**Meeting ID: 893 6863 4307**

**Meeting Password: 989853**

---

*Public Participation:*

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

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

- 1) **Written testimony in advance of the meeting** – Email written testimony at any time up to 12 p.m. the day before the meeting to [evan.hietpas@mcminnvilleoregon.gov](mailto:evan.hietpas@mcminnvilleoregon.gov), (for Docket ZC 1-24) 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 [evan.hietpas@mcminnvilleoregon.gov](mailto:evan.hietpas@mcminnvilleoregon.gov), (for Docket ZC 1-24) 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 Tom Schauer, Senior Planner, 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 [evan.hietpas@mcminnvilleoregon.gov](mailto:evan.hietpas@mcminnvilleoregon.gov) (for Docket ZC 1-24) as the chat function is not available when calling in zoom.

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

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

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

Commission Members	Agenda Items
Sidonie Winfield, Chair	<b>1. Call to Order</b>
Dan Tucholsky, Vice Chair	<b>2. Citizen Comments</b>
Rachel Flores	<b>3. Minutes:</b> <i>None</i>
Gary Langenwalter	<b>4. Public Hearings:</b>
Sylla McClellan	<b>A. <u>Quasi-Judicial Hearing: Zone Change (ZC 1-24), for a zoning map amendment from R-1 to R-4 for a 1-acre parcel located at 2125 NW 2<sup>nd</sup> Street, Map &amp; Tax Lot R4419AC 00300 – (Exhibit 1)</u></b>
Elena Mudrak	Request: Request for review and approval of a zoning map amendment (ZC 1-24) from R-1 (Low-Density, 9000 SF Lot Residential Zone) to R-4 (Medium, High-Density, 5000 SF Lot Residential Zone) for a 1-acre parcel located at 2125 NW 2 <sup>nd</sup> Street, Map & Tax Lot R4419AC 00300.
Meg Murray	Applicant: Harper Houf Peterson Righellis Inc. c/o Hillary Harris, on behalf of property owner TerraCalc LLC c/o Kenneth Pannell
Brian Randall	<b>5. Action Items:</b>
Beth Rankin	<b>A. <u>VR 1-24 (Previously AV 1-24): Approval of Decision Document for property located at 1768 NW Woodland, Map &amp; Tax Lot R4428DB 01200, from April 4, 2024 Public Hearing - (Exhibit 2) – The public hearing and record were closed on April 4, 2024, and there will be no additional public testimony.</u></b>
	<b>6. Commissioner Comments</b>
	<b>7. Staff Comments</b>
	<b>8. Adjournment</b>

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.mcminvilleoregon.gov](http://www.mcminvilleoregon.gov). You may also request a copy from the Planning Department.



## EXHIBIT 1 – STAFF REPORT

**DATE:** May 16, 2024  
**TO:** Planning Commission Members  
**FROM:** Evan Hietpas, Associate Housing Planner  
**SUBJECT:** Zone Change (ZC 1-24)

### STRATEGIC PRIORITY & GOAL:



### GROWTH & DEVELOPMENT CHARACTER

Guide growth and development strategically, responsibly, and responsibly to enhance our unique character

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

---

### **Report in Brief:**

This agenda item is a quasi-judicial public hearing to consider the Zone Change application for property located at 2125 NW 2nd Street, Tax Lot R4419AC00300. After conducting the Public Hearing, the Planning Commission will make a recommendation to the McMinnville City Council for consideration. The City Council will make the final decision on this application.

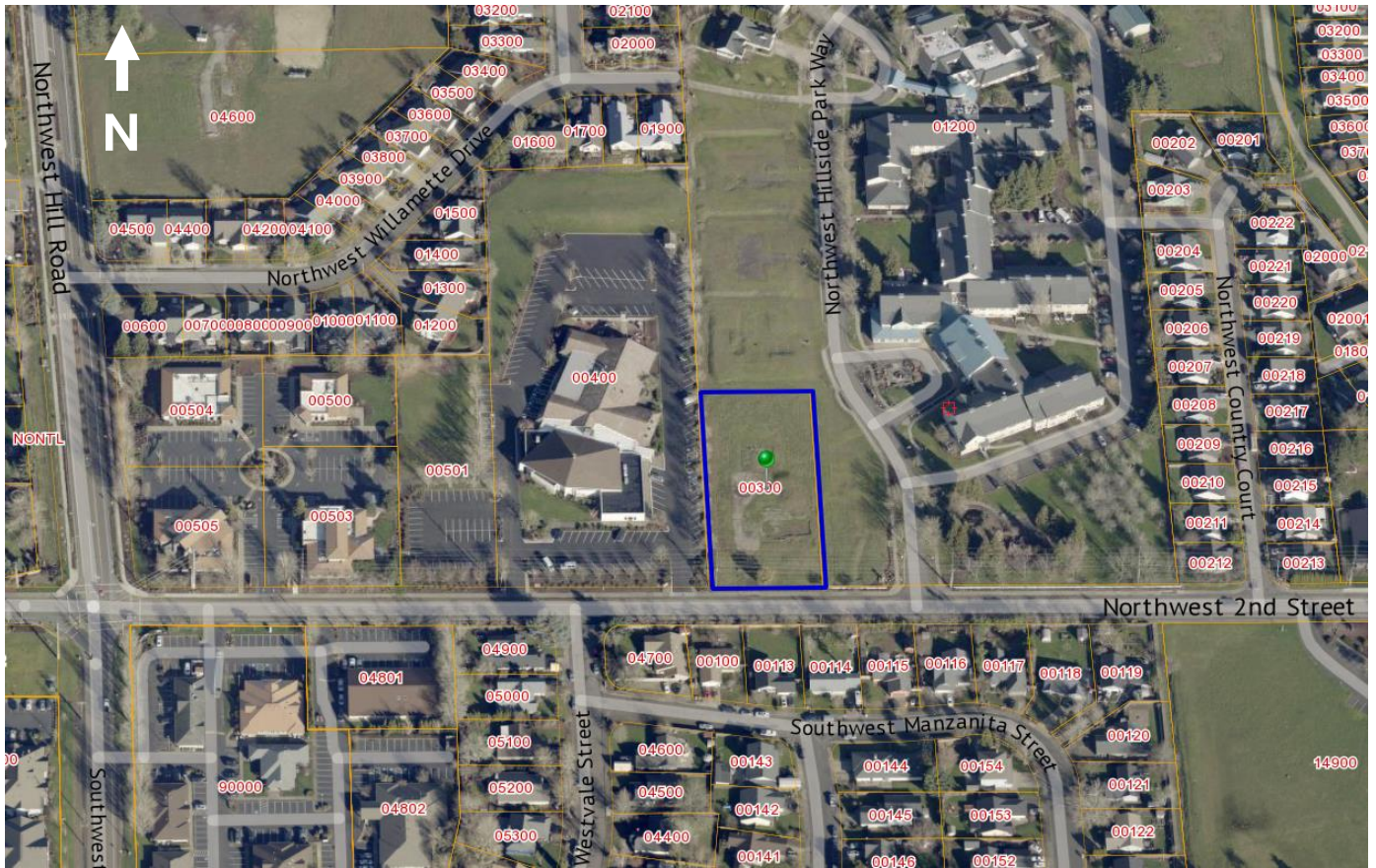
**Zone Change Application (ZC 1-24)** - The applicant, Hillary Harris on behalf of TerraCalc LLC, is requesting approval of a Zone Change application of a property from R-1 (Low-Density, 9000 SF Lot Residential Zone) to R-4 (Medium, High-Density, 5000 SF Lot Residential Zone). A Zone Change proposal must satisfy all relevant requirements of the review criteria set forth in McMinnville Municipal Code (MMC) 17.74.020.

Staff is recommending **approval** of this zone change application.

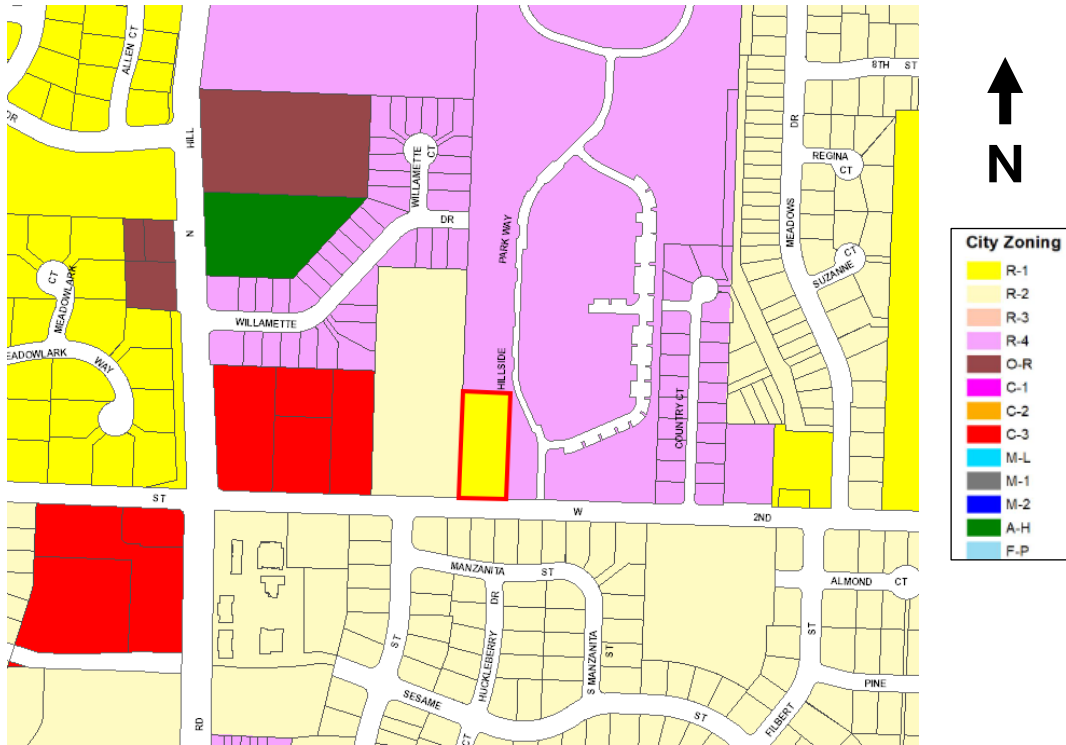
### **Background:**

The applicant and property owner submitted a Zone Change application to the Community Development Department on March 7, 2024. The application was deemed complete on March 18, 2024. A Notice of public hearing was mailed to all property owners within 300 feet of the exterior boundary of the subject property on April 18, 2024. Notice of the public hearing was published in the News Register on May 10, 2024.

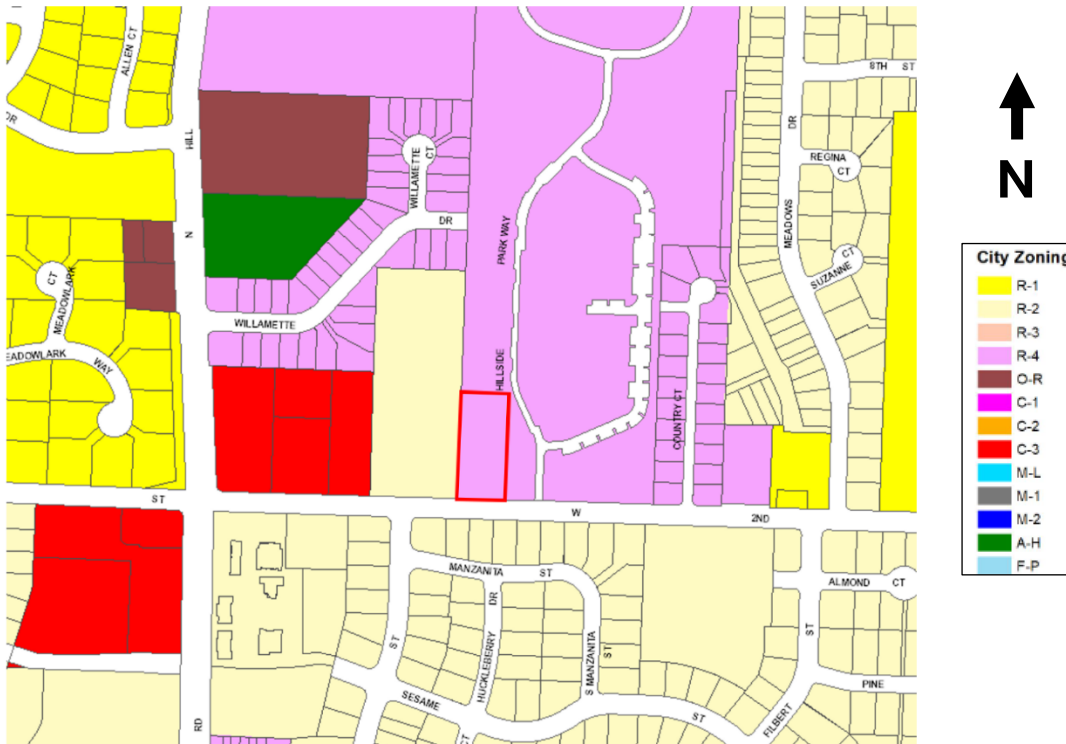
Figure 1: Vicinity Map (Property lines approximate)



**Figure 2: Current Zoning Map**



**Figure 3: Proposed Zoning Map**



## **Discussion**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria and standards for a Zone Change are found in the MMC, Title 17, Chapter 17.74 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of a proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II.

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

Staff found that zone change application ZC 1-24 satisfied all zone change criteria, applicable Comprehensive Plan Goals and Polices, and applicable Statewide Planning Goals.

## **Attachments:**

- Attachment 1. Zone Change (ZC) 1-24 Decision Document

## **Commission Options:**

- 1) Close the public hearing and recommend that the City Council **APPROVE** the application, per the decision documents provided which includes the findings of fact.
- 2) Close the public hearing and recommend that the City Council **APPROVE** the application, per the decision document provided which includes the findings of fact, **WITH CONDITIONS.**
- 3) **CONTINUE** the public hearing to a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

***Note:** This is the first evidentiary hearing for these quasi-judicial applications. Any party may request that the hearing be continued or the record be left open.*

## **Recommendation/Suggested Motion:**

Tonight's hearing will require a motion from the Planning Commission. Staff's recommendation for the motion is below:

Staff recommends that the Planning Commission make the following motion recommending approval of ZC 1-24:

**BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE CITY OF McMINNVILLE, THE PLANNING COMMISSION RECOMMENDS TO THE MCMINNVILLE CITY COUNCIL THAT ZC 1-24 BE APPROVED SUBJECT TO THE ATTACHED DECISION DOCUMENT.**



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

**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPLICATION FOR A ZONE CHANGE FROM R-1 (LOW DENSITY RESIDENTIAL) TO R-4 (MEDIUM, HIGH DENSITY RESIDENTIAL) FOR A PROPERTY OF APPROXIMATELY 1 ACRE, LOCATED AT 2125 NW 2<sup>ND</sup> STREET, TAX LOT R4419AC00300.**

**I. INTRODUCTION**

- DOCKET:** Zone Change (ZC) 1-24
- REQUEST:** An application for a Zone Change from R-1 (Low-Density, 9000 SF Lot Residential Zone) to R-4 (Medium, High-Density, 5000 SF Lot Residential Zone) for a property of approximately 1 acre.
- LOCATION:** Site Address: 2125 NW 2nd Street  
Map and Tax Lot: R4419AC00300
- CURRENT ZONING:** R-1 (Low-Density, 9000 SF Lot Residential Zone)
- APPLICANT:** Harper Houf Peterson Righellis Inc. c/o Hillary Harris
- PROPERTY OWNER:** TerraCalc LLC c/o Kenneth Pannell
- STAFF:** Evan Hietpas, Associate Housing Planner
- DATE DEEMED COMPLETE:** March 18, 2024
- HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation to the City Council. A Planning Commission recommendation of approval is transmitted to the City Council for a decision. A Planning Commission recommendation/decision of denial becomes the final decision unless that decision is appealed to the City Council.
- PLANNING COMMISSION HEARING DATE & LOCATION:** May 16, 2024 at 6:30 P.M., Kent Taylor Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, OR 97128  
Zoom Meeting ID: 893 6863 4307; Passcode: 989853

**DECISION-MAKING BODY:**

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

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

To be determined.

An application for a Zone Change is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

**CRITERIA:**

The applicable criteria for a Zone Change is specified in Section 17.74.020 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests. The proposal must also be consistent with applicable provisions of state law.



**APPEAL:**

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

As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed.

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

**COMMENTS:**

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

**II. RECOMMENDATION**

Based on the findings and conclusionary findings, the Planning Commission finds that the applicable criteria are satisfied and **RECOMMENDS APPROVAL** of Zone Change (ZC 1-24).

////////////////////////////////////  
////////////////////////////////////

**RECOMMENDATION: APPROVAL**

////////////////////////////////////  
////////////////////////////////////

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

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

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

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



# Table of Contents

**I. INTRODUCTION ..... 1**

**II. RECOMMENDATION ..... 4**

**III. APPLICATION SUMMARY ..... 6**  
     Subject Property & Request..... 6  
     Figure 1. Vicinity Map ..... 6  
     Figure 2a. Existing Zoning Map..... 7  
     Figure 2b. Proposed Zoning Map..... 7

**IV. CONDITIONS..... 8**

**V. ATTACHMENTS..... 8**

**VI. COMMENTS ..... 8**  
     Agency Comments..... 8  
     Public Comments ..... 9

**VII. PROCEDURAL FINDINGS OF FACT ..... 9**

**VIII. GENERAL FINDINGS OF FACT ..... 10**

**IX. CONCLUSIONARY FINDINGS ..... 11**  
     Section 17.74.020. Zone Change Review Criteria ..... 11  
     Comprehensive Plan Volume II ..... 14  
         CHAPTER II. NATURAL RESOURCES ..... 14  
         CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT ..... 14  
         CHAPTER VI TRANSPORTATION SYSTEM..... 18  
         CHAPTER VII. COMMUNITY FACILITIES AND SERVICES ..... 19  
         CHAPTER VIII. ENERGY ..... 20  
         CHAPTER IX. URBANIZATION ..... 21  
         CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT ..... 25  
     Statewide Planning Goals and Applicable State Law ..... 26

### III. APPLICATION SUMMARY

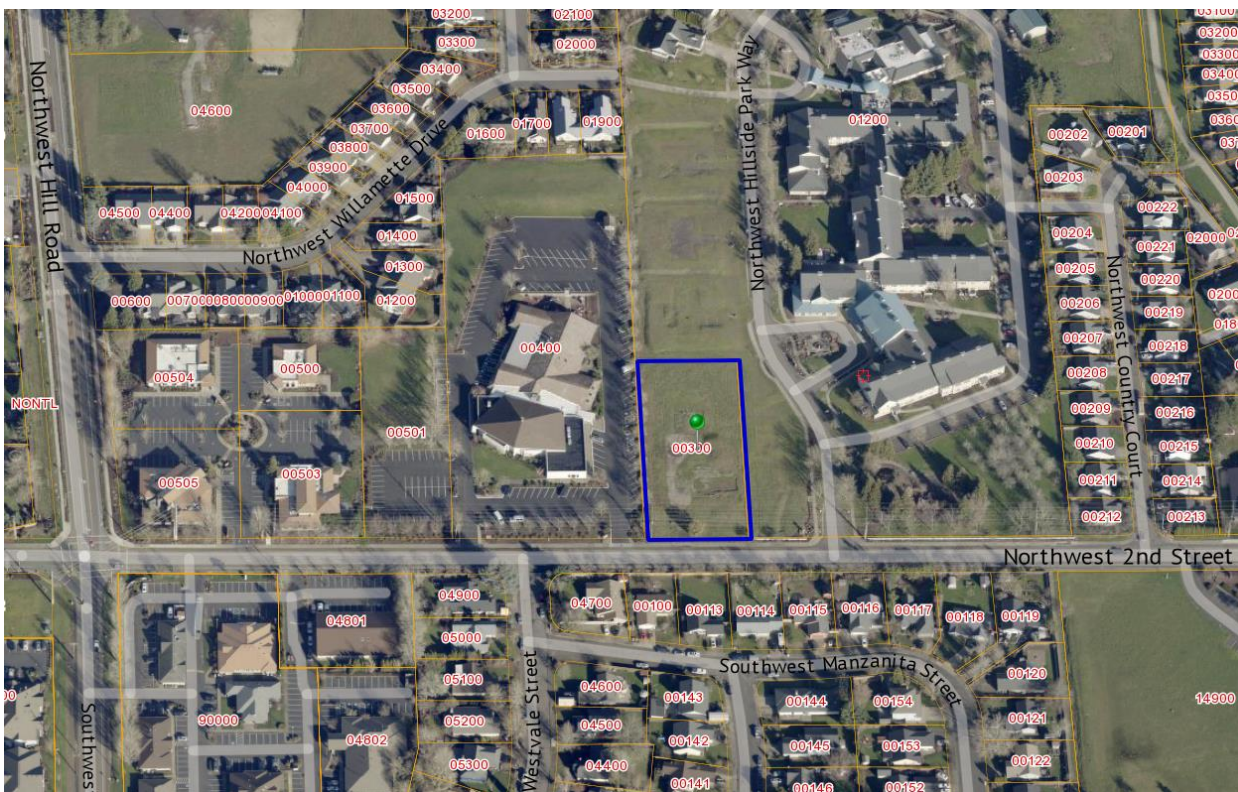
#### Subject Property & Request

The applicant requests an amendment to the Zoning Map from R-1 (Low-Density, 9000 SF Lot Residential Zone) to R-4 (Medium, High-Density, 5000 SF Lot Residential Zone), for a property of approximately 1 acre, located at 2125 NW 2ND ST (Tax Lot R4419AC00300). **See Vicinity Map (Figure 1) and Zoning Map (Figure 2a).**

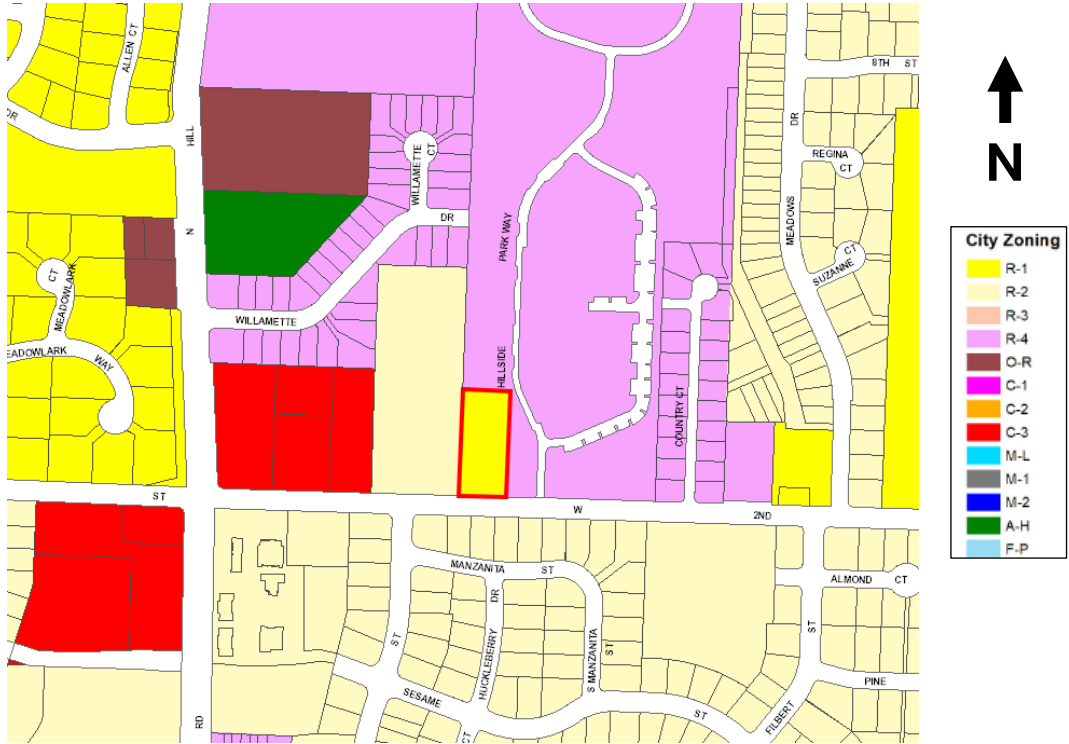
The subject property is zoned R-1. The owner is seeking the R-4 designation to allow the property to be used for uses and densities which are permitted in the R-4 zone.

