



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

www.mcminnvilleoregon.gov

Planning Commission
McMinnville Civic Hall, 200 NE 2nd Street
August 17, 2017

5:30 PM Work Session

6:30 PM Regular Meeting

Welcome! All persons addressing the Planning Commission will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. Public Hearings will be conducted per the outline on the board in the front of the room. The Chair of the Planning Commission will outline the procedures for each public hearing.

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

Commission Members	Agenda Items
Roger Hall, Chair	5:30 PM - WORK SESSION – CONFERENCE ROOM
Zack Geary, Vice-Chair	1. Call to Order
Erin Butler	2. Discussion Items
Martin Chroust-Masin	<ul style="list-style-type: none">• Accessory Dwelling Units (Exhibit 1)• Cottage Development (Exhibit 2)
Susan Dirks	3. Adjournment
Gary Langenwalter	
Roger Lizut	
Lori Schanche	
Erica Thomas	

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

*Please note that these documents are also on the City's website, www.mcminnvilleoregon.gov. You may also request a copy from the Planning Department.



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Commission Members	Agenda Items
Roger Hall, Chair	6:30 PM – REGULAR MEETING – COUNCIL CHAMBERS
Zack Geary, Vice-Chair	1. Call to Order
Erin Butler	2. Citizen Comments
Martin Chroust-Masin	3. Approval of Minutes:
Susan Dirks	A. June 15, 2017 Work Session (Exhibit 1a)
Gary Langenwalter	B. July 20, 2017 Regular Meeting (Exhibit 1b)
Roger Lizut	4. Public Hearing
Lori Schanche	A. <u>Zone Change (ZC 9-17/ZC 10-17)</u> (Exhibit 2)
Erica Thomas	Request: Approval of a zone change from R-1 (Single-Family Residential) to R-4 PD (Multiple-Family Residential Planned Development) on an approximately 0.22 acre parcel of land. Concurrently, the applicant is requesting a Planned Development amendment to amend an existing R-4 PD (Multiple-Family Residential Planned Development) zone on an approximately 0.89 acre parcel of land. The two parcels are located immediately adjacent to each other, with the smaller parcel adjacent to 2 nd Street and the larger parcel to the south extending down to SW Apperson Street. The rezoning and planned development amendment would result in the ability to develop 21 (twenty-one) multiple-family residential dwelling units on the two parcels.

Location: 1730 SW 2nd Street and more specifically described as Tax Lots 101 and 100, Section 20CB, T. 4 S., R. 4 W., W.M.

Applicant: Ray Kulback

B. Zone Change (ZC 11-17) (Exhibit 3)

Request: Approval of a zone change from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site.

Location: North of NE Cumulus Avenue and east of NE Fircrest Drive and is more specifically described as Tax Lot 900, Section 23, T. 4 S., R. 4 W., W.M.

Applicant: Land Use Resources, LLC

C. Conditional Use Permit (CU 4-17) (Exhibit 4)

Request: Approval of a conditional use permit to allow for the expansion of the existing MMS campus. The school has purchased the property next to the existing MMS building, and intends to renovate the existing building on the property to operate as the elementary school classroom. The existing MMS building would continue to operate as school classrooms and facilities. The rear of the existing school and the new property would be combined to operate as one open play yard in the backyard areas.

Location: The property is located at 1045 SE Brooks Street, and is more specifically described as Tax Lot 1202, Section 21CA, T. 4 S., R. 4 W., W.M.

Applicant: McMinnville Montessori School

D. Zoning Text Amendment (G 4-17) (Exhibit 5)

Request: Approval to amend Chapter 17.55 (Wireless Communications Facilities) of the McMinnville Zoning Ordinance to update provisions related to wireless telecommunications facilities to achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.

Applicant: City of McMinnville

E. Zoning Text Amendment (G 5-17) (Exhibit 6)

Request: Approval to amend Chapter X, (Citizen Involvement) of the Comprehensive Plan to update goals and policies related to citizen engagement and involvement in planning processes and programs.

Applicant: City of McMinnville

- 5. Old/New Business**
- 6. Commissioner/Committee Member Comments**
- 7. Staff Comments**
- 8. Adjournment**



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Work Session

EXHIBIT 1 - STAFF REPORT

DATE: August 17, 2017
TO: McMinnville Planning Commission
FROM: Ron Pomeroy, Principal Planner
SUBJECT: **G 6-17 Accessory Dwelling Units** – Proposed Text Amendments to the McMinnville Zoning Ordinance (ORD 3380)

Report in Brief:

The purpose of this discussion item is to review draft amendments to the McMinnville Zoning Ordinance (Ordinance 3380) specific to Accessory Dwelling Units (ADUs).