The R-1 zone allows a wide range of residential uses and requires a minimum lot size of 9,000 square feet. The R-4 zone allows similar uses to R-1, but also allows apartments and large SRO developments, and requires a minimum lot size of 5,000 square feet. However, as a reminder, the application is for a zone change, not an approval for a specific use. The proposed map amendment would not limit which R-4 permitted uses would be authorized on the subject property.

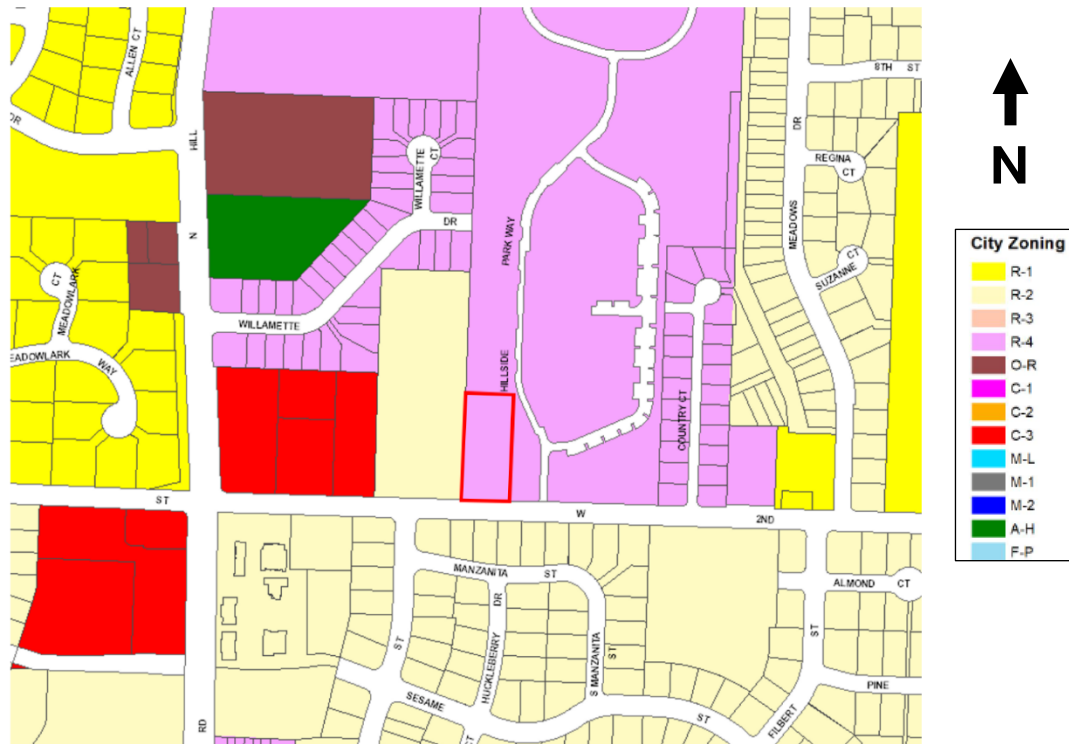
**FIGURE 1. VICINITY MAP**



**FIGURE 2A. EXISTING ZONING MAP**



**FIGURE 2B. PROPOSED ZONING MAP**



**IV. CONDITIONS**

None.

**V. ATTACHMENTS**

1. ZC 1-24 Application and Attachments (on file with the Planning Division)

**VI. COMMENTS**

**Agency Comments**

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

Responses were received from the following agencies, provided below:

- McMinnville Engineering Division
- McMinnville Building Division
- McMinnville Water & Light
- McMinnville Fire Department
- McMinnville Airport Administrator
- Comcast
  
- McMinnville Engineering Division  
The sewer capacity models R-4 zones as having a nominal density of 9 EDU/acre, and a maximum density of 30 EDU/acre. The adjustment to R4 zoning would result in a nominal capacity increase but because it's such a small footprint (1 acre) the development would likely not reach a point where sewer capacity improvements were warranted. Conclusion: I believe the existing sanitary utility can adequately serve the site with the proposed zone change.
  
- McMinnville Building Division  
No building code concerns related to a zone change for this property.
  
- McMinnville Water & Light  
McMinnville Water & Light has power and water facilities along NW 2nd St. No comments from MW&L on the zone change. If development application is submitted, MW&L will require a design application, fees and extension agreement. Contact McMinnville Water and Light for details.
  
- McMinnville Fire Department  
No comment from MFD on this application.
  
- McMinnville Airport Administrator  
No concern for the airport. Location is outside the airport conical zone.
  
- Comcast  
Comcast has no conflict with this project.

## **Public Comments**

Notice of this request was mailed to property owners located within 300 feet of the subject site on April 18, 2024. As of 9:15AM on May 9, 2024, no public testimony was submitted.

## **VII. PROCEDURAL FINDINGS OF FACT**

1. The application was submitted with the fee provided on March 7, 2024. The applicant submitted the necessary documentation to demonstrate a neighborhood meeting was noticed and held in accordance with the provisions of Section 17.72.095 of the Zoning Ordinance.
2. The application was deemed complete on March 18, 2024.
3. On April 1, 2024, notice of the application was provided to the Oregon Department of Land Conservation and Development (DLCD).
4. On April 2, 2024, notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, and City Manager; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands.

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

5. On April 18, 2024, notice of the application and the May 16, 2024, Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
6. On May 10, 2024, notice of the application and the May 16, 2024, Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.
7. The Planning Commission held a public hearing on May 16, 2024 to consider the request.

**VIII. GENERAL FINDINGS OF FACT**

1. **Location:**
  - o **Site Address:** 2125 NW 2nd Street
  - o **Map & Tax Lot:** R4419AC00300
  
2. **Size:** 1 acre
  
3. **Comprehensive Plan Map Designation:** Residential
  
4. **Current Zoning:**
  - a. **Subject Property:** R-1 (Low-Density, 9000 SF Lot Residential Zone)
  - b. **Surrounding Properties:**
    - i. **North:** R-4 (Medium, High-Density, 5000 SF Lot Residential Zone)
    - ii. **West:** R-2 (Low-Density, 7000 SF Lot Residential Zone)
    - iii. **South:** R-2 (Low-Density, 7000 SF Lot Residential Zone)
    - iv. **East:** R-4 (Medium, High-Density, 5000 SF Lot Residential Zone)
  
5. **Overlay Zones/Special Districts:** None
  
6. **Current Development:** The property does not currently have any structures on the property. There is one driveway access point onto the property that remains from when there was a detached dwelling unit on the property, that has been demolished.
  
7. **Inventoried Significant Resources:** None
  
8. **Other Features:**
  - a. **Slopes:** The property is generally flat.
  - b. **Easements:** No City easements identified on the property.
  - c. **Trees:** There is one tree that is located along the front of the property.
  
9. **Utilities:**
  - a. **Water:** McMinnville Water & Light has water facilities along NW 2nd St.
  - b. **Sewer:** The development will not likely reach a point where sewer capacity improvements are warranted. If sewer capacity increases are required, the City may require improvements through applicable standards at the time of development.
  - c. **Stormwater:** Adequate stormwater infrastructure will be required by the City’s Engineering Division at the time of development. No concerns regarding stormwater facilities have been raised at this time.
  - d. **Power:** McMinnville Water & Light has power facilities along NW 2nd St.
  
10. **Transportation and Access:** The property has direct access from the property frontage along 2<sup>nd</sup> Street. 2<sup>nd</sup> Street is a minor arterial.



**IX. CONCLUSIONARY FINDINGS**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria and standards for a Zone Change are found in Chapter 17.74 of the Zoning Ordinance.

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

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

**Section 17.74.020. Zone Change Review Criteria**

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

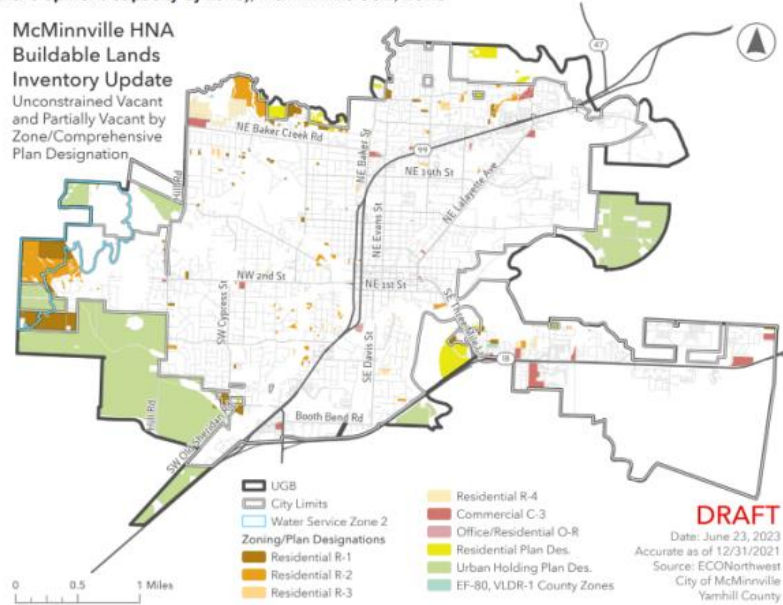
- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;**

**APPLICANT’S RESPONSE:** Chapter V of the McMinnville Comprehensive Plan focuses on housing and residential development in the City. Goal V 1 this chapter is “to promote the development of affordable, quality housing for all city residents”. Included in this goal are policies focused on providing a variety of housing types and densities (Policy 58.00), as well as opportunities for multiple-family developments to encourage lower-cost renter and owner-occupied housing (Policy 59.00). The upzoning of the subject site from R-1 to R-4 will allow for a wider range of permitted residential development to support Goal V 1 of the Comprehensive Plan.

Goal V 2 of the Comprehensive Plan is “to promote a residential development pattern that is land intensive and energy-efficient, that provides for all urban level of public and private services, and that allows unique and innovative development techniques to be employed in residential design”. Included in this goal are policies that encourage the rezoning of properties to achieve a continuous five-year supply of buildable lands and zoned for all needed housing types (Policy 71.05). The City of McMinnville’s most recent Draft Housing Needs Analysis (HNA) estimates that the City will need to add 4,657 dwelling units by 2041 to accommodate its projected growth in population, with 33% of these new units being for multi-family development. Based on these estimates, the HNA projects that the City of McMinnville does not have enough land to accommodate the needed housing, with a deficit of 1,101 dwelling units. Approving the upzoning of the subject site from R-1 to R-4 will allow for additional density on site that is already served with utilities and urban services and will help accommodate the needed housing in McMinnville.

Exhibit 1 in the Housing Needs Analysis (Draft) shows the City of McMinnville’s buildable lands inventory, including unconstrained vacant land. The project site is highlighted on this map with potential for development that is both within the City limits and urban growth boundary. See below for Exhibit 1.

**Exhibit 1: Buildable Acres (Unconstrained Portions of Vacant and Partially Vacant Parcels with Development Capacity by zone), McMinnville UGB, 2023**



**FINDING: SATISFIED.** The applicant responded to all applicable Comprehensive Plan Goals and Policies in the following section of this decision letter. Staff found that the application and all applicant responses satisfied the goals and policies. The three (3) most relevant goals were Housing and Residential Development Goal 2 and Urbanization Goals 1 and 2.

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

**APPLICANT’S RESPONSE:** When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map. However, the existing properties located on the north side of West 2nd Street have been subdivided or consolidated and developed with a broad mix of commercial, institutional, and both single-family and multi-family residential development. The subject site was previously developed as a single-family residence on an acre lot and the proposed upzoning of the site is orderly and consistent with the general development pattern of the area.

**FINDING: SATISFIED.** The proposed zone change from R-1 to R-4 is orderly and timely. It is orderly because the subject property located directly adjacent to R-4 zoning designations to the North and the East, meaning that the proposed zone change is consistent with the pattern of allowed residential densities and housing types in the area.



The Comprehensive Plan encourages moderate and high density residential development to be located near services and multi-modal transportation options. The subject property is located in an area that is consistent with this vision.

Housing choice and affordability are currently two of the biggest challenges facing community throughout Oregon. The proposed zone change to R-4 would allow higher residential densities and expanded housing types. For this reason, the proposed zone change aligns with changing community needs.

Lastly, it is worth noting that Comprehensive Plan Policy 71.00 states that, “All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.” The subject property is designated as residential on the Comprehensive Plan Map and so the proposed zone change shall be allowed, if all other criteria has been met through this application.

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

**APPLICANT’S RESPONSE:** The site is located within the City limits and surrounded by urban development and public services are already provided. The property has been previously served with electric, water, and sewer by McMinnville Water and Light, but was disconnected in July 2021. All services are still available to serve the site from 2nd Street where a sanitary sewer main and stormwater main are located.

**FINDING: SATISFIED.** McMinnville Water & Light has power and water facilities along NW 2nd St. If a development application is submitted, MW&L will require a design application, fees and extension agreement. The City’s Engineering Division uses a sanitary sewer capacity model that projects anticipated densities based on zoning designations. The sanitary sewer service is anticipated to meet the necessary levels of service for the R-4 zone. If sewer capacity increases are required, the City may require improvements through applicable standards at the time of development.

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

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

**FINDING:** The applicant has indicated that residential development will be proposed at the subject property in the future. However, there is no development proposal submitted at this time, so it cannot be confirmed that the proposed zone change will address needed housing. For this reason, staff responded to criterion “B”, and found that the proposed zone change was satisfactory.

**Comprehensive Plan Volume II**

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

The implementation of many of the goals, policies, and proposals as they apply to quasi-judicial land use applications are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply certain applications, and are not addressed below.

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

**CHAPTER II. NATURAL RESOURCES**

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

**APPLICANT’S RESPONSE:** The proposed zone change will have no anticipated impact to the air, water, and land resources in and around the subject property. When development is proposed on the project site, it will be with a permitted use in the R-4 zone and will comply with all applicable standards to optimize preservation of the air, water, and land resources in the area.

**FINDING:** The proposed zone change from R-1 to R-4 should not have significant impacts to the quality of air, water, and land resources. R-4 zoning allows higher densities of development in comparison to R-1, however, any potential impacts will be mitigated or prevented through the enforcement of applicable standards at the time of development.

**GOAL: SATISFIED.**

**CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT**

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

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

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

**APPLICANT’S RESPONSE:** The proposed zone change will provide more opportunity for a variety of housing types and densities on the subject property than are available with the current R-1 zoning under the McMinnville Zoning Ordinance. An R-4 zoning on the site will allow for a wider range of permitted residential development, including multiple dwelling developments that will encourage lower-cost renter and owner-occupied housing.

**FINDING:** The proposed zone change to R-4 would provide opportunities for the development of more housing types and increased densities. Multiple dwelling development is an allowed land use in R-4. This type of housing may lead to lower cost rentals or owner-occupied housing.

**GOAL: SATISFIED.**

**POLICIES: SATISFIED.**

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

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

*70.00 The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.*

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

*71.06 Low Density Residential Development (R-1 and R-2) Low-density residential development should be limited to the following:*

- 1. Areas which are committed to low density development and shown on the buildable lands inventory as "developed" land;*
- 2. Areas where street facilities are limited to collector and local streets;*
- 3. Areas with mapped development limitations such as steep slopes, floodplains, stream corridors, natural drainageways, and wetlands; and*
- 4. Areas with limited capacity for development identified in approved facility master plans, including sanitary sewer, water, drainage, and transportation facilities, unless such plans specify funded and scheduled improvements which will alleviate the problem and which can be provided concurrent with adequate capacity for the use.*

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

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

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

- 1. Areas that are not committed to low density development;*
- 2. Areas that have direct access from collector or arterial streets; or a local collector street within 600' of a collector or arterial street;*
- 3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
- 4. Areas where the existing facilities have the capacity for additional development;*
- 5. Areas within one-quarter mile of existing or planned public transportation.*

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

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

**APPLICANT'S RESPONSE:** Low Density Residential zones (including R-1, the current zoning district for the property) should be limited to properties that only have access to low classified streets, have steep slopes or other topographical constraints, or have limited service availability. Alternatively, Medium and Medium-High Density Residential (including R-4, the zoning district for the property) should be a majority of the residential lands in the City to allow for higher density, including those properties with direct access from an arterial, with no topographical constraints, and with existing service capacity.

The subject property is designated Residential in the McMinnville Comprehensive plan, which allows for all residential classifications (R-1 to R-4) to be zoned on the site. The project site takes access from NW 2<sup>nd</sup> Street, a classified minor arterial in the McMinnville Transportation Systems Plan (TSP). The subject property is relatively flat with no existing topographical or development constraints, and services are available to serve the site for development from NW 2<sup>nd</sup> Street. Rezoning the subject site from R-1, a Low Density Residential zone, to R-4, a Medium-High Residential zone, is aligned with Goal V 2 of the McMinnville Comprehensive Plan.

**FINDING:**

Policy 71.00 clearly states that, “All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.” The subject property is designated as residential on the Comprehensive Plan Map, which means that the proposed zone change shall be allowed if all other criteria are met.

Per Policy 71.07, the subject property is not located within one (1) of the five (5) limited areas in which the R-1 zoning designation shall be used. This means that the proposed zone change is increasing conformity with the Comprehensive Plan.

Policy 71.09 states describes the criteria for areas that should be planned for medium, medium-high, or high density residential development. Although the property is currently zoned R-1, it does not meet the criteria in Policy 71.07 where low-density development is committed, as stated above.

The subject property has direct access to a minor arterial street. The site does not have anticipated environmental constraints related to the development of the site. The existing facilities have the capacity for the anticipated densities of the R-4 zone, and the property is within one quarter mile of bus stops for Yamhill County Transit.

**GOAL: SATISFIED.****POLICIES: SATISFIED.***Multiple Dwelling Development Policies:*

*86.00 Dispersal of new multi-dwelling housing development will be encouraged throughout the City in areas designated for residential and mixed-use development to encourage a variety of housing types throughout the community and to avoid an undue concentration of multi dwelling development in specific areas of the community leading to a segregation of multi dwelling development in McMinnville from residential neighborhoods. Dispersal policies will be consistent with the Great Neighborhood Principles.*

*In areas where there are the amenities, services, infrastructure and public facilities to support a higher density of multi-dwelling development, and the area is commensurate with a higher concentration of multi-dwelling development without creating an unintended segregation of multi-dwelling development, such as McMinnville’s downtown, the area surrounding Linfield University and Neighborhood Activity Centers, a higher concentration of multi-dwelling development will be encouraged.*

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

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

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

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

**APPLICANT’S RESPONSE:** The subject site is located off NW 2nd Street, a classified minor arterial in the McMinnville TSP with an existing public transit line. This location is ideal for higher density, multi-dwelling developments due to the existing public infrastructure, services, and access. The property is currently vacant with minimal development and topographical limitations, making it ideal for the proposed rezoning to R-4, encouraging a variety of densities and housing types in the greater McMinnville community. Existing services and utilities, including water and sewer, are available to the site with capacity to serve future development.

**FINDING:** The property is located on a minor arterial, is within walking distance to Yamhill County Transit Bus Route 4, has sidewalks constructed along the property’s frontage, and is within walking distance to shopping, greenways, parks and trails. The property is less than one-quarter mile from Commercial (C-3) zoned properties on the corners of 2<sup>nd</sup> Street and Hill Road that provides commercial amenities. The property is also less than one-quarter mile from Quarry Park. Lastly, the properties directly located to the North and East are currently zoned R-4.

**GOAL: SATISFIED.**

**POLICIES: SATISFIED.**

**CHAPTER VI TRANSPORTATION SYSTEM**

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

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

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

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

**APPLICANT’S RESPONSE:** The subject property is located in a part of McMinnville with existing transportation facilities. NW 2nd Street borders the site directly to the south and is constructed to the standards of a minor arterial, with sidewalks, bike lanes, and two lanes of vehicular traffic. The 4 Bus Line operated by Yamhill County Transit runs on NW 2nd Street, with stops near the subject property. There are no anticipated changes

or impacts to the transportation system with the proposed zone change. When the project site is developed in the future with a permitted residential use, all applicable transportation system standards and required improvements will be completed.

**FINDING:** The proposed zone change from R-1 to R-4 should not have significant impacts on the existing transportation network. The City’s guidelines for when a Traffic Impact Analysis has not been met for this zone change application. Traffic analysis may be required at the time of the development if the proposed development would exceed 20 peak hour trips of 200 average daily trips. If specific improvements to the transportation network are found to be necessary, those improvements can be requested or required through applicable City development regulations and standards.

**GOAL: SATISFIED.**

**POLICIES: SATISFIED.**

**CHAPTER VII. COMMUNITY FACILITIES AND SERVICES**

***GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE McMinnville Urban Growth Boundary.***

SANITARY SEWER SYSTEM

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

*137.00 The City of McMinnville shall undertake necessary long-range planning efforts for the sewage system to implement the McMinnville Comprehensive Plan.*

*138.00 The City of McMinnville shall develop, or require development of, sewer system facilities capable of servicing the maximum levels of development envisioned in the McMinnville Comprehensive Plan.*

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

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

**APPLICANT’S RESPONSE:** The subject property is located within the City limits and surrounded by urban development and public services. The property has been previously served with electric, water, and sewer by McMinnville Water and Light, but

was disconnected in July 2021. All services are still available to serve the site from NW 2nd Street where a sanitary sewer main and stormwater main are located. When development is proposed in the future, the applicant will ensure all utilities are sufficiently supported and connected to serve the residential development.

**FINDING:** The subject property has access to all necessary public services, at a level needed for urban development. When given the opportunity to provide comments on the proposed zone change, McMinnville Water and Light did not identify any concerns for utility services. The City’s Engineering Division uses a sanitary sewer capacity model that projects anticipated densities based on zoning designations. The sanitary sewer service is anticipated to meet the necessary levels of service for the R-4 zone. If sewer capacity increases are required, the City may require improvements through applicable standards at the time of development.