Background:

As part of their efforts to remove barriers for affordable housing in McMinnville, the McMinnville Affordable Housing Task Force has been reviewing the McMinnville Zoning Ordinance for affordable housing initiatives and efficiencies. They have been using the State of Oregon's Affordable Housing Measures checklist as a framework for their discussions. (Attachment A to this staff report).

The January 25, 2017 meeting of the McMinnville Affordable Housing Task Force (MAHTF) started their evaluation of the current McMinnville Zoning Ordinance to identify additional development code efficiency measures as they pertain to affordable housing. The discussion resulted in direction being provided to Planning Department staff to assemble an analysis evaluating comparable cities' development codes as they pertain to barriers and incentives to affordable housing with the goal of identifying potential efficiency measures that could be incorporated into the McMinnville Zoning Ordinance.

The multi-jurisdictional analysis included a review of development codes from the cities of Newberg, Ashland, Bend, Redmond, Corvallis, and Grants Pass.

At the February 22, 2017 MAHTF meeting an analysis of the first set of potential efficiency measures was provided and discussed. Those measures included:

- Accessory Dwelling Units
- Multi-Family Off-Street Parking Requirements
- Under Four Units Off-Street Parking Requirements
- Residential Street Standards
- Minimum Density Standards

Attachments:

Attachment A: Affordable Housing Efficiency Measures

Attachment B: Accessory Dwelling Units Comparable Matrix

- Limitations on Low Density Housing Types
- Amount of High Density Zoning Districts
- Duplexes in Low Density Zones, and
- Attached Units Allowed in Low Density Zones

That analysis showed that McMinnville's efficiency measures are generally better for affordable housing than similar sized cities. However, there are some opportunities for improvements. One of those opportunities would be to consider modifications to McMinnville's current ADU regulations. Staff was asked to bring proposed draft amendments to the Zoning Ordinance governing ADUs to the MAHTF for consideration potentially resulting in a MAHTF recommendation to the Planning Commission for review of those modifications.

On July 26, 2017, the recommended amendments were presented to the McMinnville Affordable Housing Task Force for review, comment and direction. At that meeting, the Task Force reviewed and discussed the proposed amendments and directed staff to move this recommendation forward for Planning Commission review at the August 17, 2017 work session.

Discussion:

Planning Department staff conducted an analysis across six similarly sized Oregon cities regarding opportunities to accommodate Accessory Dwelling Units on otherwise developed residential lots. (See Attachment B for Comparable Matrix Summary). There were a few notable observations resulting from that comparative analysis. By allowing ADUs as a permitted use on otherwise already developed single-family lots in *all* of its residential zones, McMinnville is more lenient than some jurisdictions which require either conditional use approvals or employ other limitations such as establishing minimum lot sizes in certain zones before ADUs are allowed. Regarding dwelling type, McMinnville is fairly similar to other cities by allowing the ADU to be either attached to or part of the main home or to be designed as a detached dwelling as long as applicable zoning setbacks were met.

Where McMinnville is more restrictive than most other surveyed cities is that the current McMinnville regulations require that an ADU be a minimum of 300 square feet in size while most of the other cities have not established a minimum size requirement for such a dwelling. Additionally, McMinnville's regulations cap the maximum size of an ADU to either 800 square feet or 40% of the size of the main residence, whichever is smaller. While this size/percentage ratio relationship is not unique to McMinnville, those established by other cities commonly allow a maximum of 1,000 square foot or 50% of the main house as a maximum size limitation.

Another notable difference can be experienced as a disincentive, or even a barrier, to affordable housing as it directly impacts the economic viability of constructing the ADU. To point, McMinnville currently requires an ADU to be provided with independent services that include, but are not limited to, water, sewer, and electricity. This means that, unlike a residential duplex that shares a common private sanitary sewer line that connects both dwellings to the public right-of-way, an ADU in McMinnville must install a separate sanitary sewer line directly to the public sewer line located in the right-of-way. This results in two sanitary sewer laterals being extended from one lot rather than one shared lateral in the case of a duplex dwelling.

The rationale behind this requirement is to proactively address the potential future partitioning of the residential lot into two lots enabling the sale of each dwelling unit separately. In this instance, the utilities would already be separate making the partitioning effort easier and less costly. However, this requirement does add costs to the project, and the costs are borne by the ADU applicant based upon a potential effort in the future and not in response to that effort. So the question to consider is if this requirement should be modified to allow an ADU to connect to the existing sanitary sewer lateral of the

Attachments:

Attachment A: Affordable Housing Efficiency Measures

Attachment B: Accessory Dwelling Units Comparable Matrix

main residence and, in that manner, operate similarly to a duplex. The cost of extending a separate sewer lateral would then only be borne by those choosing to later move forward with a request to partition the units onto their own separate lots.

The City's Engineering Department has been consulted on this matter and is supportive of removing this requirement, noting that the costs for separation will need to be incurred at the time of a partition. While this is accurate, there are only a minor number of such properties that would, or could, actually partition the dwelling units on to their own lots while meeting all of the necessary remaining planning requirements relative to lot size, setbacks, etc. So, on balance, most ADU owners would experience a development savings over this life of the ADU as they are likely to remain on the same parcel. The Engineering Department concurs with this observation.

A third efficiency that could be provided would be to remove the current local zoning requirement that the property owner must reside on site within the primary dwelling unit. While this requirement was most likely adopted for reasons related to neighborhood social stability, the question of who lives in any given residential unit has no actual land use impact as they would yet remain two dwelling units regardless of who lives in each dwelling. There was some discussion of this by the MAHTF but no clear direction provided. That said, staff is supportive of this amendment and is comfortable bringing it forward as a proposed amendment for consideration.

Recommended Amendments:

The amendments being proposed are as follows. As the requirements for ADU's are found in the R-1 (Single-Family Residential) chapter of the zoning ordinance (Chapter 17.12) and referenced by the other residential zones, the proposed amendments are specific to Chapter 17.12. Text to be deleted is identified with a **bold strikeout** font and text to be added is identified with a **bold underlined** font.

McMinnville Zoning Ordinance (Ordinance 3380)

"Chapter 17.12.010 (Permitted Uses) – (D) Accessory dwelling unit (ADU) subject to the following standards."

1. The accessory dwelling unit may be established by:
 - a. Conversion of an attic, basement, or garage or any other portion of the primary dwelling;
 - b. Adding floor area to the primary dwelling, including a second story; or
 - c. Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling.
2. The square footage of the accessory dwelling shall not exceed **4050** percent of the primary dwelling exclusive of the garage, or **8001,000** square feet, whichever is less. **The minimum area shall be as determined by the State of Oregon Building Codes Division.** ~~The minimum area shall not be less than 300 square feet.~~
3. The accessory dwelling shall meet all applicable standards for this zone including, but not limited to, setbacks, height, and building codes in effect at the time of construction.
4. The structure's appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit.
5. One additional off-street parking space shall be provided (in addition to any off-street parking required for other uses on the same parcel or lot).
- ~~6. The accessory dwelling unit must have independent services that include but are not limited to water, sewer, and electricity.~~
- 6.** Not more than one accessory dwelling unit shall be allowed per lot or parcel.
7. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that are completely independent from the primary dwelling.
- ~~8. The property owner shall reside on site within the primary dwelling unit.~~

Attachments:

Attachment A: Affordable Housing Efficiency Measures

Attachment B: Accessory Dwelling Units Comparable Matrix

- 8.** Manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures shall not be used as an accessory dwelling unit.

Fiscal Impact:

None to Municipality
Reduced private utility construction cost

Recommendation:

The McMinnville Affordable Housing Task Force contends that these amendments would be beneficial to future residential development by reducing some identified barriers to affordable housing opportunities in McMinnville. The McMinnville Affordable Housing Task Force recommends that the McMinnville Planning Commission review these proposed legislative amendments in a public work session to be held on August 17, 2017, and to direct staff to present these proposed legislative amendments for review and consideration at a Planning Commission public hearing to be held on September 21, 2017, and to recommend approval to the City Council.

Attachments:

Attachment A: Affordable Housing Efficiency Measures

Attachment B: Accessory Dwelling Units Comparable Matrix

Measures to Encourage Affordable and Needed Housing (within existing UGB) - HB 4079 Pilot Program

Affordable Housing Measures (23 total points) OAR 660-039-0060(3)(a)

Density Bonus (max 3 points)

- 3 points – Density bonus of at least 20%, no additional design review
- 1 point – Density bonus with additional design review

Systems Development Charges (max 3 points)

- 3 points – At least 75% reduction on SDCs
- 1 point – Defer SDCs to date of occupancy

Property Tax Exemptions

- 3 points – Property tax exemption for low income housing
- 3 points – Property tax exemption for non-profit corp. low income housing
- 3 points – Property tax exemption for multi-unit housing

Other Property Tax Exemptions/Freeze

- 1 point – Property tax exemption for housing in distressed areas
- 1 point – Property tax freezes for rehabilitated housing

Inclusionary Zoning

- 3 points – Imposes inclusionary zoning

Construction Excise Tax

- 3 points – Adopted construction excise tax

Cities must have adopted measures totaling at least 3 points of affordable housing measures