**GOAL: SATISFIED.**

**POLICIES: SATISFIED.**

**CHAPTER VIII. ENERGY**

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

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

*179.00 The City of McMinnville shall amend pertinent ordinances to allow for design techniques which increase the efficient utilization of land and energy. Areas to examine shall include, but not be limited to:*

- 1. The zoning ordinance requirements, including density, lot areas, and setbacks to increase utilizable space in lots, while maintaining health and safety standards.*
- 2. The geographic placement of various uses (commercial, industrial, residential) on the Comprehensive Plan Map to encourage energy-efficient locations.*
- 3. The zoning ordinance and planned development provisions to allow for cluster developments, individually owned, common-wall dwellings, and other design techniques that increase utilizable space and offer energy savings.*
- 4. The subdivision and zoning ordinances to encourage energy-efficient design such as proper landscaping for solar heating and cooling, solar orientation of dwellings and other site design considerations.*
- 5. The building codes to encourage energy-efficient residential, commercial, and industrial building design and construction techniques.*

**APPLICANT’S RESPONSE:** The proposed re-zoning of the subject property from R-1 to R-4 will allow for more compact urban development on a site already within the City limits and serviced by existing utilities and streets. Allowing the upzoning and increase in density on the site will allow for more efficient utilization of the land and existing capacity of utilities and the transportation system within the City.

**FINDING:** The proposed zone change to R-4 encourages a more compact development pattern by increasing the maximum density allowed. Locating higher



density development near pedestrian facilities, access to public transit, and commercial land uses may reduce emissions caused by personal vehicles. Additional energy conservation methods may be implemented into the design of the future development.

**GOAL: SATISFIED.**

**POLICIES: SATISFIED.**

## **CHAPTER IX. URBANIZATION**

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

**APPLICANT’S RESPONSE:** The subject site is located inside the city limits and urban growth boundary, and is a vacant residentially zoned property. Rezoning the property will still allow for the land to be used for additional housing needed in the near future. The R-4 zoning designation will allow for more diverse housing options and additional density on the project site.

**FINDING:** Although no development proposal has been submitted as this time, the applicant’s response above contemplates the development of housing in the future. For this reason, it is worth noting that the City’s recently updated Housing Needs Analysis, adopted under Ordinance 5141 on February 27, 2024 outlined McMinnville’s housing needs over a 20-year period of 2021 to 2041. It is forecasted that McMinnville will need 4,657 new dwelling units by 2041. Rezoning properties with low-density residential zoning (R-1/R-2) to moderate and high density residential zoning (R-4/R-5) is one approach to reaching housing targets. Considering that this subject property is currently vacant, it provides a good opportunity to develop at a higher-density, compared to properties with existing structures that may have infill development limitations.

**GOAL: SATISFIED.**

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

### **GREAT NEIGHBORHOOD PRINCIPLES**

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

*187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to*

*neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.*

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

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

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

- 1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.
 
  - a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.**
- 2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.
 
  - a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.**
- 3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.
 
  - a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
  - b. Central parks and plazas shall be used to create public gathering spaces where appropriate.*
  - c. Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.**
- 4. Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.
 
  - a. Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
  - b. Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).**
- 5. Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.
 
  - a. Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all**

- abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
- b. Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*
6. *Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*
- a. Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
  - b. Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*
7. *Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*
- a. To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
  - b. Design practices should strive for best practices and not minimum practices.*
8. *Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
- a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
  - b. Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
  - c. Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*
9. *Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*
- a. Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
  - b. Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
  - c. Neighborhoods are designed such that owning a vehicle can be optional.*
10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*
- a. Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

11. *Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*
  - a. *A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*
12. *Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*
  - a. *Neighborhoods shall have several different housing types.*
  - b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*
13. *Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*
  - a. *Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*
  - b. *Opportunities for public art provided in private and public spaces.*
  - c. *Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood. (Ord 5066 §2, April 9, 2019)*

**APPLICANT'S RESPONSE:** At this time, there is no development proposed on the project site; this application is only for the rezoning of the property from R-1 to R-4. At the time development is proposed, it will be a permitted residential use and comply with all applicable development standards and comprehensive plan policies. This includes providing needed pedestrian access, landscaping, dwelling units, and other site specific principles.

**FINDING:** Findings are outlined below for each of the thirteen (13) "Great Neighborhood Principles":

1. Natural Feature Preservation. There are not any environmentally sensitive or environmentally significant areas that have been identified on the subject property to protect or preserve at this time. Further review will occur at the time of a development proposal.
2. Scenic Views. The subject property does not provide a scenic view of any of the listed attributes (significant natural features, landscapes, vistas, skylines, and other important features).
3. Parks and Open Spaces. The subject property is located near greenways and linear parks. Additional park or open space may be provided on-site at the time of development, in accordance with applicable regulations.
4. Pedestrian Friendly. The property has existing sidewalks along the frontage. Internal walkways will be constructed at the time of development.
5. Bike Friendly: The property has direct access to the existing bike lanes located on NW 2<sup>nd</sup> Street.
6. Connected Streets. NW 2<sup>nd</sup> Street is currently designed to accommodate pedestrians with sidewalks, bicyclist with bike lanes, and transit riders with bus stops. This one (1) acre parcel has limited opportunity to make meaningful

connections to other streets, however, this will be evaluated further at the time of development.

7. Accessibility. At the time of development, the City shall enforce all applicable accessibility requirements on the subject site.
8. Human Scale Design. At the time of development, the City shall require all applicable human-scale design requirements on the subject site.
9. Mix of Activities. This neighborhood currently has neighborhood-serving commercial uses, religious assembly, parks, and other services. The availability of sidewalks, bike lanes, and public transit stops provides residents with an alternative to owning a vehicle.
10. Urban-Rural Interface. Not applicable, because all neighboring properties are within the Urban Growth Boundary.
11. Housing for Diverse Incomes and Generations. The proposed zone change to R-4 expands the housing types and densities allowed. This generally introduces expanded housing options for different income levels and age groups.
12. Housing Variety. The proposed zone change to R-4 expands the housing types and densities allowed. This promotes increased housing variety.
13. Unique and Integrated Design Elements. At the time of development, the subject property may include unique and integrated design elements.

**GOAL: SATISFIED.**

**POLICIES: SATISFIED.**

**CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT**

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

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

***GOAL X 3: TO PERIODICALLY REVIEW AND AMEND THE McMinnville Comprehensive Plan to reflect changes in community circumstances, in citizen desires, and in the statewide goals.***

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

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

**APPLICANT’S RESPONSE:** As part of the land use process, the applicant held a neighborhood meeting to discuss the proposed re-zoning of the site from R-1 to R-4 and public hearings will also be held. All citizen involvement requirements were met with this application.

**FINDING:** The applicant held a neighborhood meeting before submitting this zone change application. Properties within three hundred (300) feet of the subject property received notice of the application and the Planning Commission public hearing. Notice of the application and the Planning Commission public hearing was published in the News Register. The Planning Commission held a public hearing on May 16, 2024.

**GOALS: SATISFIED.**

**POLICIES: SATISFIED.**

### Statewide Planning Goals and Applicable State Law

***Goal 2: Land Use Planning – “To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.”***

**FINDING: SATISFIED.** The decision-making is based on the City’s adopted and acknowledged Comprehensive Plan and Land Use Regulations, including the factual base and procedures. Determination of consistency with the applicable statewide planning goals and associated administrative rules is also based on an adequate factual basis.

***Goal 10: Housing – “To provide for the housing needs of citizens of the state.”***

**FINDING: SATISFIED.** Housing choice and affordability are two key challenges facing both Oregon and McMinnville. The proposed zone change from R-1 to R-4 would expand the residential uses that are allowed on the property. If residential development occurs on the property in the future, the proposed zone change would align with Goal 10. The subject property is designated as Residential in the City’s adopted Comprehensive Plan. The subject property meets the R-4 zoning designation criteria that is established in the Comprehensive Plan policies. The zone change is also consistent with the findings outlined in City’s adopted Housing Needs Analysis.

***Goal 14: Urbanization – “To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”***

**FINDING: SATISFIED.** The subject property is within the Urban Growth Boundary. The proposed zone change promotes a more efficient use of land within an urbanized area by allowing higher densities.



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. ZC 1-24
Date Received 3/7/24
Fee \$5,667.00
Receipt No. 209484
Received by AW

569-24-000060-PLNG

Comprehensive Plan Map Amendment/
Zone Change Application

Applicant Information

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

Applicant Name Hillary Harris, AICP Phone 503-211-1131

Contact Name Phone
(If different than above)

Address 205 SE Spokane Street, Suite 200

City, State, Zip Portland, OR 97202

Contact Email hillaryh@hpr.com

Property Owner Information

Property Owner Name TerraCalc LLC Phone Representative
(If different than above)

Contact Name Kenneth Pannell, Member Phone 503-857-0935

Address 1615 NE Miller Street

City, State, Zip McMinnville, OR 97128

Contact Email kjp@terra-calc.com

Site Location and Description

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

Property Address 2125 NW 2nd Street

Assessor Map No. R4 44 -19AC - 00300 Total Site Area 1 acre

Subdivision Block Lot

Comprehensive Plan Designation Residential Zoning Designation R-4 R-1

This request is for a:

**Comprehensive Plan Amendment**

**Zone Change**

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

The property owner is proposing to rezone the property from R-1 Low Density Residential to R-4 Medium-High Density Residential.

---

---

---

---

---

---

---

---

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

See attached narrative for details (Section 17.74.020).

---

---

---

---

---

---

---

---

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

The site does not have a planned development overlay on it.

---

---

---

---

---

---

---

---



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

A Planned Development is not proposed.

---

---

---

---

---

---

---

---

---

---

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

The existing properties located on the north side of West 2nd Street have been subdivided or consolidated and developed with a broad mix of commercial, institutional, and both single-family and multi-family residential development. The subject site was previously developed as a single-family residence on an acre lot and the proposed upzoning of the site is orderly and consistent with the general development pattern of the area

---

---

---

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

The entire project site is surrounded by high density residential zoning, specifically R-4 and R-2 (although the R-2 zoning directly adjacent to the site is a non-residential use). Hillside, a retirement community of both apartments and single-story active living homes on approximately 57 acres, is directly to the north and east of the site. The general development patterns largely include housing types allowed outright in the R-4 zoning district.

---

---

---

---

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

The site is located within the City limits and surrounded by urban development and public services are already provided. The property has been previously served with electric, water, and sewer by McMinnville Water and Light, but was disconnected in July 2021. All services are still available to serve the site from 2nd Street where a sanitary sewer main and stormwater main are located. See below for a map of each utility.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

Hillary Harris, AICP (HHPR, Inc.)  
Applicant's Signature

March 4, 2024  
Date

Kenneth J Pannell , Member  
Property Owner's Signature

03/04/2024  
Date

**2125 NW 2<sup>nd</sup> Street Rezone  
Land Use Application Narrative & Findings Document  
Zoning Map Amendment**

---

**Owner:** Jay Pannell  
TerraCalc LLC.  
1615 NE Miller Street  
McMinnville, OR 97128

**Planner:** Hillary Harris, AICP  
Harper Houf Peterson Righellis Inc.  
205 SE Spokane Street, Suite 200  
Portland, OR 97202  
hillaryh@hhpr.com  
(503) 221-1131

**Site Address:** 2125 NW 2<sup>nd</sup> Street (4419AC TL 300)

**Parcel Size:** 1 acre

**Zoning Designation:** R-4

**Summary of Request:** The property owner proposes to re-zone the site from R-1 to R-4.

**Date:** March 4, 2024



## TABLE OF CONTENTS

---

<b>I. Project Overview</b>	<b>3</b>
<i>Existing Conditions</i>	3
<i>Zoning Map</i>	3
<i>Vicinity Map</i>	4
<i>Proposal</i>	4
<b>II. Response to Applicable Development and Code Standards</b>	<b>5</b>
<i>Chapter 17.21: R-4 Medium, High-Density, 5000 SF Lot Residential Zone</i>	5
<i>Chapter 17.74: Review Criteria</i>	5
<b>III. Conclusion</b>	<b>8</b>

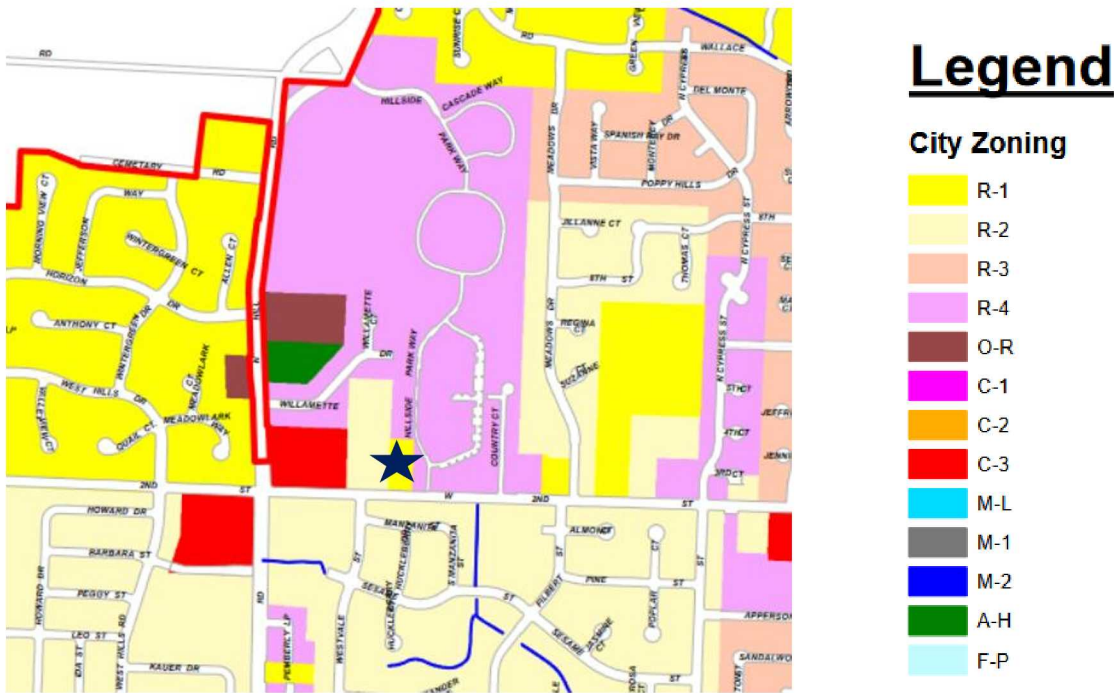


# I. PROJECT OVERVIEW

## EXISTING CONDITIONS

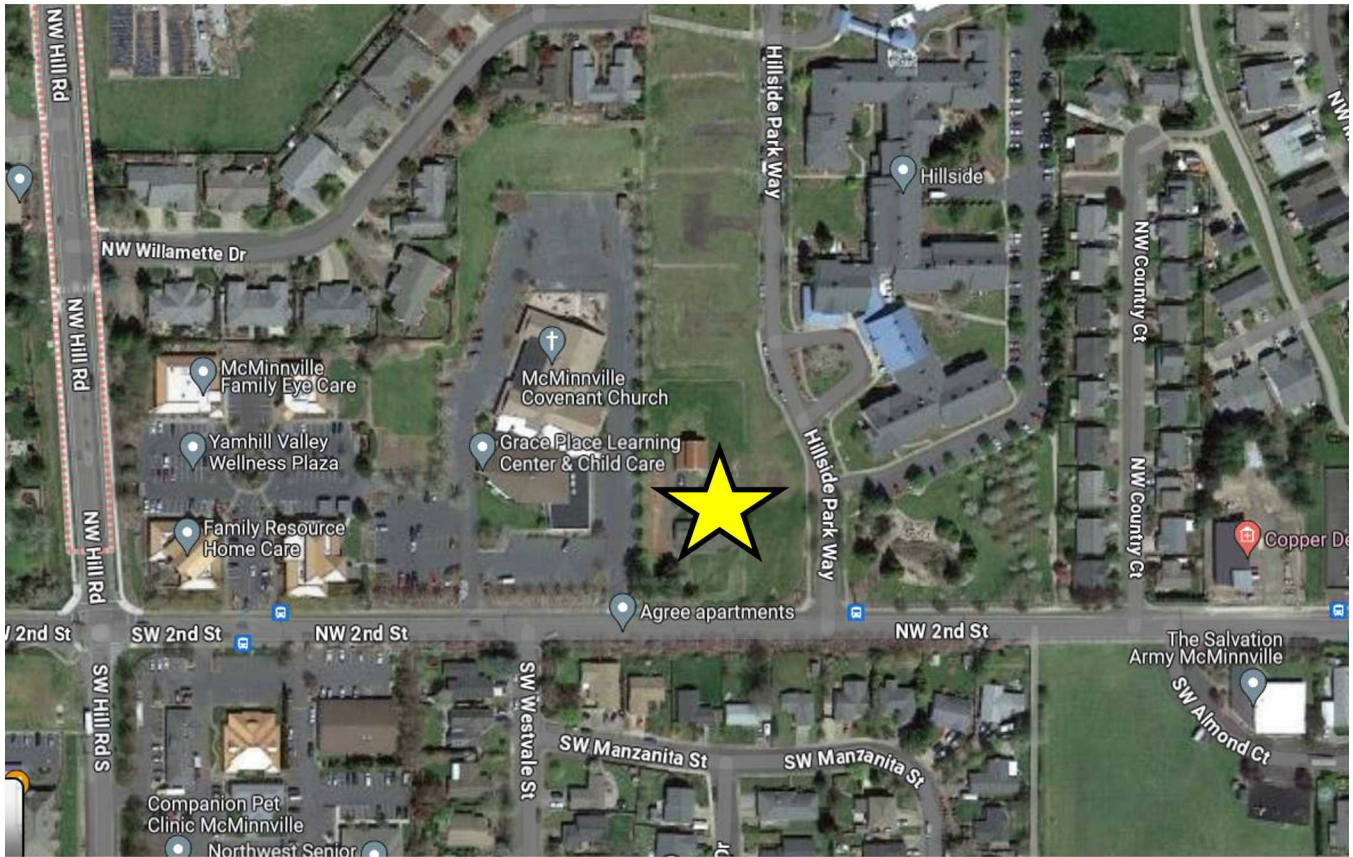
The property is generally located north of West 2<sup>nd</sup> Street and east of NW Hill Road. The property is bordered on the north and east by R-4 zoned land that is developed as the Hillside Community, a retirement community of both apartments and single-story active living homes on approximately 57 acres. The site was previously occupied by a single-family residence and associated outbuildings. The property immediately west is zoned R-2 and developed with the McMinnville Covenant Church. Property south of the subject site is separated from this site by the West 2<sup>nd</sup> Street right-of-way and is also zoned R-2 and developed with single-family homes that back up to the street. Sewer and stormwater are provided by the City of McMinnville and is located along the south property line within the right-of-way. Electricity and water are provided by McMinnville Water and Light. There are overhead powerlines along the site’s frontage with West 2<sup>nd</sup> Street that currently serve the adjacent properties. The site is currently vacant and generally flat with slopes between 1 and 3%. There is one tree located on the property near the driveway. The property is located within the City of McMinnville and already served by all public services the community offers.

## ZONING MAP





## VICINITY MAP



## PROPOSAL

The property owner is proposing to rezone the property from R-1 Low Density Residential to R-4 Medium-High Density Residential.

In the existing zoning district (R-1), single detached dwellings, tiny homes, mobile homes, are allowed with some specifications, and middle housing (including duplexes, triplexes, quadplexes, cottage clusters, and townhomes) are all permitted outright within the zone. Comparably, in the proposed zoning district (R-4), tiny homes and single detached homes are allowed outright, as well as middle housing (including duplexes, triplexes, quadplexes, cottage clusters, and townhomes), apartments, ADU's, and condominiums.

## II. RESPONSE TO APPLICABLE DEVELOPMENT AND CODE STANDARDS

**Note:** Responses to all applicable development standards are included below. Sections that are not applicable or do not require a response may be omitted from the narrative text.

### CHAPTER 17.21: R-4 MEDIUM, HIGH-DENSITY, 5000 SF LOT RESIDENTIAL ZONE

**Response:** This application is only for the change in zoning of the property; there is no development proposed at this time. Any future residential development on the project site will be able to satisfy all dimensional requirements of the R-4 zoning district as required in Chapter 17.21 of the McMinnville Development Code.

### CHAPTER 17.74: REVIEW CRITERIA

#### SECTION 17.74.020: COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE – REVIEW CRITERIA

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

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

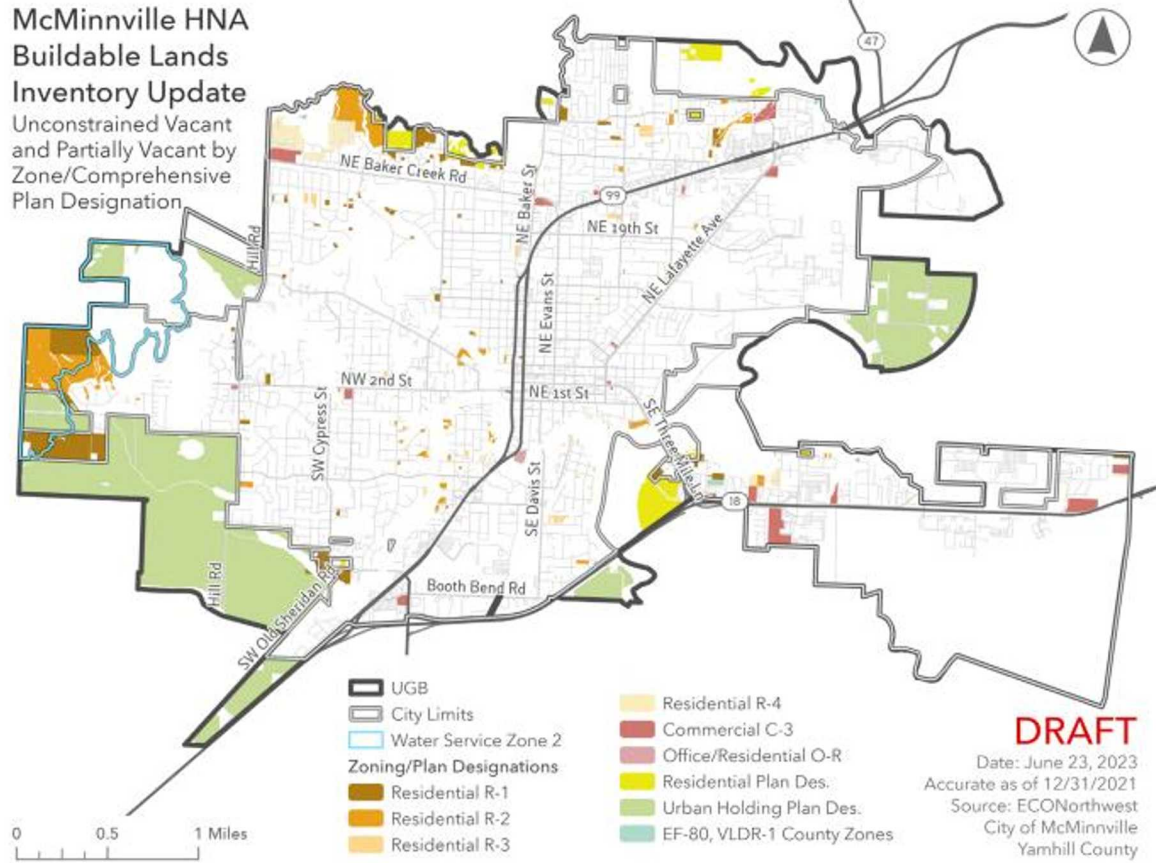
**Response:** Chapter V of the McMinnville Comprehensive Plan focuses on housing and residential development in the City. Goal V 1 this chapter is “to promote the development of affordable, quality housing for all city residents”. Included in this goal are policies focused on providing a variety of housing types and densities (Policy 58.00), as well as opportunities for multiple-family developments to encourage lower-cost renter and owner-occupied housing (Policy 59.00). The upzoning of the subject site from R-1 to R-4 will allow for a wider range of permitted residential development to support Goal V 1 of the Comprehensive Plan.