- and -

at least 12 points overall

cities may apply for up to 6 points of credit for alternative measures

Needed Housing Measures (30 total points) OAR 660-039-0060(3)(b)

Accessory Dwelling Units (max 3 points)

- 3 points – ADUs allowed in any zone without many constraints
- 1 point – ADUs with more constraints

Minimum Density Standard (max 3 points)

- 3 points – Minimum density standard at least 70% of maximum
- 1 point – Minimum density standard at least 50% of maximum

Limitations on Low Density Housing Types

- 3 points – No more than 25% of residences in medium density to be detached
- 1 point – No detached residences in high density zones
- 1 point – Maximum lots for detached homes medium/high zones $\leq 5,000$ sq ft

Multifamily Off-street Parking Requirements (max 3 points)

- 3 points – ≤ 1 parking space/unit for multi-unit dwelling and ≤ 0.75 spaces/unit for units within one-quarter mile of high frequency transit
- 1 point – ≤ 1 parking space/unit in multi-unit dwellings

Under Four Unit Off-street Parking Requirements

- 1 point – ≤ 1 space/unit required for detached, attached, duplex, triplexes

Amount of High Density Zoning Districts (max 3 points)

- 3 points – At least 15% of all residential land is zoned for high density
- 1 point – At least 8% of all residential land is zoned for high density

Duplexes in Low Density Zones (max 3 points)

- 3 points – Duplexes are allowed in low density zones
- 1 point – Duplexes are allowed on corner lots in low density zones

Attached Units Allowed in Low Density Zones

- 1 point – Attached residential units allowed in low density zones

Residential Street Standards

- 3 points – Allowed minimum local residential street width 28 feet or less

Mixed-Use Housing

- 3 points – At least 50% of commercial zoned land allows residential

Low Density Residential Flexible Lot Sizes

- 1 point – Minimum lot size in low density zones is 25%+ less than the minimum lot size corresponding to maximum density

Cottage housing

- 1 point – Allows cottage housing

Vertical housing

- 1 point – Allows vertical housing

Topic	McMinnville	Newberg ¹	Bend ²	Ashland ³	Redmond ⁴	Corvallis ⁵	Grants Pass ⁶
ADU							
Type Allowed	- Conversion of attic, basement, or garage - Adding floor area to primary dwelling - Detached ADU	- Attached or detached - Addition to primary dwelling	- Attached or detached - Conversion of portion of primary dwelling	- Attached or detached	- Attached or detached	- Attached or detached - Conversion of garage	- Attached or detached - Conversion of attached or detached (garage or shed) space - Addition to primary dwelling
Zoning Districts Allowed	- All Residential districts as permitted use - Only allowed on lots w/ a detached single family dwelling	- R-1 as conditional use - R-2 & R-3 as permitted use	- All Residential districts as permitted use - Only allowed on lots w/ single family detached or attached dwelling unit	- Permitted w/ special use standards in all residential districts - Allowed on lots w/ single family residential dwelling as primary use	- Allowed in all residential zones - Permitted in R-4 & R-5 - Conditional use in R-1, R-2, R-3 & R-3A	- Allowed in all residential zones, but must meet minimum lot sizes: - RS-1: 8,000 sf - RS-3.5/RS-5: 6,000 sf - RS-6/RS-9/RS-12/RS-20: 3,500 sf for detached 2,500 sf for attached	- Only allowed on lots w/ single family detached dwelling unit
Size Limitations	- Max ADU Size: 40% of the primary dwelling square footage or 800 square feet, whichever is less - Min. ADU Size: 300 square feet	- Max ADU size: 50% of the primary dwelling, up to 1,000 square feet	- Lot 6,000 sf or less: max. ADU size of 600 sf - Lot greater than 6,000 sf: max ADU size of 800 sf	- R-1 Zone: Max ADU size of 50% of the primary dwelling, up to 1,000 sf - R-2/R-3 Zone: Max ADU size of 50% or the primary dwelling, up to 500 sf	- Max detached ADU size: 50% of the primary dwelling, up to 800 sf - Above garage ADU: may not exceed garage footprint	- Max ADU size: 40% of the primary dwelling up to 900 sf	- Max ADU size: 1,000 sf - Height max of 18 feet - ADU footprint shall not be larger than footprint of primary dwelling
Setback/Development Standards	- Follows underlying zoning district standards	- Follows underlying zoning district standards	- Exempt from max FAR if certain size	- Follows underlying zoning district standards - Exempt from density and min. lot area requirements	- Follows underlying zoning district standards	- Follows underlying zoning district standards - Entry & walkway must be 5’ from side yard lot line	- Exempt from density requirements
Material Requirements/Design Standards	- Siding, roofing, materials, and color shall coincide w/ primary dwelling - Definition of ADU states that ADU will “generally” have its own outside entrance, but not specifically required	- Entry may not be located on front façade of primary dwelling - 2 nd story windows 10’ or less from property line must be privacy glass	- Max height of 25’ or height of primary dwelling - 2 nd story doorways, outdoor living areas, and staircases setback of 10’	- Independent entry - Certain design standards apply in neighborhoods w/ adopted small area plans: visual buffers, second floor detailing or step-back design	- Independent entry - If entry is accessed by stairs, a covered porch is required	- Architecturally integrated (roof, exterior materials, windows, color) w/ primary dwelling unit - 2 nd story windows opaque - Balconies only allowed to face nearest side yard	- Entry located in side/rear - Compatible w/ primary dwelling (roof, exterior materials, windows, eaves) - New detached ADUs must be located at least 6 feet behind the primary dwelling

¹ Newberg Development Code 15.440.030

² Bend Development Code Table 2.1.200, 2.1.400, 2.1.600 (B)(2), 3.3.300, 3.6.200 (B)

³ Ashland Development Code Table 18.2.3.040, 18.4.3.040, 18.6.1

⁴ Redmond Development Regulations 8.0135, 8.0325, 8.0500

⁵ Corvallis Land Development Code 4.1.30, 4.9.40. Corvallis allows ministerial and general development options for ADUs, which have different requirements. Ministerial is a staff level review w/ no public hearing or notification. Ministerial requirements listed above. General development option requires property owner notification, but allows for no minimum lot size in low density residential zones, no setbacks for entrance doors/walkways, less restriction on architectural integration w/ primary dwelling.

⁶ Grants Pass Development Code 22.720, 25.042

Light Green – Less Restrictive, Medium Green – Same or Very Similar, Dark Green – More Restrictive

Parking Requirement	- 1 space for the ADU	- 1 space for the ADU	- 1 space for the ADU	- Studio or 1 BR < 500 sf: 1 space/unit - 1 BR > 500 sf: 1.5 spaces/unit - 2 BR: 1.75 spaces/unit - 3 BR+: 2 spaces/unit	- 1 space for the ADU	- If parking requirement for primary dwelling is met, no additional off-street parking required - If ADU parking provided, cannot be in front/side yard	- 1 space for the ADU
Utilities	- Must have independent water, sewer, and electricity services	- Utilities can be shared with primary dwelling	- Utilities can be shared with primary dwelling	- No specific requirement that utilities be separate from primary dwelling	- Utilities can be shared with primary dwelling	- No specific requirement that utilities be separate from primary dwelling	- Utilities can be shared with primary dwelling
Number/Density	- 1 ADU allowed per lot	N/A	- 1 ADU allowed per lot	- 1 ADU allowed per lot	N/A	- 1 ADU allowed per lot	- 1 ADU allowed per lot
Facilities	- ADU must include kitchen, bathroom, living, and sleeping area that are completely independent from primary dwelling	- ADU must have one or more rooms, bathroom, and kitchen	N/A	- ADU must have independent, permanent provisions for living, sleeping, eating, cooking, and sanitation	- Kitchen w/ oven, stove w/ 2 burners, sink, refrigerator w/ 6 cubic feet capacity, & freezer - Bathroom w/ sink, toilet, & shower	N/A	N/A
Ownership	- Property owner must reside in primary dwelling	N/A	N/A	N/A	- Property owner must reside in either primary dwelling or ADU	- Property owner must reside in either primary dwelling or ADU - Deed restriction required	- Ownership of ADU shall not be subdivided or separated from ownership of primary residence
RV/Trailer/Manufactured Home	- Not allowed as an ADU	N/A	N/A	N/A	N/A	N/A	N/A



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Work Session

EXHIBIT 2 - STAFF REPORT

DATE: August 17, 2017
TO: McMinnville Planning Commission
FROM: Heather Richards, Planning Director
SUBJECT: G 7-17 Alternative Housing Options, Cottage Cluster Developments – Proposed Draft Development Code Amendments

The purpose of this discussion item is to review draft amendments to the McMinnville Zoning Ordinance (Ordinance 3380) specific to adding a new chapter, Alternative Housing Options, Cottage Cluster Developments.

Background:

As part of their efforts to remove barriers for affordable housing in McMinnville, the McMinnville Affordable Housing Task Force has been reviewing the McMinnville Zoning Ordinance for affordable housing initiatives and efficiencies.

The January, 2017 meeting of the McMinnville Affordable Housing Task Force (MAHTF) started their evaluation of the current McMinnville zoning ordinance to identify additional development code efficiency measures as they pertain to affordable housing. The discussion resulted in direction being provided to Planning Department staff to assemble an analysis evaluating comparable cities' development codes as they pertain to barriers and incentives to affordable housing with the goal of identifying potential efficiency measures that could be incorporated into the McMinnville zoning ordinance.