Goal V 2 of the Comprehensive Plan is “to promote a residential development pattern that is land intensive and energy-efficient, that provides for all urban level of public and private services, and that allows unique and innovative development techniques to be employed in residential design”. Included in this goal are policies that encourage the rezoning of properties to achieve a continuous five-year supply of buildable lands and zoned for all needed housing types (Policy 71.05). The City of McMinnville’s most recent Draft Housing Needs Analysis (HNA) estimates that the City will need to add 4,657 dwelling units by 2041 to accommodate its projected growth in population, with 33% of these new units being for multi-family development. Based on these estimates, the HNA projects that the City of McMinnville does not have enough land to accommodate the needed housing, with a deficit of 1,101 dwelling units. Approving the upzoning of the subject site from R-1 to R-4 will allow for additional density on site that is already served with utilities and urban services and will help accommodate the needed housing in McMinnville.

Exhibit 1 in the Housing Needs Analysis (Draft) shows the City of McMinnville’s buildable lands inventory, including unconstrained vacant land. The project site is highlighted on this map with potential for development that is both within the City limits and urban growth boundary. See below for Exhibit 1.



**Exhibit 1: Buildable Acres (Unconstrained Portions of Vacant and Partially Vacant Parcels with Development Capacity by zone), McMinnville UGB, 2023**



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

**Response:** When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map. However, the existing properties located on the north side of West 2<sup>nd</sup> Street have been subdivided or consolidated and developed with a broad mix of commercial, institutional, and both single-family and multi-family residential development. The subject site was previously developed as a single-family residence on an acre lot and the proposed upzoning of the site is orderly and consistent with the general development pattern of the area.

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

**Response:** The site is located within the City limits and surrounded by urban development and public services are already provided. The property has been previously served with electric, water, and sewer by McMinnville





Water and Light, but was disconnected in July 2021. All services are still available to serve the site from 2<sup>nd</sup> Street where a sanitary sewer main and stormwater main are located. See below for a map of each utility.

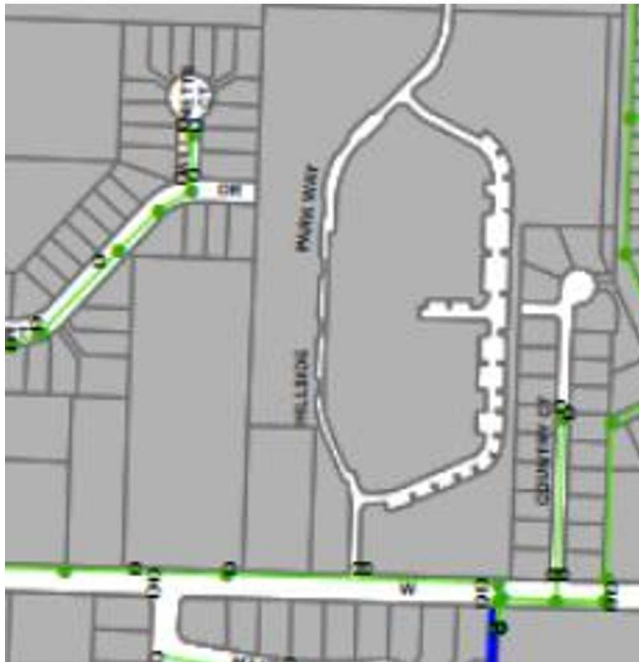
Sanitary Sewer:



**Legend**

- Sanitary Force Mains
  - Sanitary Manholes
  - Sanitary Mainlines
  - Tax Lots
- City Limits**
- Municipality**
- City
  - County

Sanitary Stormwater:



**Legend**

- Storm Manholes
  - Storm Mains
- Inlet/Outlet**
- Type**
- Inlet
  - Outfall
  - Catch Basins
- Tax Lots
- City Limits**
- Municipality**
- City
  - County

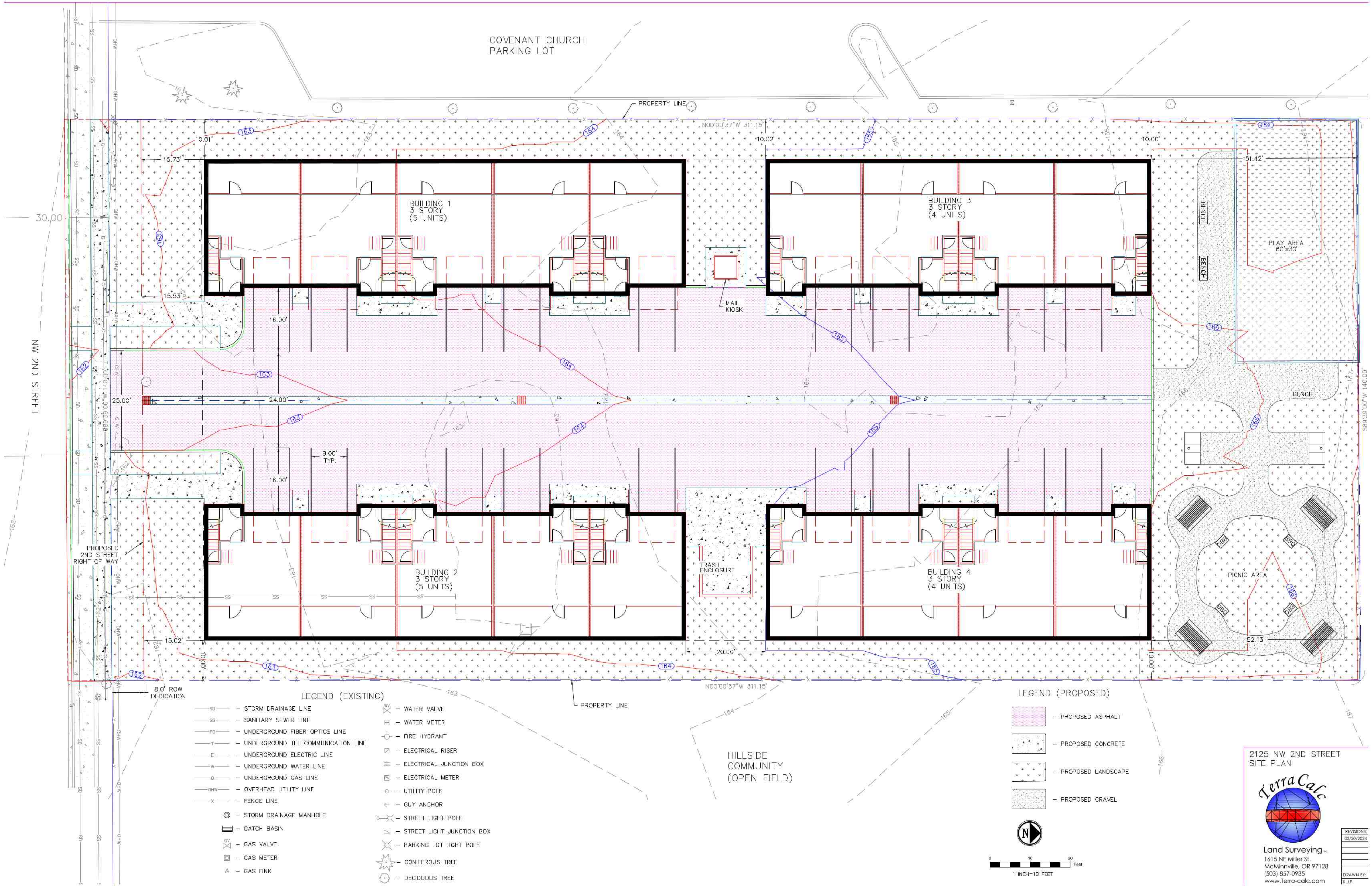


### III. CONCLUSION

This written statement and the accompanying supporting documents demonstrate compliance with the applicable approval criteria for a Zoning Map Amendment in the City of McMinnville. Therefore, the applicant respectfully requests that the County approve the application.







2125 NW 2ND STREET  
SITE PLAN

**TerraCalc**  
Land Surveying

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

REVISIONS:  
09/20/2024

DRAWN BY:  
K.J.P.



# EXHIBIT A

LEGAL DESCRIPTION:

REAL PROPERTY IN THE COUNTY OF YAMHILL, STATE OF OREGON, DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARTITION PLAT 90-14, RECORDED MAY 29, 1990 IN VOLUME 3, PAGE 4, PLAT RECORDS OF YAMHILL COUNTY, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PART OF THE SOLOMON BEERY DONATION LAND CLAIM NO. 54 IN SECTION 19, TOWNSHIP 4 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 2"X36" GALVANIZED IRON PIPE SET 6 INCHES BELOW GROUND AT THE INTERSECTION OF THE NORTH LINE MARGIN OF SECOND STREET AND THE WEST LINE OF THE SQUIRES TRACT, AS DESCRIBED IN FILM VOLUME 223, PAGE 2224, DEED AND MORTGAGE RECORDS, SAID BEGINNING POINT ALSO BEING 2025.62 FEET SOUTH 89°39' WEST AND NORTH 00°00'37" WEST, 30 FEET FROM THE NORTHWEST CORNER OF THE S. F. STAGG DONATION LAND CLAIM NO. 55 IN SAID TOWNSHIP AND RANGE; THENCE NORTH 00°00'37" WEST 311.15 FEET TO A 5/8" IRON ROD; THENCE NORTH 89°39' EAST, 140.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 00°00'37" EAST, 311.15 FEET TO A 5/8" IRON ROD SET ON THE NORTH MARGIN OF WEST SECOND STREET; THENCE SOUTH 89°39' WEST ALONG THE NORTH MARGIN OF WEST SECOND STREET TO THE POINT OF BEGINNING.



## MEMORANDUM

DATE: February 14, 2024

TO: Jay Pannell | TerraCalc LLC

FROM: Jenna Bogert, P.E. | DKS Associates

SUBJECT: McMinnville 2125 NW 2<sup>nd</sup> Street Rezone  
Transportation Planning Rule Analysis



Project #P24677-000

This memorandum presents the findings of an evaluation of potential traffic impacts associated with a proposed comprehensive plan amendment and zone change at 2125 NW 2<sup>nd</sup> Street (4419AC TL 300) in McMinnville, Oregon. The owner desires to rezone the 1-acre property from Single-Family Residential (R-1) to Multiple-Family Residential (R-4).

The subject property is currently vacant. The zone change will allow the property owner to construct multifamily townhome units, which are permitted under R-4 zoning but not under R-1 zoning.

The proposed zone change must be in accordance with Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses. The definition of a significant effect can vary by jurisdiction and no such definition is provided in the McMinnville code. According to the Oregon Highway Plan (OHP)<sup>1</sup>, a net increase of 400 daily trips qualifies as a significant effect on a state highway facility. This definition is also commonly applied to local roadways when the governing local agency does not provide an alternate definition.

This memorandum documents the expected trip generation of the reasonable worst-case development potential under the existing and proposed zoning, and whether the proposed zone change will create a significant effect on the transportation system.

<sup>1</sup> Action 1F.5, Oregon Highway Plan, Oregon Department of Transportation, Updated May 2015.

## EXISTING ZONING (R-1) TRIP GENERATION

Under the existing Single-Family Residential (R-1) zoning, there is a limited number of permitted land uses,<sup>2</sup> including the ones listed below:

- Single family homes
- Duplexes
- Child Care Center
- Public Park

Listed in Table 1 are the permitted land uses that could reasonably be developed on the 1-acre parcel under the R-1 zoning. The trip generation rates shown are the average rates from ITE Trip Generation Manual, 11th Edition.<sup>3</sup>

**TABLE 1: TRIP GENERATION RATES FOR PERMITTED LAND USES UNDER R-1 ZONING**

LAND USE (ITE CODE)	UNITS	WEEKDAY TRIP GENERATION RATES		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
SINGLE FAMILY DETACHED HOME (210)	Dwelling Units	9.43	0.70	0.94
SINGLE FAMILY ATTACHED HOME - DUPLEX (212)	Dwelling Units	7.20	0.48	0.57
DAYCARE (565)	KSF <sup>a</sup>	47.62	11.00	11.12

<sup>a</sup> KSF = Thousand Square Feet

The reasonable worst-case development under R-1 zoning is a child daycare center. As shown in Table 2, a child daycare center could generate up to 238 daily trips, 55 AM peak hour trips, and 56 PM peak hour trips.

**TABLE 2: REASONABLE WORST-CASE TRIP GENERATION FOR EXISTING R-1 ZONING**

LAND USE (ITE CODE)	SIZE	TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
DAYCARE (565)	3 KSF	143	33	33

<sup>a</sup> KSF = Thousand Square Feet

<sup>2</sup> <https://mcminnville.municipal.codes/MMC/17.12.010>

<sup>3</sup> Trip Generation Manual, 11th Edition, Institute of Transportation of Engineers, 2021.

## PROPOSED ZONING (R-4) TRIP GENERATION

Under the proposed Multiple-Family Residential (R-4) zoning, a variety of permitted land uses could be developed on the 1-acre property.<sup>4</sup> For the purposes of identifying the reasonable worst case trip generation for the proposed R-4 zoning, only the highest trip generation land uses that can be built on a 1-acre parcel were considered. This includes:

- Single family housing
- Duplexes
- Multifamily housing
- Child care center
- Public park

A summary of the trip generation rates for different land uses permitted under the proposed R-4 zoning are presented in Table 3.

**TABLE 3: TRIP GENERATION RATES FOR PERMITTED LAND USES UNDER R-4 ZONING**

LAND USE (ITE CODE)	UNITS	TRIP GENERATION RATES		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
<b>SINGLE FAMILY DETACHED HOME (210)</b>	Dwelling Units	9.43	0.70	0.94
<b>SINGLE FAMILY ATTACHED HOME - DUPLEX (215)</b>	Dwelling Units	7.20	0.48	0.57
<b>MULTIFAMILY HOUSING (220)</b>	Dwelling Units	6.74	0.40	0.51
<b>DAYCARE (565)</b>	KSF <sup>a</sup>	47.62	11.00	11.12

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

Of the land uses listed above, the reasonable worst-case development potential for the 1-acre subject property would be 29 multifamily units based on the maximum density permitted in the City code.<sup>5</sup> As shown in Table 4, this could generate up to 195 daily trips, 12 AM peak hour trips, and 15 PM peak hour trips.

<sup>4</sup> <https://mcminnville.municipal.codes/MMC/17.21>

<sup>5</sup> Based on City code, the maximum density permitted is 1 family per 1,500 square feet for units with two-bedrooms or less.



**TABLE 4: REASONABLE WORST-CASE TRIP GENERATION FOR PROPOSED R-4 ZONING**

LAND USE (ITE CODE)	SIZE	TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
MULTIFAMILY HOUSING (220)	29 Dwelling Units	195	12	15

Comparing the reasonable worst-case vehicle trip generation from Table 2 and Table 4 shows that there is a net **increase of 52 weekday trips** and net **decrease of 21 AM peak hour trips and 18 PM peak hour trips** that would result from rezoning the subject property from R-1 zoning to R-4 zoning.

**TRANSPORTATION PLANNING RULE FINDINGS AND SUMMARY**

The applicant is requesting a zone change for a 1-acre parcel located at 2125 NW 2<sup>nd</sup> Street (4419AC TL 300) in McMinnville, Oregon. The owner desires to rezone the property from Low-Density Residential (R-1) to Medium/High-Density Residential (R-4). The proposed zone change would result in a net increase of 52 weekday trips and net decrease of 21 AM peak hour trips and 18 PM peak hour trips based on reasonable worst-case development scenarios.

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

Based on the reasonable worst-case trip generation evaluation, the proposed zone change would result in a net increase of less than 400 daily trips. This daily trip threshold is not an adopted threshold by the City of McMinnville, but is the threshold for defining a significant effect on a state highway facility. It is reasonable to apply this threshold to local streets where adopted thresholds do not exist, which is the case for the City of McMinnville. Based on this, it can be concluded that the proposed zone change will not have a significant impact and would cause “no further degradation” to the surrounding transportation system. Therefore, this request complies with TPR requirements.

Please let me know if you have any questions or comments.



**Neighborhood Meeting for the Rezoning of 2125 NW 2<sup>nd</sup> Street**  
**Meeting Minutes**  
**February 28, 2024**

---

**Summary**

The meeting began several minutes after 6pm with approximately 20 people in attendance. Hillary Harris (planner from HHPR) began the meeting with a short introduction of herself and the project, with emphasis that this application is specifically for the rezoning of the property from R1 to R4 and there was no development at this time. When development was proposed, the property owner will go through all of the applicable permitting and noticing requirements for a site plan/design review.

The beginning of the meeting was focused on questions regarding the differences allowed between the R-1 and the R-4 zoning district. Hillary explained the differences in permitted uses, density, allowed building height, and setbacks based on Chapters 17.12 and 17.21 of the McMinnville Zoning Ordinance. Some of the biggest questions were why the zone change was needed; Hillary explained that it provided more flexibility and options for what the property owner could development the site with.

A majority of the meeting was spent addressing questions on the hypothetical future development and what requirements would be applicable to the site. Many questions and concerns revolved around how many units would be placed on the site, what kind of construction it would be, articulation/design elements of the future building, building height, setbacks towards Hillside, any fencing and landscaping that would be required between the property and Hillside, off-street parking requirements, and if a traffic study would be conducted. As most of these are unknown at the time of the rezoning request, they were answered by referencing what was allowed in the R-4 zone and how the site would be required to go through City review when development was proposed.

The meeting ended with Hillary providing her contact information to the meeting attendees and having sign-in sheets available for follow up questions or comments (see attached sheet).

**Common Concerns and Comments**

- Type of housing that will be provided.
- Future density of the site and how many new dwellings will be added to the neighborhood.
- Landscaping and buffering requirements and visual impact from existing homes within Hillside.
- Height of future development.
- Off-street parking and traffic impacts in the future.

To: Property Owner and/or Current Resident

Subject: Upcoming Neighborhood Meeting



Harper Houf Peterson Righellis Inc.

ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS  
205 SE Spokane Street, Suite 200, Portland, OR 97202  
PHONE: 503.221.1131 www.hhpr.com FAX: 503.221.1171

You are receiving this letter because you live within 100 feet of the property located at 2125 NW 2<sup>nd</sup> Street. The property owner, along with Harper Houf Peterson Righellis, is proposing to re-zone the site from R-1 to R-4. To further discuss this proposal, a neighborhood meeting will be held open to the surrounding property owners. Please see the below information about the meeting and site location.

Date: February 28, 2024

Time: 6pm to 7pm

Location: McMinnville Covenant Church (2155 NW 2<sup>nd</sup> Street)



*Hillary Harris*

Hillary Harris, AICP  
Harper Houf Peterson Righellis, Inc.  
(503) 523-8939

McMinnville Covenant Church  
2155 NW 2<sup>nd</sup> Street  
McMinnville, OR 97128

Tomas Castaneda and  
Evangelina Gaspar  
2041 SW Manzanita Street  
McMinnville, OR 97128

Arcelia Zavala and  
Roberto Gonzalez  
2255 Taylor Avenue  
Santa Rosa, CA 95404

Davies Family Trust  
1600 NE 9<sup>th</sup> Street  
McMinnville, OR 97128

Shanya Luther  
1979 SW Manzanita Street  
McMinnville, OR 97128

Specialized Housing Inc.  
4140 SW 109<sup>th</sup> Avenue  
Beaverton, OR 97005

HG Hillside, LLC  
c/o Humangood, Bethany Ghassemi  
1900 Huntington Drive  
Duarte, CA 91010

City of McMinnville Planning  
231 NE 5<sup>th</sup> Street  
McMinnville, OR 97128