The multi-jurisdictional analysis included a review of development codes from the cities of Newberg, Ashland, Bend, Redmond, Corvallis and Grants Pass.

Discussion:

At their March 15, 2017 meeting, the MAHTF discussed cottage cluster developments. Cottage cluster developments are a development on one parcel of several single family dwelling units that share common open space and accessories. It is a tool used by many communities to develop smaller, compact neighborhoods on one parcel that maintain the rhythm and form of the existing neighborhood in which that parcel is located. Please see photos below.

Attachments:
Draft Code Language – Cottage Cluster Developments
Cottage Cluster Development Code Summary Matrix
Cottage Cluster Developments – Alternative Housing



Observations from the MAHTF March 15, 2017 meeting included the following:

Cottage Cluster Developments:

- Cottage development is an innovative way to provide flexibility in housing product, introduce more density to existing residential areas, support efficient use of existing residential land, and allow for infill development. Communities that have begun to allow cottage development have done so for a variety of reasons. Some have done so to respond to the market demand for smaller detached housing units, and some have done so to address density and allow for increased efficiency in the development of existing residential lands within their Urban Growth Boundaries.
- McMinnville does allow for development in the form of the typical cottage housing development. As previously discussed, this type of housing development would be allowed in McMinnville as “condominium” development. However, condominium development is only permitted in the R-4, C-3, and O-R zoning districts (high-density residential and commercial zones).
- Other communities in Oregon have adopted Cottage Development Codes to allow for this type of housing to occur in other residential areas besides those zoned for high density development. There are a variety of approaches to regulating cottage development. Other communities have removed minimum lot size requirements, allowed for density bonuses, or developed unique setback requirements for cottage development sites to allow for the innovative placement of single family units within the larger site.
- Three of the six cities used as comparison communities in our previous research have adopted specific Cottage Development codes. Those communities include Bend, Redmond, and Grants Pass.
- All communities that have Cottage Development codes, especially those that have allowed for cottage development to occur in lower density areas, have included site design and architectural standards that apply to cottage development sites to ensure that the development blends in with the surrounding neighborhood.
- Grants Pass has an interesting Cottage Development code, which includes Guiding Principles specific for cottage development, design requirements, and photo examples of the type of design that the code encourages. These were included in the code to promote high quality construction and ensure that cottage development is compatible with surrounding neighborhoods.

On July 26, 2017, the MAHTF reviewed draft code language for cottage cluster developments. At that meeting, the Task Force reviewed and discussed the proposed amendments and directed staff to move this recommendation forward for Planning Commission review at the August 17, 2017 work session. (Please see attached proposed language).

This language was developed after reviewing seven other cottage cluster development codes. Staff is recommending a new chapter to the Zoning Ordinance for alternative housing options site and design review including cottage cluster development, with the land-use classification then allowed in every residential zone as a conditional use.

Fiscal Impact:

Attachments:

Draft Code Language – Cottage Cluster Developments
Cottage Cluster Development Code Summary Matrix
Cottage Cluster Developments – Alternative Housing

None at this time.

Recommendation:

The McMinnville Affordable Housing Task Force contends that these amendments would be beneficial to future residential development by reducing some identified barriers to affordable housing opportunities in McMinnville. The McMinnville Affordable Housing Task Force recommends that the McMinnville Planning Commission review these proposed legislative amendments in a public work session to be held on August 17, 2017, and to direct staff to present these proposed legislative amendments for review and consideration at a Planning Commission public hearing to be held on September 21, 2017, and to recommend approval to the City Council.

Attachments:

Draft Code Language – Cottage Cluster Developments
Cottage Cluster Development Code Summary Matrix
Cottage Cluster Developments – Alternative Housing

ALTERNATIVE HOUSING OPTIONS

COTTAGE DEVELOPMENTS (Conditional Uses in all Residential Zones):

Purpose: The purpose of a Cottage Development is as follows:

1. To provide greater flexibility in development of land for creative housing options.
2. To provide a voluntary option to allow compatible infill development with an automatic density bonus with standards designed to mitigate the intensity of the development so that the development is compatible with the surrounding neighborhood.
3. To provide diverse housing types that respond to changing household sizes and ages
4. To promote housing affordability and greater choice by encouraging smaller and more diverse house sizes and mixes of income levels.
5. To encourage a create approach in land development and for a consistent and interesting architectural theme within each development.
6. To encourage creation of more open space for residents of the development while at the same time achieving a more efficient use of land through flexibility in density and lot standards; and
7. To provide guidelines to ensure compatibility with surrounding land uses.
8. To build great neighborhoods.

Concept: A Cottage Development is a grouping of four or more small, single family dwelling units clustered around a common open space area and developed with a coherent plan for the entire site. Cottage units may have other shared amenities. The shared common area and coordinated design may allow densities that are somewhat higher than typical in single family neighborhoods possible while minimizing impacts on adjacent residential areas.

Guiding Principles: The following elements are intended to guide cottage developments to foster community and ensure a balance between privacy, security and neighborhood interactions. The guiding elements are encouraged. The city may require proposed cottage development to be consistent with the guiding elements.

1. Shared Open Space. The shared common space binds the cottage development together and gives it vitality. Residents surrounding this space share in its management, care and oversight, thereby enhancing a sense of security and identity.
2. Active Commons. Development can be arranged to encourage community interaction in the commons. This can be achieved by arrangement of mailboxes, parking areas and common buildings, and by orienting front doors toward the commons. Rather than having homes turn their backs to their neighbors, active interior rooms can be oriented so they look onto the active commons.
3. Common Buildings. An advantage of living in a cottage development is being able to have shared buildings. These can be simple and inexpensive shared amenities such a tool shed, outdoor barbeque, or picnic shelter. A multipurpose room with a kitchenette, bathroom and storage room can be used to host community events such as potlucks, meetings, exercise groups, and movie nights.

Example: Common buildings

Project: Danielson Grove in Kirkland, WA
Architect: Ross Chapin Architects Developer:
The Cottage Company.



4. Adequate Parking that does not Dominate. Parking areas should be located so they are shielded or screened from the surrounding neighborhood, adjoining public street, and the central commons. Parking areas can also be located and arranged to encourage interaction of residents and guests. Locating parking areas away from the homes can allow more flexible use of a site, limit the dominance of garages and driveways, decrease the amount of hard surface, and allow more light into homes.
5. Connection and Contribution to the Neighborhood. A cottage development should make the neighborhood a better place. The site should be designed to connect and contribute to the fabric of the surrounding houses and streetscape. The development should be designed to make improvements that serve both personal needs and the larger community at the same time.

Example: Connection and Contribution to Neighborhood

Project: Danielson Grove in Kirkland, WA
Architect: Ross Chapin Architects Developer:
The Cottage Company



6. Eyes on the Commons. When the active spaces of the houses look onto the shared common areas, safety for all residents is enhanced.
7. Layers of Personal Space. When living closer together, the design and relationship of public and private space is important. It is desirable to help define and provide for transitions from public to semi-private to private space. Creating multiple 'layers of personal space' will help achieve the right balance between privacy and community.

This can be achieved between the cottage development and its surrounding neighborhood, as well as between the commons and homes within the cottage development. At the transition between the public street and the semi-public commons, this can be achieved by creating a passage of some sort: a gateway, arbor, or narrowed enclosure of plantings, for example.

Between the commons and the front door of the homes, this can be achieved by creating a series of layers such as a private yard with a low fence and/or border of shrubs and flowers at the edge of the sidewalk, a covered porch with a low railing and flowerboxes, and then the front door. With this layering, residents will feel comfortable being on the porch with enough enclosure to be private, with enough openness to acknowledge passersby.

Example: Layers of Personal Space

Project: Greenwood Avenue Cottages in Shoreline, WA
Architect: Ross Chapin Architects
Developer: The Cottage Company



8. Private Space and a Place for Planting. Include private ground space for each dwelling, such as a small yard or a planting bed. Locating at least some of the private garden in view of the shared common area provides a personal touch that contributes to the character of the commons, as well as a way of fostering connections with neighbors, and transitioning between public and private space.
9. Front Porches. The front porch is a key element in fostering neighborly connections. Its placement, size, relation to the interior and the public space, and height of railings are important to creating strong community connections.

10. Nested Houses. Residences should be designed with open and closed sides so that neighboring homes ‘nest’ together. This means the open side has large windows facing its side yard, while the closed side has high windows and skylights to bring in ample light while preserving privacy. The result is that neighbors do not peer into one another’s living space.
11. Smaller, High-Quality, Well-Designed Dwellings. Slightly smaller, high- quality houses, together with the common open area and cottage development elements, help ensure the intensity of development is compatible with the surrounding neighborhood. Together, the common areas and individual home elements, such as the porch, gardens and shared common buildings serve as additional living area. There are opportunities for privacy while fostering connection among neighbors with a spacious feeling and without a sense of overcrowding.
12. Cottage development is not considered “needed housing” per the definition in Oregon Revised Statutes, and as such is not limited to clear and objective review standards. Cottage development provides a voluntary alternative to standard land division and development methods to provide creative housing solutions. However, the standards of this Section are intended to provide a “template” that clearly identifies the necessary elements to successfully obtain approval of a cottage development
13. Whether or not lots are created as part of the cottage development, all provisions of the Development Code pertaining to frontage improvements along any public street frontage shall apply to the parent parcel. Improvements within the cottage development shall be as specified in this Section.