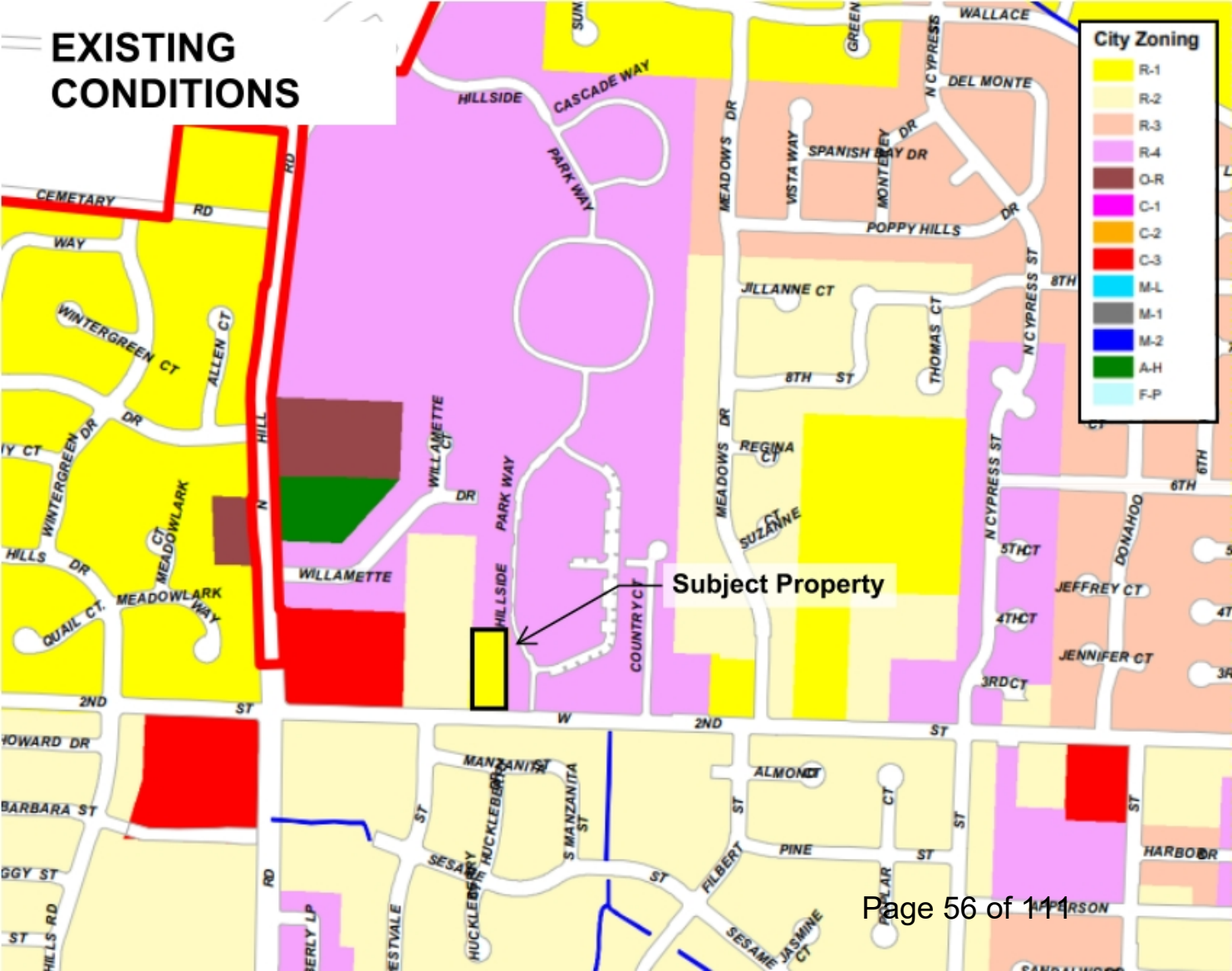






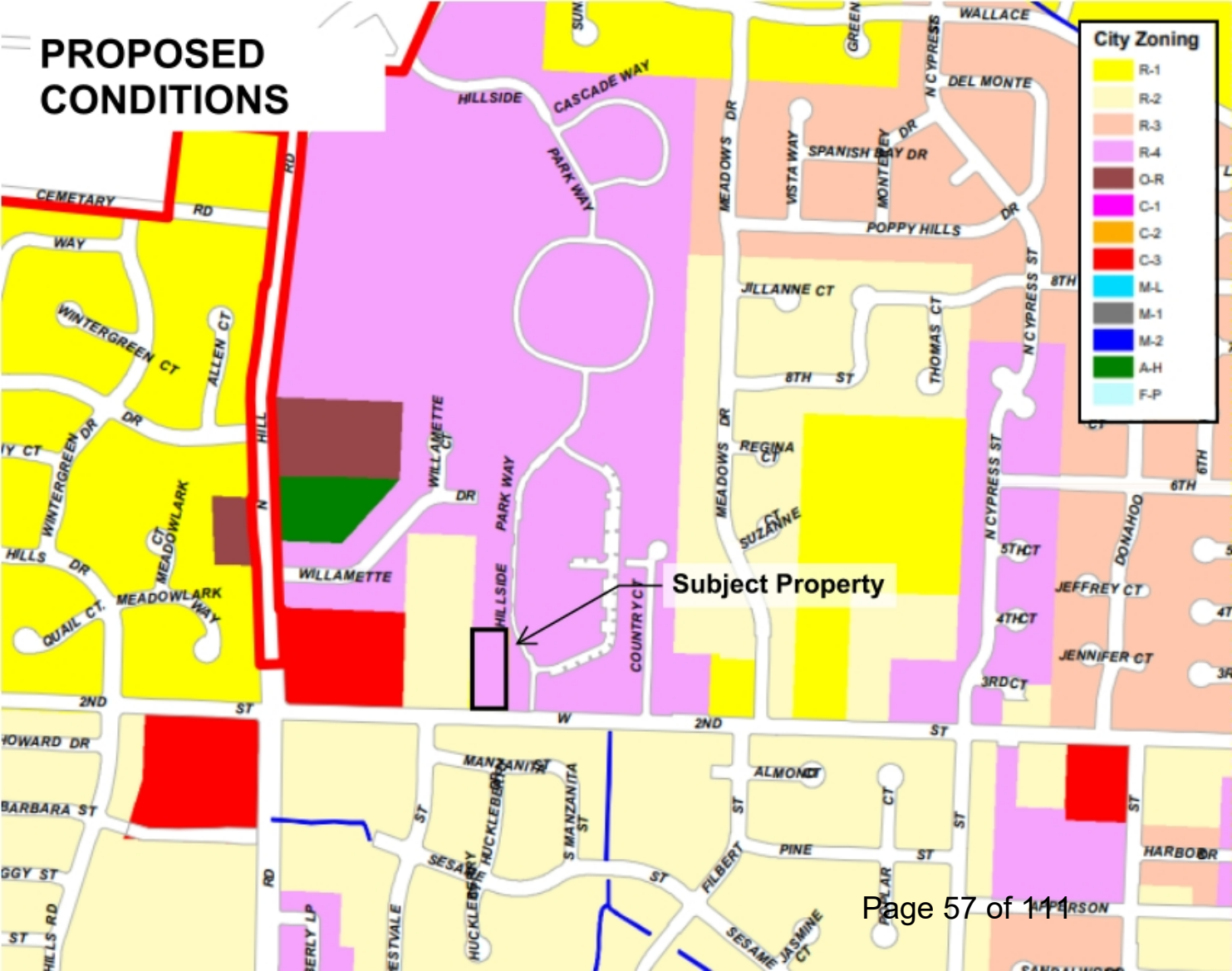
Name	Phone Number / Email	Question/Comment
TERRY OLSON	503 472-5994	CITY APPROVALS, MTGS
Trisha House	503 437-1822	amount of parking (why R4)
Barry House	971 241 0098	Parking?
Chris Heinrich	503-459-2300	Follow-up & keep me in the loop of what are. Next steps
Barry Brown	971-678-5765	Cov. Church
Rick Jordan	971-312-1797 richard.jordan@human gold.org	Keep updated on future meetings
Denise Murphy	503-474-9745 2emba1@mac.com	request mitigation on east side (Hillside) in terms of landscaping/architectural design.
Jim Givens	818-425-0056 jimgivens5@gmail.com	

# EXISTING CONDITIONS



Subject Property

# PROPOSED CONDITIONS



**Neighborhood Meeting for the Rezoning of 2125 NW 2<sup>nd</sup> Street**  
**Meeting Minutes**  
**February 28, 2024**

---

**Summary**

The meeting began several minutes after 6pm with approximately 20 people in attendance. Hillary Harris (planner from HHPR) began the meeting with a short introduction of herself and the project, with emphasis that this application is specifically for the rezoning of the property from R1 to R4 and there was no development at this time. When development was proposed, the property owner will go through all of the applicable permitting and noticing requirements for a site plan/design review.

The beginning of the meeting was focused on questions regarding the differences allowed between the R-1 and the R-4 zoning district. Hillary explained the differences in permitted uses, density, allowed building height, and setbacks based on Chapters 17.12 and 17.21 of the McMinnville Zoning Ordinance. Some of the biggest questions were why the zone change was needed; Hillary explained that it provided more flexibility and options for what the property owner could development the site with.

A majority of the meeting was spent addressing questions on the hypothetical future development and what requirements would be applicable to the site. Many questions and concerns revolved around how many units would be placed on the site, what kind of construction it would be, articulation/design elements of the future building, building height, setbacks towards Hillside, any fencing and landscaping that would be required between the property and Hillside, off-street parking requirements, and if a traffic study would be conducted. As most of these are unknown at the time of the rezoning request, they were answered by referencing what was allowed in the R-4 zone and how the site would be required to go through City review when development was proposed.

The meeting ended with Hillary providing her contact information to the meeting attendees and having sign-in sheets available for follow up questions or comments (see attached sheet). At this time there were no changes made to the proposed zone change, but many of the comments will be taken into account when the property owner submits a development permit since that would be the appropriate place to address attendees questions and concerns.

**Common Concerns and Comments**

- Type of housing that will be provided.
- Future density of the site and how many new dwellings will be added to the neighborhood.



- Landscaping and buffering requirements and visual impact from existing homes within Hillside.
- Height of future development.
- Off-street parking and traffic impacts in the future.

## **CHAPTER II. NATURAL RESOURCES**

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

**APPLICANT'S RESPONSE:** The proposed zone change will have no anticipated impact to the air, water, and land resources in and around the subject property. When development is proposed on the project site, it will be with a permitted use in the R-4 zone and will comply with all applicable standards to optimize preservation of the air, water, and land resources in the area.

## **CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT**

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

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

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

**APPLICANT'S RESPONSE:** The proposed zone change will provide more opportunity for a variety of housing types and densities on the subject property than are available with the current R-1 zoning under the McMinnville Zoning Ordinance. An R-4 zoning on the site will allow for a wider range of permitted residential development, including multiple dwelling developments that will encourage lower-cost renter and owner-occupied housing.

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

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

70.00 The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.

71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so

designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

71.06 Low Density Residential Development (R-1 and R-2) Low-density residential development should be limited to the following:

1. Areas which are committed to low density development and shown on the buildable lands inventory as “developed” land;
2. Areas where street facilities are limited to collector and local streets;
3. Areas with mapped development limitations such as steep slopes, floodplains, stream corridors, natural drainageways, and wetlands; and
4. Areas with limited capacity for development identified in approved facility master plans, including sanitary sewer, water, drainage, and transportation facilities, unless such plans specify funded and scheduled improvements which will alleviate the problem and which can be provided concurrent with adequate capacity for the use.

71.07 The R-1 zoning designation shall be applied to limited areas within the McMinnville urban growth boundary. These include:

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

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

1. Areas that are not committed to low density development;
2. Areas that have direct access from collector or arterial streets; or a local collector street within 600’ of a collector or arterial street;
3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;
4. Areas where the existing facilities have the capacity for additional development;
5. Areas within one-quarter mile of existing or planned public transportation.

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

1. The density of development in areas historically zoned for medium and high density development;
2. The topography and natural features of the area and the degree of

- possible buffering from established low density residential areas;
3. The capacity of the services;
  4. The distance to existing or planned public transit;
  5. The distance to neighborhood or general commercial centers; and
  6. The distance from public open space.

**APPLICANT'S RESPONSE:** Low Density Residential zones (including R-1, the current zoning district for the property) should be limited to properties that only have access to low classified streets, have steep slopes or other topographical constraints, or have limited service availability. Alternatively, Medium and Medium-High Density Residential (including R-4, the zoning district for the property) should be a majority of the residential lands in the City to allow for higher density, including those properties with direct access from an arterial, with no topographical constraints, and with existing service capacity.

The subject property is designated Residential in the McMinnville Comprehensive plan, which allows for all residential classifications (R-1 to R-4) to be zoned on the site. The project site takes access from NW 2<sup>nd</sup> Street, a classified minor arterial in the McMinnville Transportation Systems Plan (TSP). The subject property is relatively flat with no existing topographical or development constraints, and services are available to serve the site for development from NW 2<sup>nd</sup> Street. Rezoning the subject site from R-1, a Low Density Residential zone, to R-4, a Medium-High Residential zone, is aligned with Goal V 2 of the McMinnville Comprehensive Plan.

**Multiple Dwelling Development Policies:**

86.00 Dispersal of new multi-dwelling housing development will be encouraged throughout the City in areas designated for residential and mixed-use development to encourage a variety of housing types throughout the community and to avoid an undue concentration of multi dwelling development in specific areas of the community leading to a segregation of multi dwelling development in McMinnville from residential neighborhoods. Dispersal policies will be consistent with the Great Neighborhood Principles.

In areas where there are the amenities, services, infrastructure and public facilities to support a higher density of multi-dwelling development, and the area is commensurate with a higher concentration of multi-dwelling development without creating an unintended segregation of multi-dwelling development, such as McMinnville's downtown, the area surrounding Linfield University and Neighborhood Activity Centers, a higher concentration of multi-dwelling development will be encouraged.

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

91.00 Multiple dwelling housing developments, including condominiums, but excluding campus living quarters, shall be required to access off of arterials or

collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development.

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

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

**APPLICANT'S RESPONSE:** The subject site is located off NW 2<sup>nd</sup> Street, a classified minor arterial in the McMinnville TSP with an existing public transit line. This location is ideal for higher density, multi-dwelling developments due to the existing public infrastructure, services, and access. The property is currently vacant with minimal development and topographical limitations, making it ideal for the proposed rezoning to R-4, encouraging a variety of densities and housing types in the greater McMinnville community. Existing services and utilities, including water and sewer, are available to the site with capacity to serve future development.

## **CHAPTER VI TRANSPORTATION SYSTEM**

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

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

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

132.40.00 Mobility standards will be used to evaluate the transportation impacts of long-term growth. The City should adopt the intersection mobility standards as noted in Chapter 2 of the Transportation System Plan.

**APPLICANT'S RESPONSE:** The subject property is located in a part of McMinnville with existing transportation facilities. NW 2<sup>nd</sup> Street borders the site directly to the south and is constructed to the standards of a minor arterial, with sidewalks, bike lanes, and two lanes of vehicular traffic. The 4 Bus Line operated by Yamhill County Transit runs on NW 2<sup>nd</sup> Street, with stops near the subject property. There are no anticipated changes or impacts to the transportation system with the proposed zone change. When the project

site is developed in the future with a permitted residential use, all applicable transportation system standards and required improvements will be completed.

## **CHAPTER VII. COMMUNITY FACILITIES AND SERVICES**

**GOAL VII 1: TO PROVIDE NECESSARY PUBLIC AND PRIVATE FACILITIES AND UTILITIES AT LEVELS COMMENSURATE WITH URBAN DEVELOPMENT, EXTENDED IN A PHASED MANNER, AND PLANNED AND PROVIDED IN ADVANCE OF OR CONCURRENT WITH DEVELOPMENT, IN ORDER TO PROMOTE THE ORDERLY CONVERSION OF URBANIZABLE AND FUTURE URBANIZABLE LANDS TO URBAN LANDS WITHIN THE MCMINNVILLE URBAN GROWTH BOUNDARY.**

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

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

**APPLICANT'S RESPONSE:** The subject property is located within the City limits and surrounded by urban development and public services. The property has been previously served with electric, water, and sewer by McMinnville Water and Light, but was disconnected in July 2021. All services are still available to serve the site from NW 2<sup>nd</sup> Street where a sanitary sewer main and stormwater main are located. When development is proposed in the future, the applicant will ensure all utilities are sufficiently supported and connected to serve the residential development.

## **CHAPTER VIII. ENERGY**

### ***ENERGY CONSERVATION***

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

*Policies:*

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

179.00 *The City of McMinnville shall amend pertinent ordinances to allow for design techniques which increase the efficient utilization of land and energy. Areas to examine shall include, but not be limited to:*

1. *The zoning ordinance requirements, including density, lot areas, and setbacks to increase utilizable space in lots, while maintaining health and safety standards.*
2. *The geographic placement of various uses (commercial, industrial, residential) on the Comprehensive Plan Map to encourage energy-efficient locations.*
3. *The zoning ordinance and planned development provisions to allow for cluster developments, individually owned, common-wall dwellings, and other design techniques that increase utilizable space and offer energy savings.*
4. *The subdivision and zoning ordinances to encourage energy-efficient design such as proper landscaping for solar heating and cooling, solar orientation of dwellings and other site design considerations.*
5. *The building codes to encourage energy-efficient residential, commercial, and industrial building design and construction techniques.*

**APPLICANT'S RESPONSE:** The proposed re-zoning of the subject property from R-1 to R-4 will allow for more compact urban development on a site already within the City limits and serviced by existing utilities and streets. Allowing the upzoning and increase in density on the site will allow for more efficient utilization of the land and existing capacity of utilities and the transportation system within the City.

## **CHAPTER IX. URBANIZATION**

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

**APPLICANT'S RESPONSE:** The subject site is located inside the city limits and urban growth boundary, and is a vacant residentially zoned property. Rezoning the property will still allow for the land to be used for additional housing needed in the near future. The R-4 zoning designation will allow for more diverse housing options and additional density on the project site.

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

## ***GREAT NEIGHBORHOOD PRINCIPLES***

*Policies:*

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

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

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

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

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

- 1. Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.
  - a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.**
- 2. Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.
  - a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.**
- 3. Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.
  - a. Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.**



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

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

**APPLICANT'S RESPONSE:** At this time, there is no development proposed on the project site; this application is only for the rezoning of the property from R-1 to R-4. At the time development is proposed, it will be a permitted residential use and comply with all applicable development standards and comprehensive plan policies. This includes providing needed pedestrian access, landscaping, dwelling units, and other site specific principles.

**CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT**

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

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

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

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

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

**APPLICANT'S RESPONSE:** As part of the land use process, the applicant held a neighborhood meeting to discuss the proposed re-zoning of the site from R-1 to R-4 and public hearings will also be held. All citizen involvement requirements were met with this application.

## **EXHIBIT 2 - STAFF REPORT**

**DATE:** May 16, 2024  
**TO:** Planning Commission Members  
**FROM:** Taylor Graybehl, Senior Planner  
**SUBJECT:** Docket VR 1-24 (Previously AV 1-24)  
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 is an action item to vote on the decision and conclusionary findings for a variance at 1768 NW Woodland Drive, Tax Lot R4428 DB01200. The variance would reduce the required rear yard setback to allow for an attached unenclosed covered patio within nine (9) feet of the rear property line.

The Planning Commission previously reviewed this proposal as an administrative variance (AV 1-24) at a public hearing on April 4, 2024. Following the distribution of the Planning Commission packet, a legal determination was issued that found the proposed patio was subject to base zoning setback standards and not reduced accessory setback as discussed within the Planning Commission packet.

The Planning Commission conducted a public hearing on April 4, 2024 to consider an administrative variance application (AV 1-24). After closing the public hearing and deliberating, the Planning Commission directed staff to draft a decision document and findings for a variance for them to consider at a future meeting. Per the McMinnville City Code 17.72.130(C)(3), the Planning Commission has 45 days to vote on findings and a decision after closing a public hearing.

The Planning Commission will make the final decision on the application. A final decision of the Planning Commission may be appealed to the City Council as provided in Section 17.72.180 of the Zoning Ordinance.

## **Background:**

### ***Request***

The applicant applied for an administrative variance requesting that the rear yard property line setback encroachment be reduced from 10' to 9' to build an unenclosed covered outdoor patio attached to their residential property. This would have been a 10% reduction which is allowed as an administrative variance.

However, when surrounding property owners were notified of the application, one property owner responded with comments requesting a public hearing and challenging the City's interpretation of 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."

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:

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.

Staff consulted legal counsel who agreed with the public comment.

At the public hearing, staff presented this discussion to the Planning Commission. Staff also showed a map indicating that a majority of homes on the same block also had non-conforming accessory structures based on the new interpretation of the code.

After closing the public hearing, the Planning Commission deliberated and decided that based on the conditions of other properties on the same block that the City would issue a variance to the applicant, and directed staff to return with findings for a variance to reduce the required rear yard setback. The decision document attached to this staff report provides the criteria that should be used for rendering a decision on this land-use application.

## **Discussion:**

The applicant is requesting that the rear yard property line setback encroachment of the attached unenclosed cover deck be reduced from twenty (20) feet to nine (9) feet, a reduction of eleven (11) feet. The rear yard property typically requires a twenty (20) foot setback as defined in MMC 17.15.040(B).

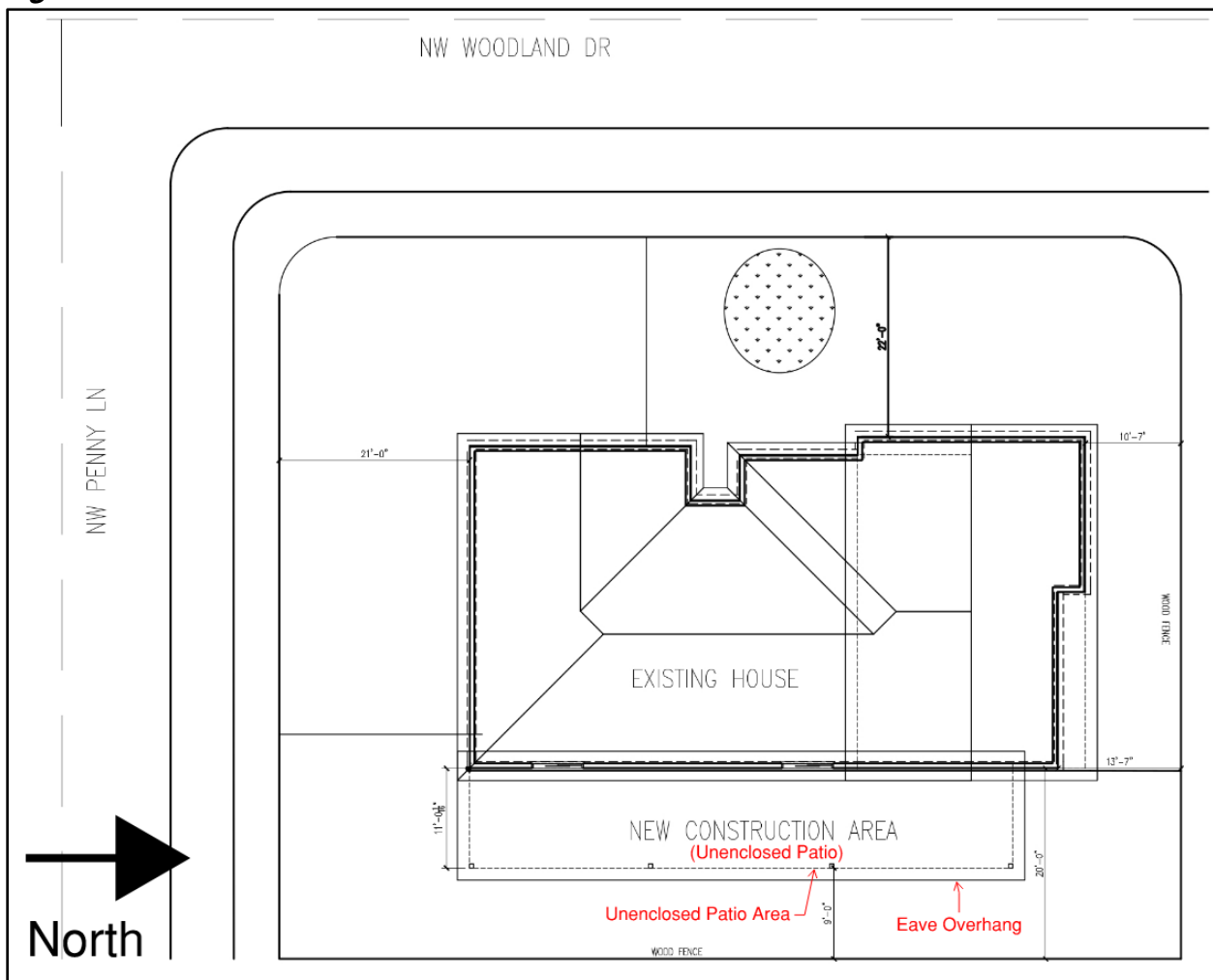
MMC 17.74.100 allows the Planning Commission to authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary

hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

The proposed variance is necessary to preserve a property right to place an attached unenclosed covered patio substantially the same as properties within the same zone and vicinity due to the subject property's unique lot shape and setbacks. Other neighbors and properties within the R-2 zone have attached unenclosed covered patios, which intrude into the rear yard setback, so this is not unusual.

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. 4789<sup>1</sup>. **See Figure 1: Site Plan.**

**Figure 1. Site Plan**



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

## ***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 an attached unenclosed 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, including attached unenclosed covered patios. The proposed application would not be materially detrimental to properties within the R-2 zone or neighboring property owners.

#### Size of Structure

Surrounding property owners have expressed concern that the proposed patio is too large and will block sunlight and viewsheds. 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. The proposed application would not be materially detrimental to properties within the R-2 zone or neighboring property owners.



### 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. The revised application now requests a reduced rear yard setback from twenty (20) to nine (9) feet. However, considering property value for the placement of an attached unenclosed patio is not a regulatory requirement within the MMC. Neighboring properties and properties within the R-2 zone have attached unenclosed patios within twenty (20) feet of a common (interior side yard) property line with a neighboring property. The proposed application would not be materially detrimental to properties within the R-2 zone or neighboring property owners.

### Justification

A concern was expressed related to the justification for the proposed administrative variance. However, justification is not a regulatory criterion for administrative variances. The project application is now for a variance to place an attached unenclosed covered patio, which requires a twenty (20) foot rear yard setback. The Applicant has provided the following justification:

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

The applicant successfully demonstrates that the small subject site is located on a corner lot and the majority of the area without development is within a required yard, which would not permit the placement of the proposed attached unenclosed covered patio. The reduction of the rear setback will allow the homeowner full use of their property to build their proposed attached unenclosed covered patio.

### Attachments:

- A. VR 1-24 Decision Document

### Fiscal Impact:

Not Applicable to Quasi-Judicial Decision.

### Recommendation:

#### **Planning Commission Options:**

- 1) **APPROVE** the application as proposed by the applicant with the attached findings and decision document for a variance.
- 2) **DENY** the application providing findings for the denial.

#### **Staff Recommendation:**

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 VARIANCE APPLICATION VR 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 A VARIANCE TO REDUCE THE REAR YARD SETBACK FROM 20 FEET TO 9 FEET AT 1768 NW WOODLAND DRIVE. FOR AN ATTACHED UNENCLOSED COVERED PATIO ENCROACHMENT.**

- DOCKET:** VR 1-24 (Variance) [previously AV 1-24 (Administrative Variance)]
- REQUEST:** Approval of a variance to reduce the required rear yard setback from 20 feet to 9 feet for an attached 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
- HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes the final decision unless the Planning Commission’s decision is appealed to the City Council.
- HEARING DATE & LOCATION:** April 4, 2024 at 6:30 PM. Kent Taylor Civic Hall, 200 NE Second Street, McMinnville, OR 97128. Zoom Online Meeting, Meeting ID: 893 6863 4307, Passcode: 989853
- DECISION DATE & LOCATION:** May 16, 2024 at 6:30 PM. Kent Taylor Civic Hall, 200 NE Second Street, McMinnville, OR 97128. Zoom Online Meeting, Meeting ID: 893 6863 4307, Passcode: 989853
- PROCEDURE:** An application for a variance is processed in accordance with the procedures in Section 17.72.120 of the Zoning Ordinance. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the Zoning Ordinance.
- CRITERIA:** The applicable criteria for a variance are specified in Section 17.74.100 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in

---

*Attachments:*  
 Attachment 1 – Application and Application Attachments  
 Attachment 2 – Public Testimony  
 Attachment 3 – Staff Memorandum – AV 1-24, (tonight’s public hearing)

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

**APPEAL:**

As specified in Section 17.72.180 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 Variance (VR 1-24), **subject to the conditions of approval provided in Section II of this document.**

////////////////////////////////////  
**DECISION: APPROVAL**  
////////////////////////////////////

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  
Attachment 3 – Staff Memorandum – AV 1-24, (tonight's public hearing)

## **I. APPLICATION SUMMARY & BACKGROUND:**

### ***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. 4789<sup>1</sup>. 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 Planning Commission previously reviewed this proposal as an administrative variance (AV 1-24) at a public hearing on April 4, 2024. As part of the packet distributed to the Planning Commission, staff reviewed the attached unenclosed patio as an accessory structure subject to accessory structure standards within MMC 17.54.020(D). Following the distribution of the packet, a legal determination was issued that found the attached unenclosed patio was not subject to the reduced setback standards within MMC 17.54.020(D) but rather the base setback standards found within MMC 17.15.040(B). During the public hearing held on April 4, 2024, the Planning Commission instructed staff to return with findings for a variance to reduce the required rear yard setback.

The applicant is requesting that the rear yard property line setback encroachment of the unenclosed cover deck be reduced from twenty (20) feet to nine (9) feet, a reduction of eleven (11) feet. The variance is necessary for the preservation of a property right to place an attached unenclosed covered patio substantially the same as properties within the same zone and vicinity due to the subject property's unique lot shape and setbacks. Other neighbors and properties within the R-2 zone have attached unenclosed covered patios, which intrude into the rear yard setback, so this is not unusual. **See Figure 3: Site Plan.**

---

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

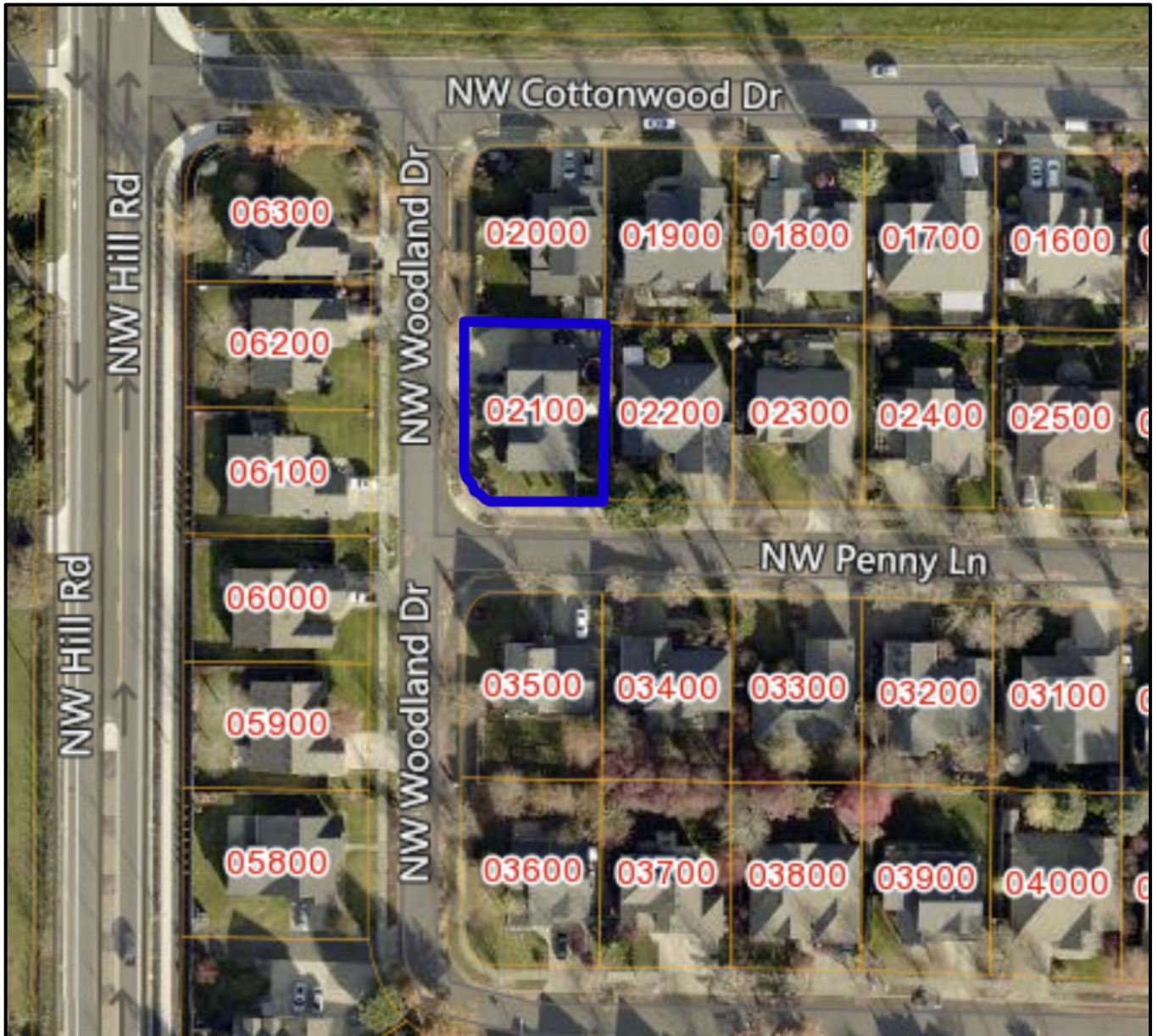
**Attachments:**

Attachment 1 – Application and Application Attachments

Attachment 2 – Public Testimony

Attachment 3 – Staff Memorandum – AV 1-24, (tonight's public hearing)

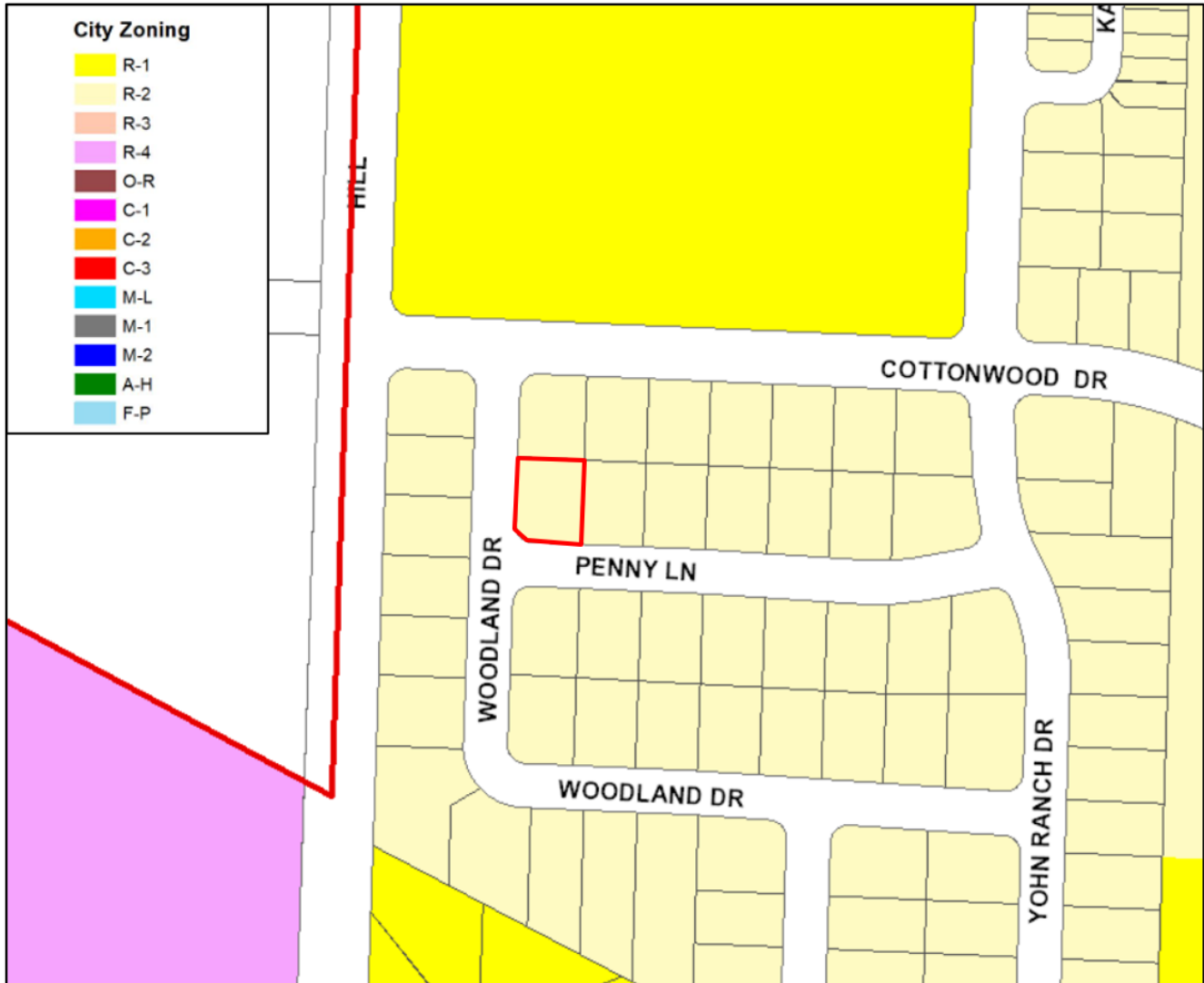
Figure 1. Vicinity Map



Attachments:

- Attachment 1 – Application and Application Attachments
- Attachment 2 – Public Testimony
- Attachment 3 – Staff Memorandum – AV 1-24, (tonight’s public hearing)

**Figure. 2 Zoning Map**

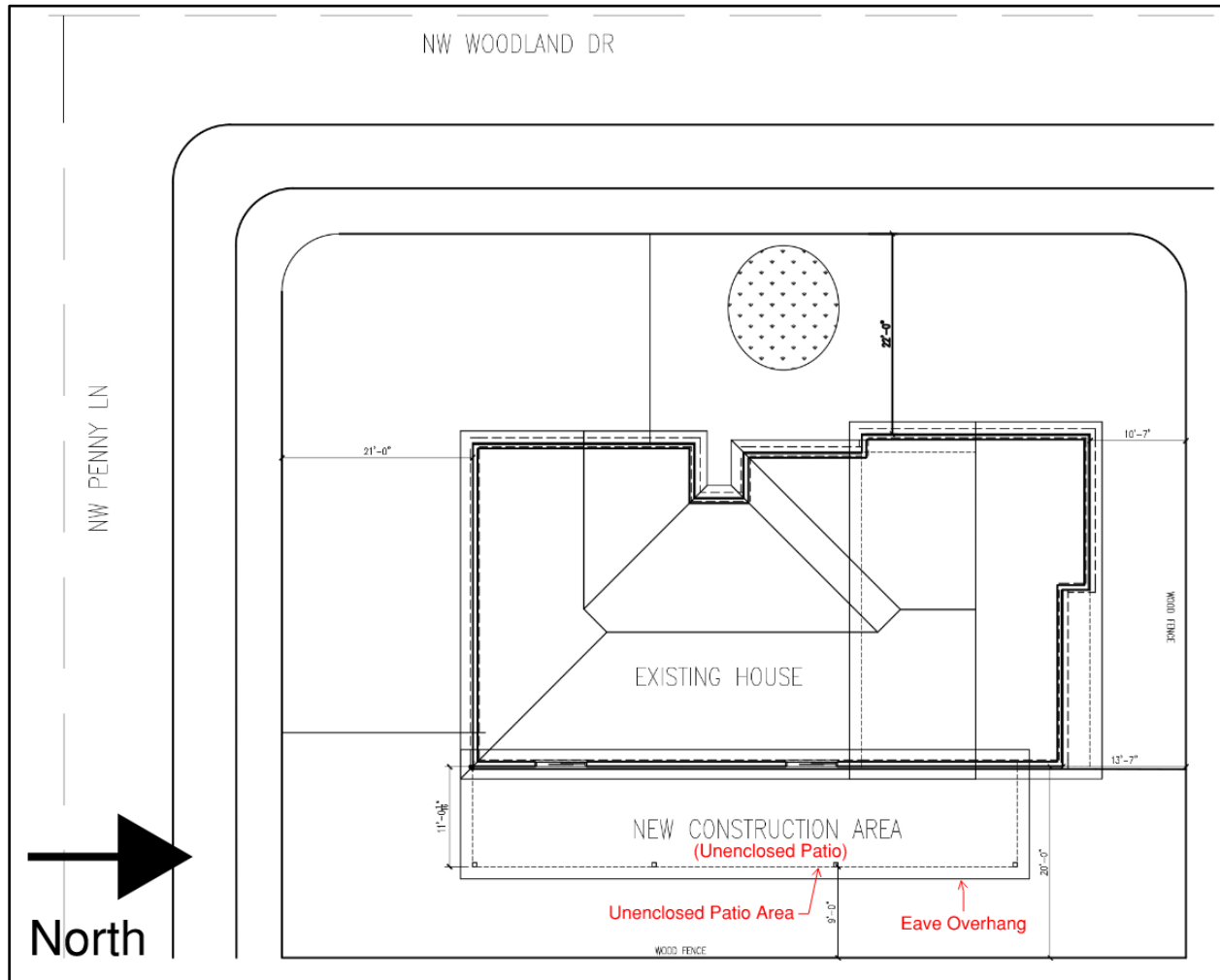


*Attachments:*

- Attachment 1 – Application and Application Attachments
- Attachment 2 – Public Testimony
- Attachment 3 – Staff Memorandum – AV 1-24, (tonight’s public hearing)



**Figure 3. Proposed Site Plan**



**Summary of Criteria**

The applicable criteria for a variance are as follows:

- **Comprehensive Plan:** 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.
- **Zoning Ordinance (Title 17 of the McMinnville Code):**
  - MMC Section 17.74.100. Variance – Planning Commission Authority;
  - MMC Section 17.74.110. Conditions for Granting Variance;
  - MMC Section 17.54.040. Yards

*Attachments:*

- Attachment 1 – Application and Application Attachments
- Attachment 2 – Public Testimony
- Attachment 3 – Staff Memorandum – AV 1-24, (tonight’s public hearing)



**II. CONDITIONS:**

None.

**III. ATTACHMENTS:**

1. Application and Attachments
2. Public Testimony
  - a. Public Testimony, Letter from Patricia Bogh, dated March 4, 2024
  - b. Public Testimony, Letter from Garal Ottoboni, received March 8, 2024 (date written not legible)
  - c. Public Testimony, Letter from Patricia Bogh, dated March 24, 2024
3. Staff Memorandum – “AV 1-24, (tonight’s public hearing)”, dated April 4, 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 Garald 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.

**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.

**Attachments:**

Attachment 1 – Application and Application Attachments  
 Attachment 2 – Public Testimony  
 Attachment 3 – Staff Memorandum – AV 1-24, (tonight’s public hearing)

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 was held on April 4, 2024, for the Commission to render a decision on the application. At the public hearing, the Planning Commission directed the Planning Department to return within 45 days with findings for a Variance (VR 1-24).
7. A duly noticed public hearing of the McMinnville Planning Commission will be held on May 16, 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.
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

---

### **Attachments:**

- Attachment 1 – Application and Application Attachments  
 Attachment 2 – Public Testimony  
 Attachment 3 – Staff Memorandum – AV 1-24, (tonight's public hearing)

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

**VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a variance to yard requirements are as follows:

- **Comprehensive Plan:** 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.
- **Zoning Ordinance (Title 17 of the McMinnville Code):**
  - MMC Section 17.74.100. Variance – Planning Commission Authority
  - MMC Section 17.74.100. Conditions for Granting Variance
  - MMC Section 17.54.040 Yards

**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, polices, 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.

**McMinnville Zoning Ordinance**

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

- 17.42.100 Variance – Planning Commission Authority
- 17.74.110. Conditions for Granting Variance

**Attachments:**

- Attachment 1 – Application and Application Attachments
- Attachment 2 – Public Testimony
- Attachment 3 – Staff Memorandum – AV 1-24, (tonight’s public hearing)

- 17.54.040 Yards

**Section 17.74.100. Variance – Planning Commission Authority**

The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** The requested variance is within the limitations outlined within MMC 17.74.110 Conditions for Granting Variance.

***“Owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship”***

**APPLICANT’S RESPONSE:** It’s the only house on the corner in direction of Woodland Drive and the vicinity lots are in direction of Cottonwood, Penny and therefore my zoning variance is different from the other lots.

**FINDING: SATISFIED.** The property is located on the corner of Woodland Drive and Penny Lane. The location of the house and required setbacks associated with being located on a corner lot act as an undue hardship for the property owner to build an attached covered unenclosed patio. The proposed variance to alter the rear yard setback can serve as a potential remedy to this situation and allow the homeowners to build an unenclosed covered patio on the site.

***“No variance shall be granted to allow the use of property for a purpose not authorized within the zone.”***

**APPLICANT’S RESPONSE:** None

**FINDING: SATISFIED.** The subject site is zoned as R-2 and developed with an allowed use, a detached single dwelling. The proposed attached unenclosed covered patio is an expansion of the detached single dwelling use, which is permitted within the subject site zone.

***“In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.”***

**APPLICANT’S RESPONSE:** None

**FINDING:** The proposed patio fits the neighborhood's existing development pattern. If the yard in question were to be considered an interior side yard (setback of seven and a half feet) like the neighboring property sharing the property line, the patio would comply with massing, height, and setback requirements. The proposed patio will be less than the maximum permitted height in the zone and less tall than the home to which it is attached. The proposed patio would not create a unique development condition, which would require a condition necessary to protect the surrounding property or neighborhood.

-----  
**Attachments:**

Attachment 1 – Application and Application Attachments

Attachment 2 – Public Testimony

Attachment 3 – Staff Memorandum – AV 1-24, (tonight’s public hearing)

**17.74.110. Conditions for Granting Variance**

A variance may be granted only in the event that the following circumstances substantially exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control.

**APPLICANT'S RESPONSE:** It's the only house on the corner in direction of Woodland Drive and the vicinity lots are in direction of Cottonwood, Penny and therefor my zoning variance is different from the other lots.

**FINDING: SATISFIED.** The applicant successfully demonstrates that the small subject site is located on a corner lot and the majority of the area without development is within a required yard, which would not permit the placement of the proposed attached unenclosed covered patio. The reduction of the rear setback will allow the homeowner full use of their property to build their proposed attached unenclosed covered patio.

- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

**APPLICANT'S RESPONSE:** Rights wouldn't change.

**FINDING: SATISFIED.** Properties in the R-2 zone and the surrounding neighborhood have been built with attached unenclosed covered patios within the required rear yard setback. Initial analysis of the surrounding block has found that six (6) of fourteen (14) properties on the NW Penny Lane and Cottonwood Drive block have attached unenclosed covered patios within their rear yard. The lot as it exists, does not allow for the placement of an attached unenclosed covered patio outside of the required yard. This variance will allow the homeowners to build an attached unenclosed covered patio, as others within the R-2 zone and surrounding neighborhood.

- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.

**APPLICANT'S RESPONSE:** Because it doesn't interfere with any neighbors.

**FINDING: SATISFIED.** The variance would not be detrimental to the surrounding area because it would not change the existing use of the site or the intensity of the use or would be out of scale with surrounding development. Attached unenclosed covered patios are permitted in the R-2 zone and are present in the surrounding neighborhood. The map below was presented to the Planning Commission Public Hearing on April 4, 2024, which provides a rough analysis of the subject property block and displays accessory structures that do not comply with the new interpretation of the code and would, therefore, not be granted a permit at the time of this report without a variance. The map displays the rear yard highlighted as yellow with non-conforming unenclosed covered patios in red and non-conforming accessory structures (that exceed maximum size requirements, setback requirements, or the number of permitted accessory structures) in yellow. As shown on the map, eleven (11) of the fourteen (14) properties on the subject property block are non-compliant with the new interpretation.

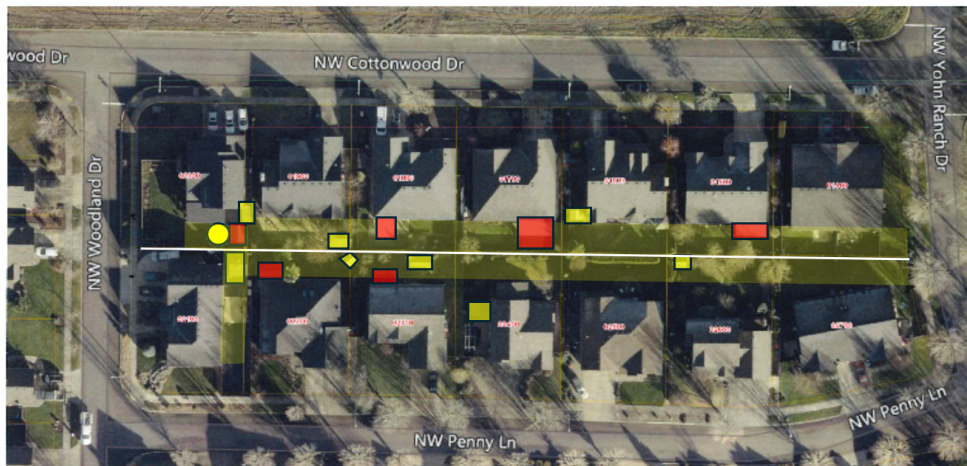
---

*Attachments:*

Attachment 1 – Application and Application Attachments

Attachment 2 – Public Testimony

Attachment 3 – Staff Memorandum – AV 1-24, (tonight's public hearing)



The proposed patio would comply with massing, height, and setback requirements if the yard in question were to be considered an interior side yard (setback of seven and a half feet) like on the neighboring property sharing the property line. The proposed patio will be less than the maximum permitted height in the zone and less tall than the home to which it is attached.

D. The variance requested is the minimum variance which would alleviate the hardship.

**APPLICANT’S RESPONSE:** None.

**FINDING: SATISFIED.** Properties in the R-2 zone and the surrounding neighborhood have been built with attached unenclosed covered patios within the required rear yard setback. Due to the small size and being located on the corner of Penny Lane and Woodland Drive, the placement of an attached unenclosed covered patio outside of the required yard is not possible. This variance would be the minimum necessary to alleviate this hardship and allow the homeowner to build a garage to the standards all other residents have.

**17.74.040 Yards**

H. Setback variance requests shall be processed under the provisions of Chapters 17.72 (Applications and Review Process) and 17.74 (Review Criteria), except that:

1. The applicant must prove that the vision of motorists, bicyclists, and pedestrians will not be blocked or adversely affected as a result of the variance:

**APPLICANT’S RESPONSE:** Build a porch where we can spend quality family time and have a relaxing space to home after work and a peaceful place to enjoy when I retire.

**FINDING: SATISFIED.** The proposed attached unenclosed covered patio is located within the rear yard behind the primary structure and a fence. Due to the proposed location, no impact on the vision of motorists, bicyclists, and pedestrians is expected.

2. Variances to the requirements of this section which do not involve building setbacks must comply with Section 17.54.060(H)(1) above, but need not comply with Section 17.74.110.

**APPLICANT’S RESPONSE:** None.

*Attachments:*

- Attachment 1 – Application and Application Attachments
- Attachment 2 – Public Testimony
- Attachment 3 – Staff Memorandum – AV 1-24, (tonight’s public hearing)

**FINDING: SATISFIED.** The application is for the reduction of the rear yard setback. The criterion does not apply to the application.

TG

---

*Attachments:*

Attachment 1 – Application and Application Attachments

Attachment 2 – Public Testimony

Attachment 3 – Staff Memorandum – AV 1-24, (tonight’s public hearing)





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

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

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:

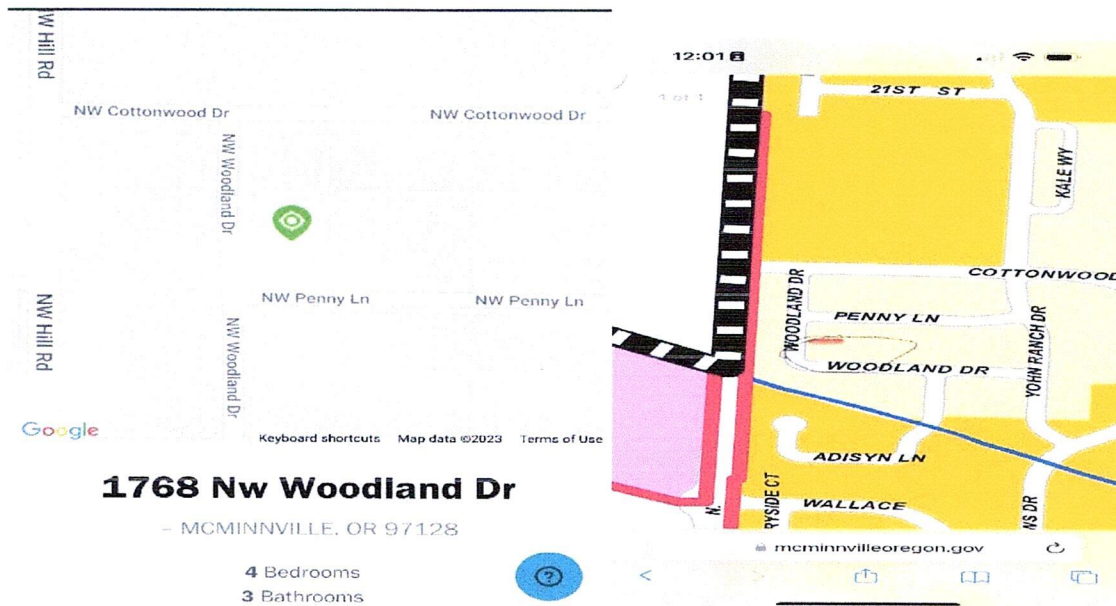
In accordance with the City of McMinnville, we are notifying you as a neighboring property owner that the City of McMinnville Zoning board will be holding a Public Hearing.

On: Saturday August 20<sup>th</sup>, 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 5<sup>TH</sup> 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

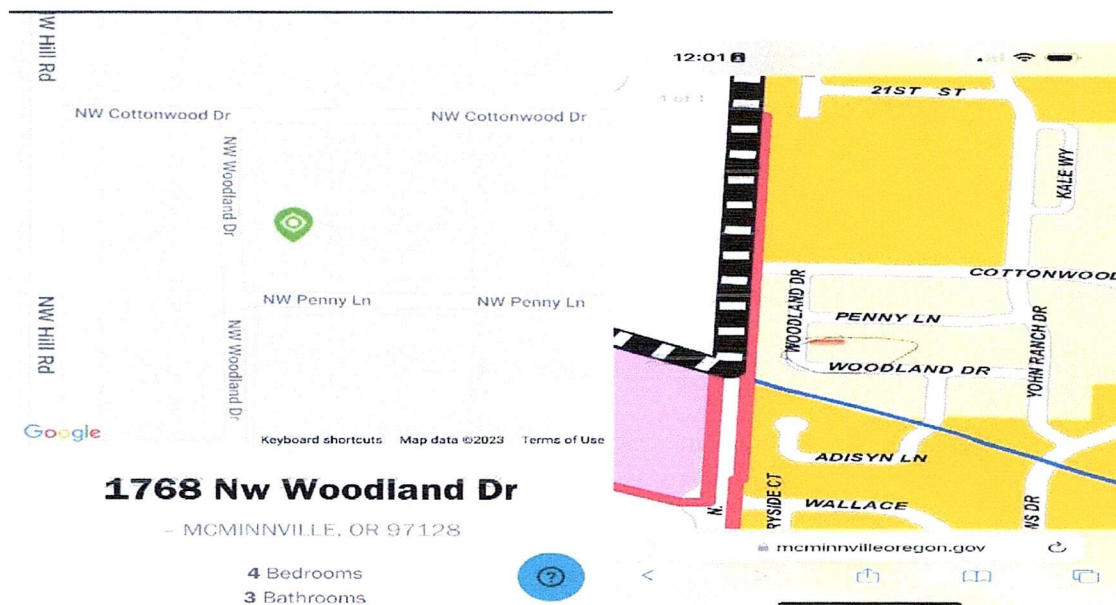
In accordance with the City of McMinnville, we are notifying you as a neighboring property owner that the City of McMinnville Zoning board will be holding a Public Hearing.

On: Saturday August 20<sup>th</sup>, 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 5<sup>TH</sup> STREET  
MCMINNVILLE, OR, 97128

Letters must be received before the public hearing.

Sincerely,

DAVID MARTINEZ INFANTE



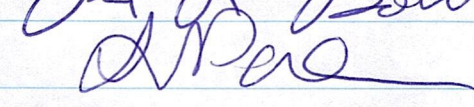



7/7/2023

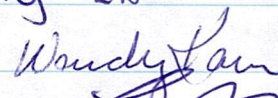

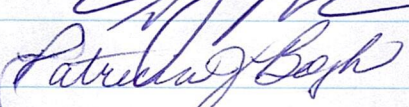
Signature collection from my neighbors for the property 1768 NW Woodland Dr.

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

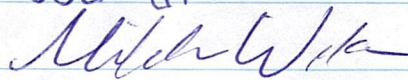
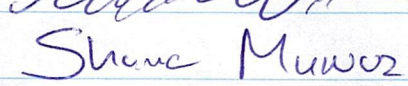
### Woodland dr Neighbors.

- ① 1803  Meredith Abdi 503 954 0899
- ② 1785  R. B. Benn
- ③ 1753  A. Per
- ④ 1743  Jim

### Penny Ln

- ① 2016  Wendy Kam 503.890.0230
- ② 1984  ERIC BERZ 503,313,4860
- ③ 1997  Patricia Lopez

### 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:**

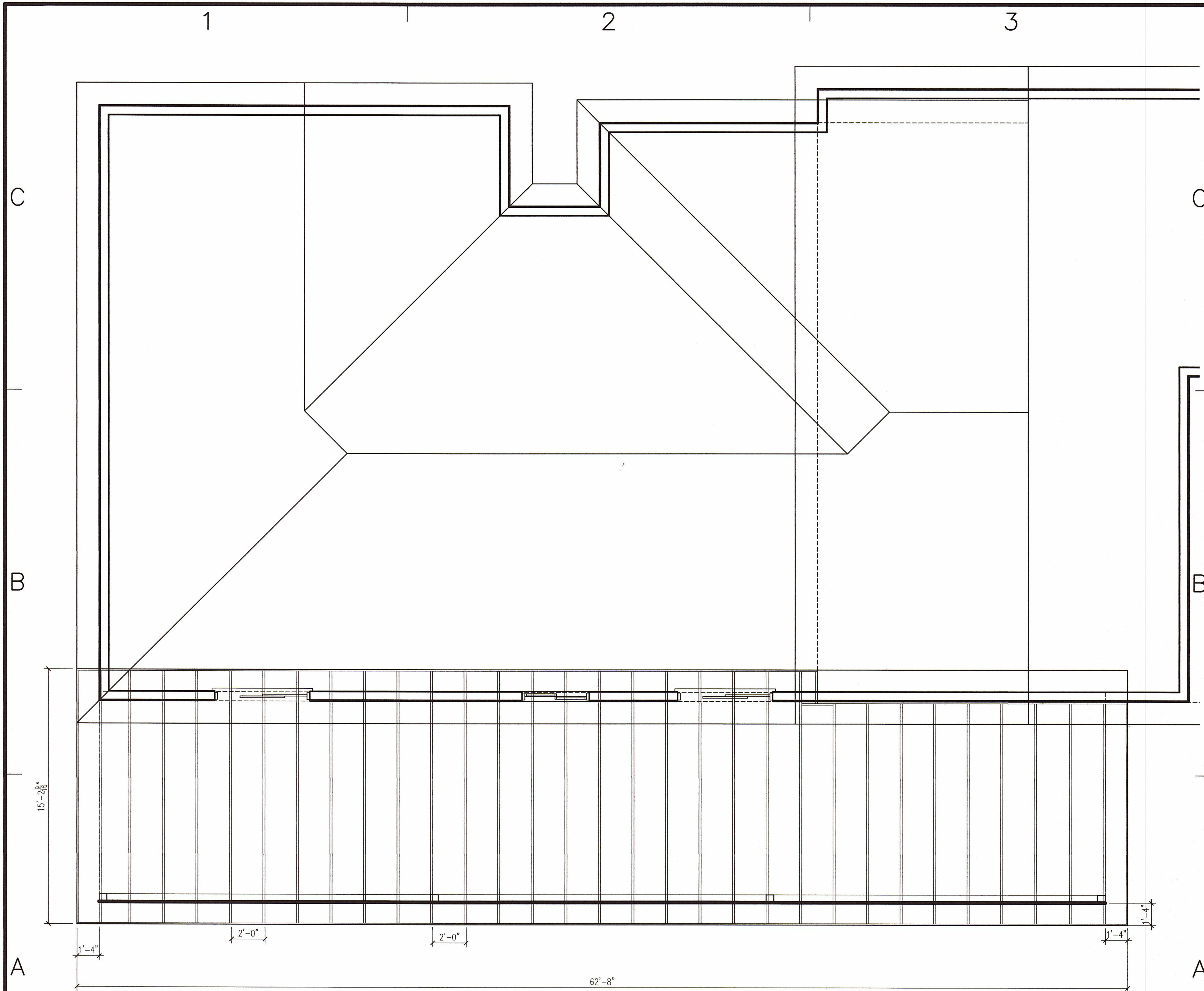
2:00pm.

**Meeting Location:**

**Contact Name:**

**Contact Number:**





**M&H OREGON**  
CONSTRUCTION LLC

CONSULTANTS

**M&H OREGON CONSTRUCTION LLC**  
**JUAN JOSE MEJA CORREAS**  
**9712370811**

OWNER  
**PORCHE DAVID MC**  
**1768 NW WOODLAND DR**  
**MCMNNVILLE OR 97128**  
**DAVID MARTINEZ INFANTE**

MARK	DATE	DESCRIPTION

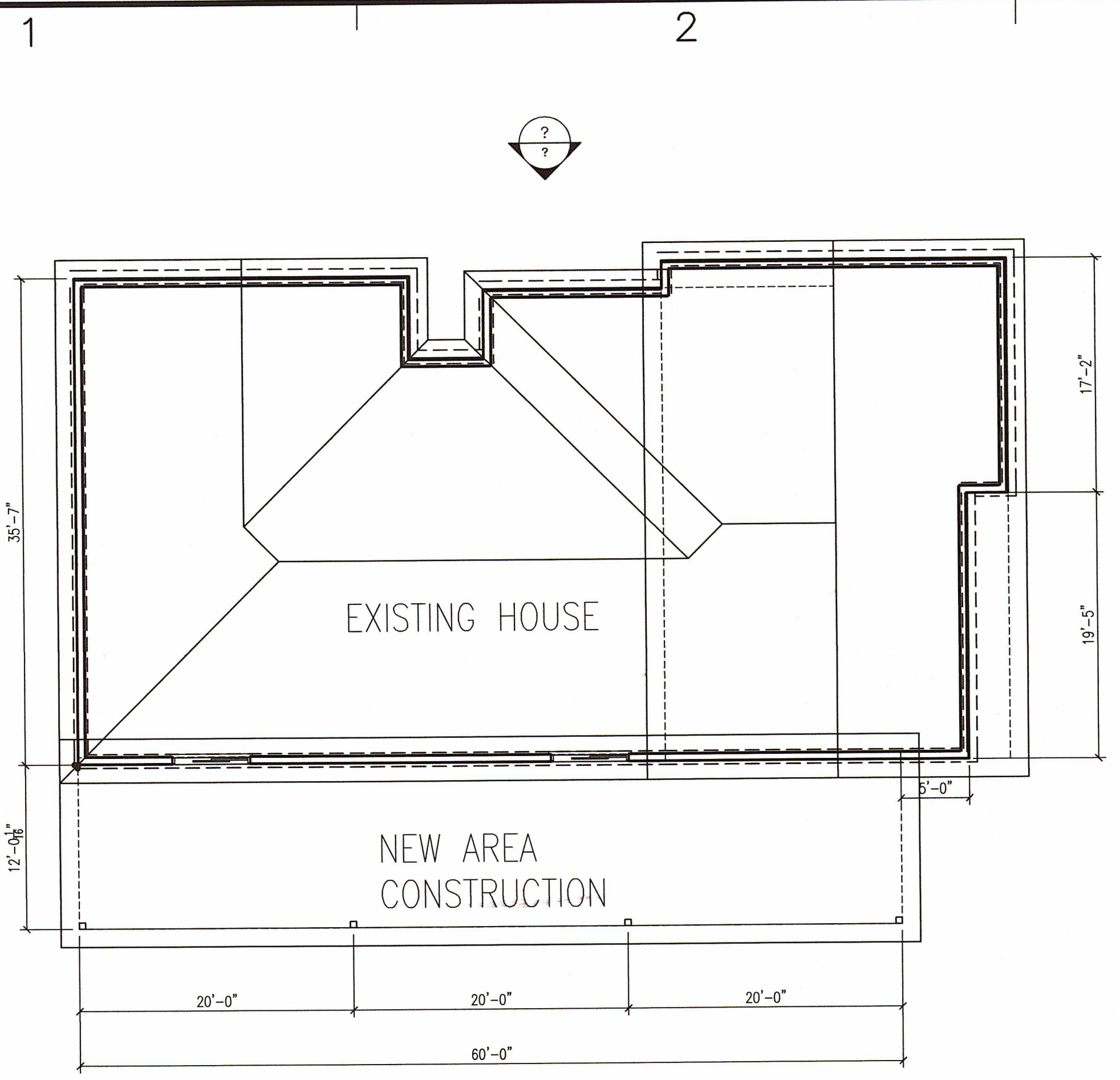
PROJECT NO: **D04**  
 CAD DWG FILE: **D04-A-04 ROOF PLAN.DWG**  
 DRAWN BY: -  
 CHK'D BY: -  
 COPYRIGHT: -

SHEET TITLE  
**ROOF PLAN**


SHEET **A-04** OF -

**1 D04-ROOF PLAN**  
**1/4" = 1'-0"**





1 D04-FLOOR PLAN  
1/8" = 1'-0"



**M&H OREGON**  
CONSTRUCTION LLC

---

CONSULTANTS

---

**M&H OREGON CONSTRUCTION LLC**  
JIM JOSE MEA CORREAS  
9712370011

---

OWNER

PORCHE DAVID MC  
1768 NW WOODLAND DR  
MCMNNVILLE OR 97128  
DAVID MARTINEZ INFANTE

---

MARK	DATE	DESCRIPTION

---

PROJECT NO: **D04**  
 CAD DWG FILE: **D04-A-03 FLOOR PLAN.DWG**  
 DRAWN BY: -  
 CHK'D BY: -  
 COPYRIGHT: -

---

SHEET TITLE

**FLOOR PLAN**

---

SHEET **A-03** OF -

SHEET TITLE



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

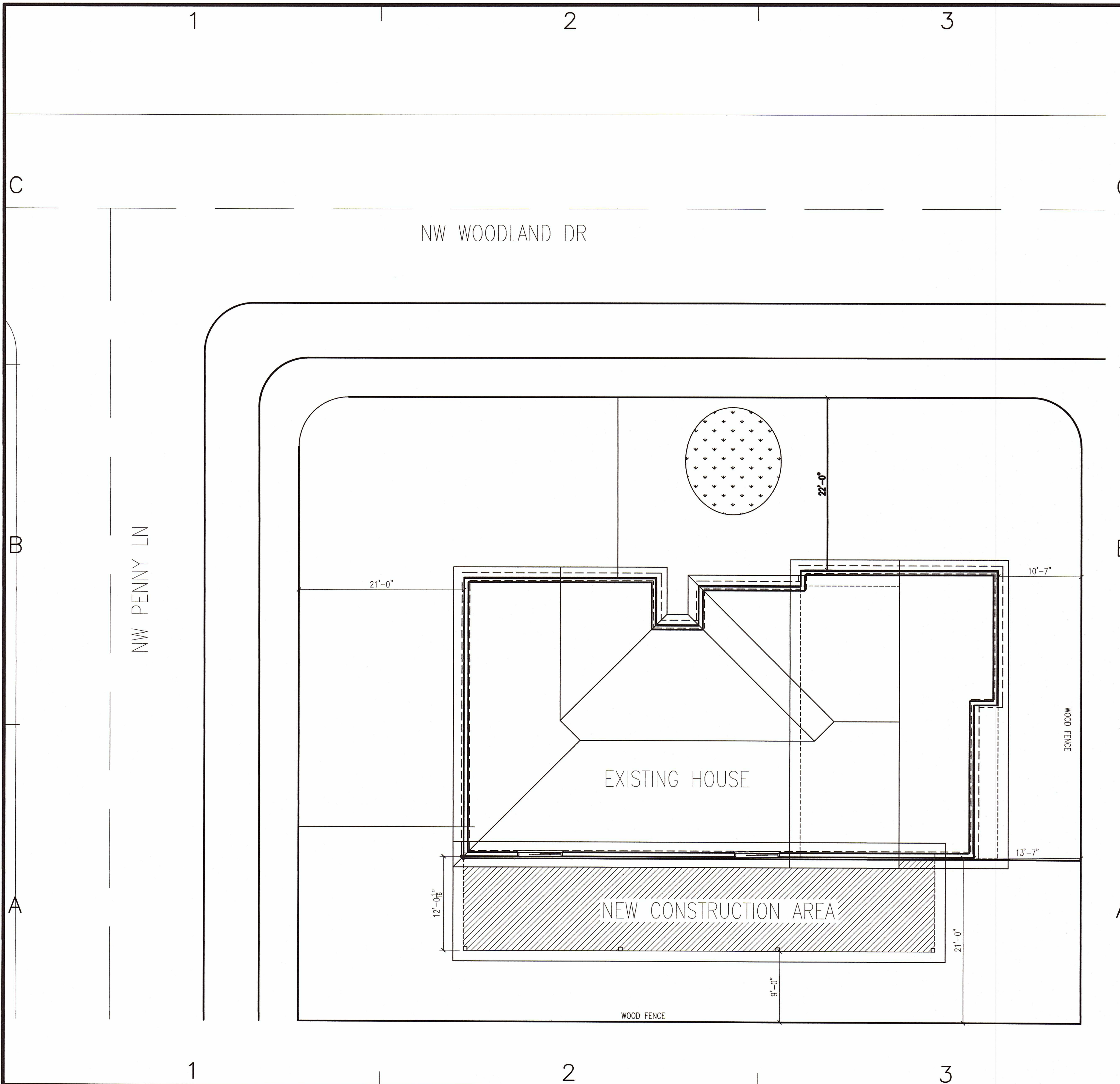
PROJECT NO: **D04**  
CAD DWG FILE: **D04-A-01 PERSPECTIVE VIEW.DWG**  
DRAWN BY: -  
CHK'D BY: -  
COPYRIGHT:

SHEET TITLE  
**PERSPECTIVE VIEW**

**A-01**

SHEET - OF -





CONSULTANTS

**M&H OREGON CONSTRUCTION LLC**  
**JUAN JOSE MEJA CORREAS**  
**9712370811**

OWNER

**PORCHE DAVID MC**  
**1768 NW WOODLAND DR**  
**MCMNNVILLE OR 97128**  
**DAVID MARTINEZ INFANTE**

MARK	DATE	DESCRIPTION

PROJECT NO: **D04**  
 CAD DWG FILE: **D04-A-02 SITE PLAN.DWG**  
 DRAWN BY: -  
 CHK'D BY: -  
 COPYRIGHT:

SHEET TITLE

**SITE PLAN**

SHEET **A-02** OF -





**M&H OREGON**  
CONSTRUCTION LLC

CONSULTANTS

**M&H OREGON CONSTRUCTION LLC**  
**JUAN JOSE MEJA CORREAS**  
**9712370811**

**PORCHE DAVID MC**

**1768 NW WOODLAND DR**  
**MCMNNVILLE OR 97128**

OWNER

**DAVID MARTINEZ INFANTE**

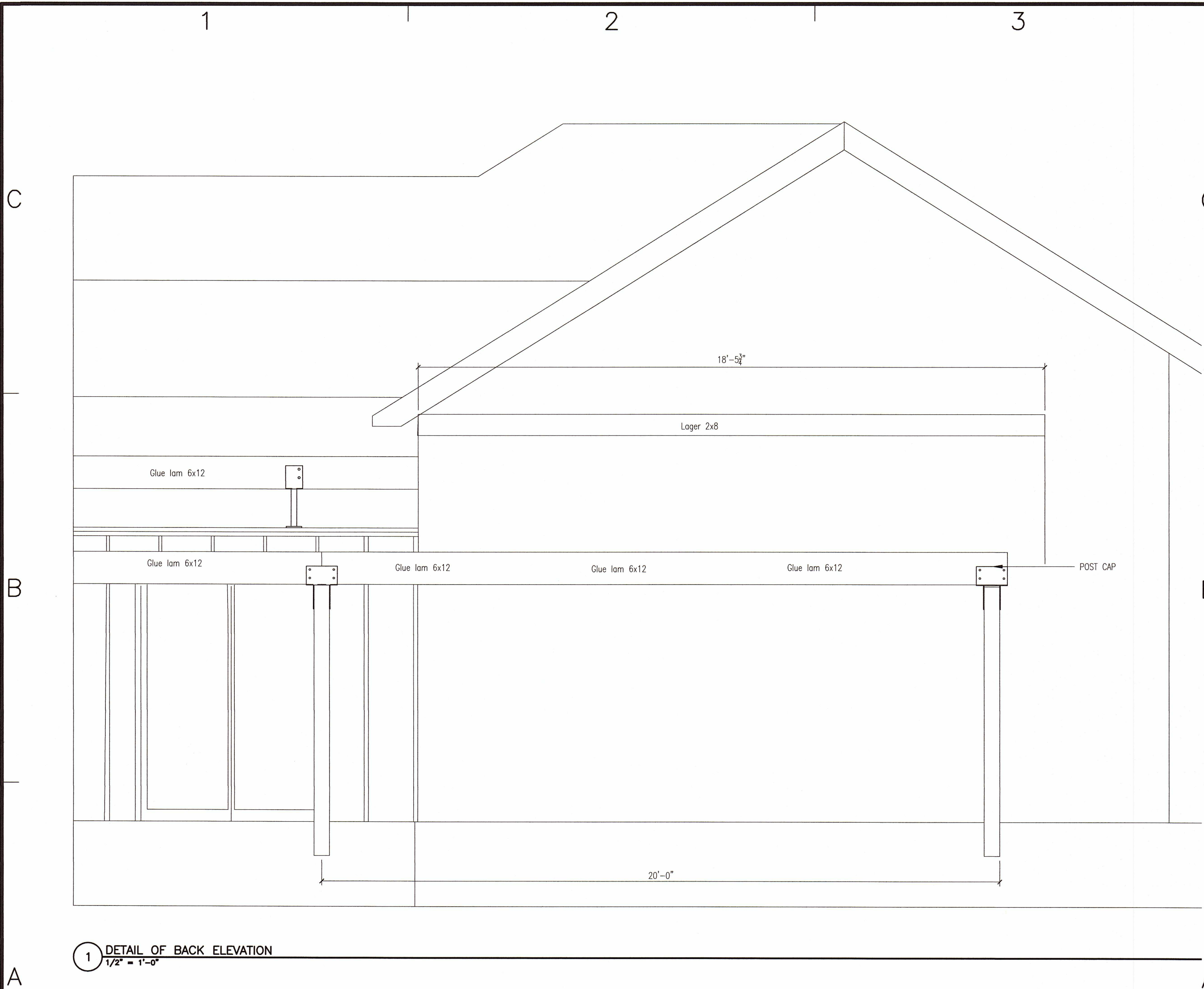
MARK	DATE	DESCRIPTION

PROJECT NO:	<b>D04</b>
CAD DWG FILE:	<b>D04-A-06 GENERAL DETAILS.DWG</b>
DRAWN BY:	-
CHK'D BY:	-
COPYRIGHT:	-

SHEET TITLE  
**GENERAL DETAILS**

**A-06**

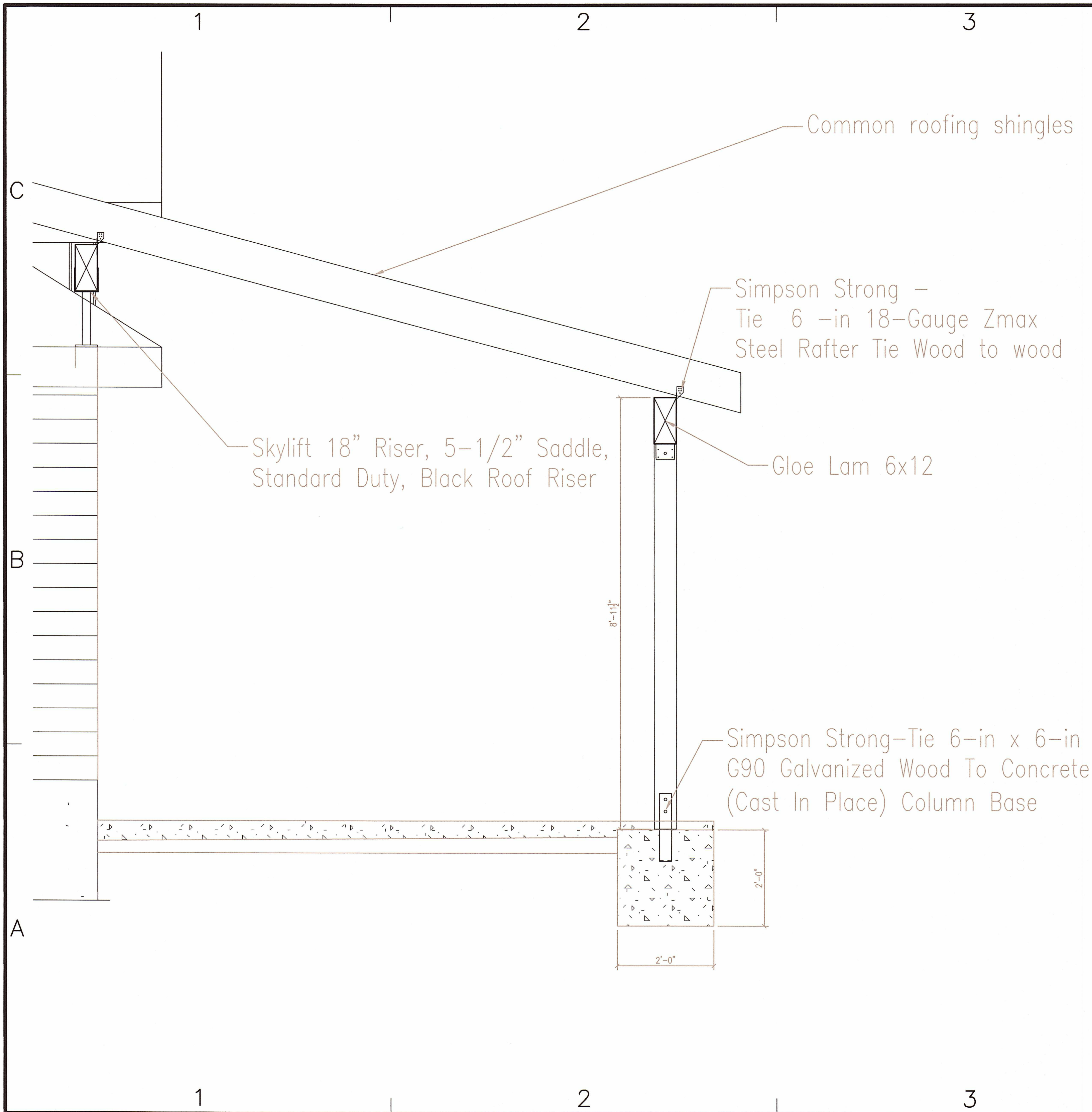
SHEET - OF -



**1** DETAIL OF BACK ELEVATION  
1/2" = 1'-0"

SHEET TITLE





CONSULTANTS

**M&H OREGON CONSTRUCTION LLC**  
**JUAN JOSE MEJA CONTRERAS**  
**9712370811**

OWNER

**PORCHE DAVID MC**  
**1768 NW WOODLAND DR**  
**MCMNNVILLE OR 97128**  
**DAVID MARTINEZ INFANTE**

MARK	DATE	DESCRIPTION

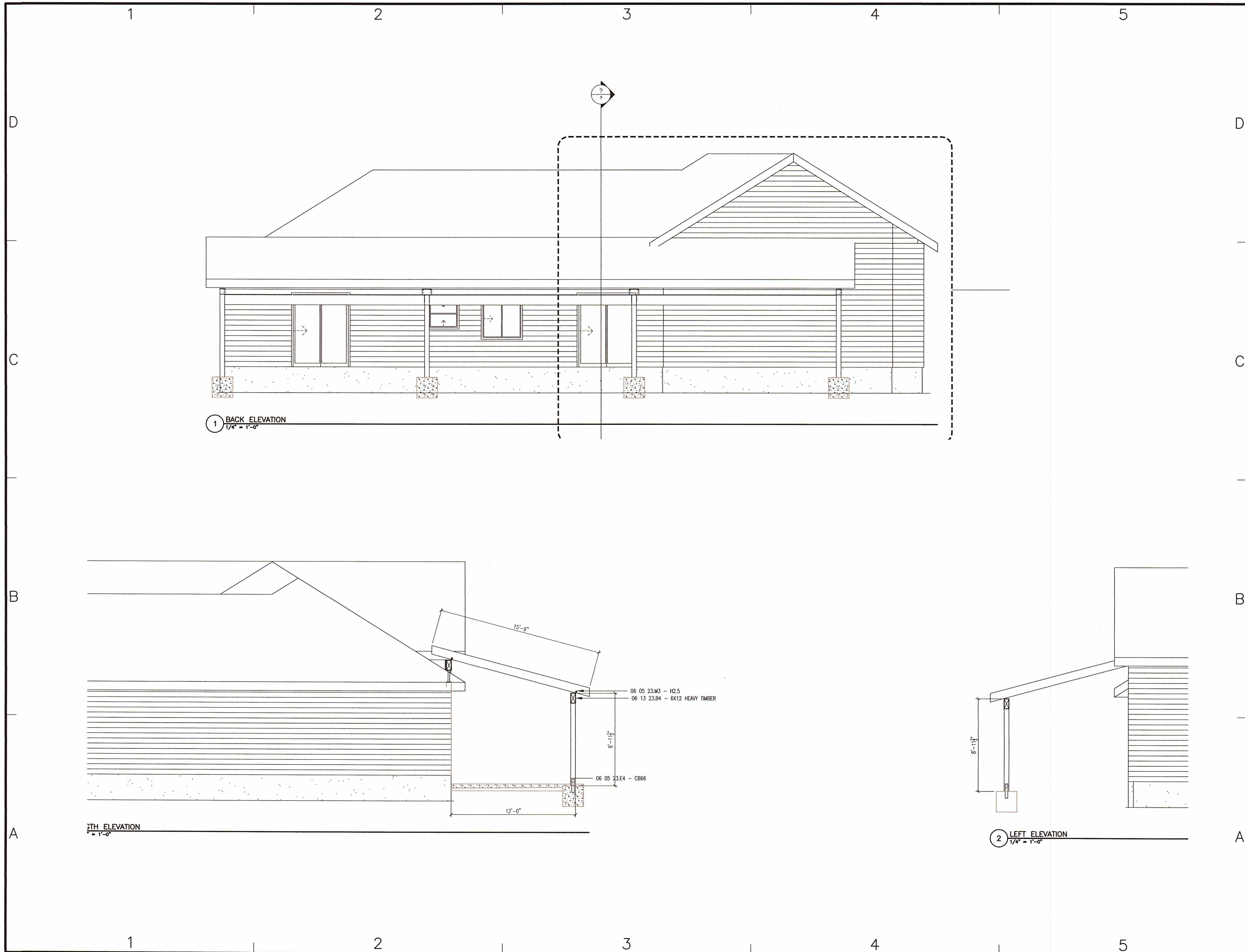
PROJECT NO: **D04**  
 CAD DWG FILE: **D04-A-05 FOUNDATION PLAN AND DETAILS.DWG**  
 DRAWN BY: -  
 CHK'D BY: -  
 COPYRIGHT:

SHEET TITLE

**FOUNDATION PLAN AND DETAILS**

SHEET **A-05** OF -






1 BACK ELEVATION  
1/4" = 1'-0"

3TH ELEVATION  
1/4" = 1'-0"

2 LEFT ELEVATION  
1/4" = 1'-0"



**M&H OREGON**  
CONSTRUCTION LLC

---

CONSULTANTS

---

**M&H OREGON CONSTRUCTION LLC**  
JUAN JOSE MEZA CORNEJO  
9712370811

---

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-07 ELEVATION.DWG  
 DRAWN BY: -  
 CHK'D BY: -  
 COPYRIGHT: -

---

SHEET TITLE  
**ELEVATION**

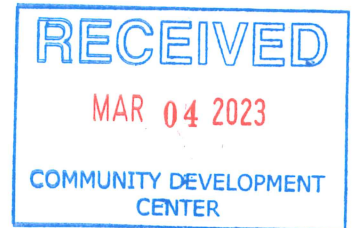
---

A-07  
SHEET - OF -

# Attachment 2.a - Patricia Bogh Testimony

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





March 2024

City of McMinnville Planning Department  
Planning Director,

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...

RECEIVED  
MAR 08 2024  
COMMUNITY DEVELOPMENT  
CENTER

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 <sup>and Ask</sup> that the Building Permit and/or Variance  
for this Project not be Granted.

Thank you for Considering  
My Comments + Concerns,

Garald 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](mailto:rpbogh@gmail.com)



COMMUNITY DEVELOPMENT  
231 NE Fifth Street  
McMinnville, OR 97128  
(503) 434-7311

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

## MEMORANDUM

DATE: April 4, 2024  
TO: Planning Commission Members  
FROM: Taylor Graybehl, Senior Planner  
SUBJECT: AV 1-24, (tonight's public hearing)

As provided in the staff report and meeting materials, the City received written testimony expressing concerns relative to the city's interpretation of Section 17.54.020 of the McMinnville Municipal Code.

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:*

- A. *One accessory structure may be located within a required rear yard or a required interior side yard behind the back building line, and shall not contain more than 100 square feet in area or be greater than 10 (ten) feet in height. An accessory structure exceeding one or both requirements must comply with the setback requirements of the zone. In addition, if the accessory structure is more than 10 (ten) feet in height or greater than 200 square feet in floor area, a building permit shall be obtained prior to construction.*
- B. *No accessory structure may be constructed on any lot prior to the issuance of a building permit for the principal structure. A permit for a detached garage may be issued simultaneously with the issuance of a permit for a principle dwelling on the subject property.*
- C. *An accessory structure placed within six (6) feet of a residence must comply with the Oregon State Building Code fire safety requirements.*
- 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.*
- E. *The placement of a temporary storage structure (such as a "POD") for non-commercial use is permitted in a required yard for a period not exceeding 10 (ten) days in a calendar year. This does not apply to construction trailers (typically erected for the duration of the construction period of a home, subdivision, commercial or industrial site) which must be removed within two (2) weeks of the date that a final certificate of occupancy is issued for the particular development.*

Page 2

- F. Play structures may be placed along rear and/or interior side yard property lines except that any portion of the structure that is six (6) feet or more in height must be a minimum of five (5) feet from the interior side and/or rear property line. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).*

The testimony argues that the purpose statement of 17.54.020 only allows for detached structures in the setback as accessory structures and only allows one structure less than 100 square feet.

Historically, the City has interpreted A – F of the code as individual components and not as a combination of components under one purpose statement – meaning that unenclosed covered patios and decks have been allowed in the setback (not less than 10 feet from the property line) that are both detached and attached (most frequently attached) and has allowed more than one accessory structure (most commonly a shed and a patio or deck).

Staff asked for a legal interpretation. Please see attached memo from the city’s contracted legal attorney, Bill Kabeiseman. Bateman and Seidel.

Below is the conclusion to the legal memo.

“Although the City has historically allowed attached decks and patios, it does not appear that such approvals are consistent with the City’s code for residential accessory structures. This should not affect decks and patios that were previously permitted, but should be applied to applications going forward.”

This means the proposal does not comply with the criteria, and changes to the findings and approval conditions are required.

### Next Steps

Staff recommends the Planning Commission consider the following actions:

1. Adopt conditions of approval to bring the proposal into compliance with MMC 17.54.020 Residential Accessory Standards.
2. Request staff bring back revised findings at a later meeting to approve the placement of the proposed attached unenclosed patio as a variance.
3. Deny the application.

### Compliance with MMC 17.54.020.

As proposed, the attached unenclosed patio is non-compliant with MMC 17.54.020 as:

1. It is attached,
2. Exceeds 100 square feet, and
3. There is already a detached accessory structure within the rear yard.

Below are the **suggested conditions of approval**:

1. Revise plans to comply with MMC 17.54.020 by detaching the unenclosed patio, reducing its size to a maximum of 100 square feet and height of 10 feet, removing all

Memorandum  
Date: April 4, 2024  
Re: AV 1-24

Page 3

other accessory structures within the rear yard, and providing a setback of at least (9) feet from the rear property line, with eaves that may extend an additional 24 inches.

Approve Proposal with a Variance

The Planning Commission can approve the proposal as a variance to the zoning ordinance with findings subject to standards within MMC 17.74.110.

Per Planning Commission direction staff would draft those findings and bring them back to the Planning Commission within 45 days of this hearing as detailed within MMC 17.72.130(C)(3).

3. Within 45 (forty-five) days following the public hearing on a quasi-judicial matter, and unless a continuance is announced, the Planning Commission shall make specific Findings of Fact. Based on the findings, the Planning Commission shall render a decision which shall either approve or deny the application, or approve the application in a different form.

If reviewed as Variance, the Planning Commission may allow the proposed project if it is found to meet the criteria within MMC 17.74.110.



# MEMORANDUM

TO: McMinnville Planning Commission  
FROM: William Kabeiseman  
Interim Land Use Attorney  
DATE: April 3, 2024  
RE: Interpretation of Code Regarding Attached Patios or Decks

---

## INTRODUCTION

The City of McMinnville allows patios and decks as accessory structures. An issue has recently been raised regarding whether a deck may be attached to building in order to be allowed. This memorandum addresses that issue.

## DISCUSSION

MCC 17.54.020 permits the construction of residential accessory structures as permitted uses as follows:

### 17.54.020 Residential Accessory Structure and Use.

“An accessory structure<sup>1</sup> 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:

“A. One accessory structure may be located within a required rear yard or a required interior side yard behind the back building line, and shall not contain more than 100 square feet in area or be greater than 10 (ten) feet in height. An accessory structure exceeding one or both requirements must comply with the setback requirements of the zone. In addition, if the accessory structure is more than 10 (ten) feet in height or greater than 200 square feet in floor area, a building permit shall be obtained prior to construction.

---

<sup>1</sup> MCC 17.06.015 defines an “Accessory Structure” as “a freestanding structure that is incidental or subordinate in size to the main building and use on the property and located on the same lot as the main building.”

“B. No accessory structure may be constructed on any lot prior to the issuance of a building permit for the principal structure. A permit for a detached garage may be issued simultaneously with the issuance of a permit for a principle dwelling on the subject property.

“C. An accessory structure placed within six (6) feet of a residence must comply with the Oregon State Building Code fire safety requirements.

“D. *An unenclosed covered patio<sup>2</sup> or a covered deck<sup>3</sup> 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.*” (Italicized emphasis added.)

Under that provision, decks and patios are permitted as accessory structures only if they are “detached” from the primary building on the lot. If a deck or patio is attached to the residence or primary building, the deck or patio does not qualify as a “residential accessory structure” and, as currently written, is not allowed under MCC 17.54.020.

The City has historically allowed attached decks and/or patios under this provision, and those authorized decks are allowed to remain, as they were previously authorized. That interpretation is supported by the code’s definition of “patio” and “adjoining” in MMC 17.06:

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

---

<sup>2</sup> MCC 17.06.015 defines “patio” as “an unenclosed area adjoining a dwelling or other building and adapted especially to outdoor dining and living that may be covered or uncovered.”

<sup>3</sup> MCC 17.06.015 defines “deck” as “a covered or uncovered flat-floored, area adjoining a dwelling or other building and adapted especially to outdoor dining and living.”

“Adjoining – See ‘Abutting’

“Abutting – Two or more lots joined by a common boundary line or point.”

Those definitions, which allows patios to “abut” buildings, was part of the support the City has used to allow accessory structures, such as patios or decks, to be either attached or detached. However, a closer review of the initial language in the introductory provisions leads to a different understanding of the requirements for accessory structures.

Notwithstanding the above interpretation, this should not affect any currently existing permitted decks. Land use law does not permit a “collateral attack” on permits that have already been issued. *See, e.g., Gansen v. Lane County, \_\_\_ Or LUBA \_\_\_* (LUBA No. 2020-074, February 22, 2021) (“We conclude that the doctrine of collateral attack precludes the county from challenging the decision made in the 2002 building permit”); *Landwatch Lane County v. Lane County, \_\_ Or LUBA \_\_* (LUBA No. 2018-078, January 18, 2019) (“if the law at the time required local government approval, and the local government in fact approved the [decision], then any procedural or substantive errors the local government might have made in issuing that approval are not a basis” to later challenge that decision).

To the extent the City wants to allow attached decks and/or patios, it should consider amending its code to allow such uses.

## CONCLUSION

Although the City has historically allowed attached decks and patios, it does not appear that such approvals are consistent with the City’s code for residential accessory structures. This should not affect decks and patios that were previously permitted, but should be applied to applications going forward.