Additional Illustrations of Key Guiding Principles and Cottage Development Elements



Shared open space

Project: Danielson Grove in Kirkland, WA

Architect: Ross Chapin Architects

Developer: The Cottage Company



Connection to the neighborhood

Photo provided by SERA Architects



Eyes on the common

Photo provided by SERA Architects



Porches

Project: Greenwood Avenue Cottages in Shoreline, WA

Architect: Ross Chapin Architects

Developer: The Cottage Company

Permitted Uses and Structures within a cottage development

1. Cottage. Permitted in all zones where cottage development is permitted.
2. Community Building. Permitted on common area lots in all zones where cottage development is permitted. Not for commercial use. May include guest quarters.
3. Shared Accessory Structures. Permitted in all zones where cottage development is permitted. May include parking, storage buildings. Shall not be permitted within central common area and must be screened from view from central common areas.
4. Individual Accessory Structures. Individual attached garages may be permitted for a cottage. Garages shall not face a central common area.
5. Two Cottage Unit (Attached). Limited to one-third of units.
6. Carriage House (1 unit above a common parking structure). One carriage unit is permitted for every four cottages.

Limitations on Use and Accessory Uses

1. Accessory Dwelling Units are not permitted as part of cottage development.
2. Home Occupation Limits. Home occupations are limited to exempt home occupations that don't have outside employees or on-site clients and which are only be conducted within the dwelling unit or attached garage. If the home occupation is located within an attached garage, it shall not preclude parking in the garage.

Density

1. An automatic density bonus is allowed with cottage developments that meet the requirements in this section. Cottage developments may reach a density of up to 150% of the maximum density established by the base zone.
2. In any zone that has a minimum density requirement, cottage development shall only be permitted if it meets those requirements, independently, or together with other development included in the overall proposal.

General site requirements

1. Ownership options. Ownership may be a common lot, fee simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development. NOTE: Any development meeting the definition of a "Planned Development" or "Condominium" per state statute shall comply with all applicable provisions of state law. If condominium ownership, common areas shall be designated as 'general common elements' and private yard spaces shall be designated as 'limited common elements' for purposes of ORS Chapter 100 Condominium Law.
2. Overall site requirements
 - A. The parent parcel shall be at least 8,000 square feet. The lot may be further subdivided to facilitate individual lot ownership combined with shared ownership of common spaces.
 - B. Cottage developments shall contain a minimum of four cottages (single or attached).

- C. Lot Coverage. Principal and accessory structures in the cottage development shall account for no more than 35 percent of the gross lot area in the overall development.
- D. If individual lots are created, the lots shall not be subject to the minimum lot size provisions of the zone. They may be smaller subject to compliance with the density requirements for the overall cottage development, and in accordance with the provisions of this Section, including requirements for provision of common areas and private open space. There is no minimum lot size for the individual cottage lots, provided they include the footprint and private yards areas for the individual cottages.

3. Lot/cottage arrangement

- A. Cottages shall be arranged around a common open space, and each cottage shall have frontage on the common open space.
- B. Units along the public right-of-way should have an inviting facade such as a primary or secondary entrance facing the right-of-way.
- C. All other units shall be arranged around the common open space and have their primary entry and porch facing that common open space.
- D. Lots fronting common area and public right-of-way should generally be arranged at a corner to avoid a need for “two fronts” that would preclude full-height fencing, if desired, of both the front and back sides of the unit.
- E. A community building may be provided adjacent to or at the edge of the central common area as part of the cottage development, consistent with the standards in subsection (17) below.

4. Setbacks

- A. Front yards (yards facing a public right-of-way) shall meet the front yard setback of the zoning district.
- B. Exterior side and rear yards (facing public right-of-way) shall be a minimum of 10 feet.
- C. Interior units on a common lot or separate lots shall be spaced at least 10 feet apart.
- D. If individual lots are created, the applicant may create a zero lot line configuration between units to maximize usable private area and provide privacy.
- E. Setbacks from central common area – private area between sidewalk and unit. Minimum of 5 feet to porch.

5. Private and common open space

A. Central Common Open Space

- 1. Common open space is a defining characteristic of a cottage housing development. A minimum of 400 square feet of central common open space per unit shall be provided.
- 2. Up to 50 percent of the central common open space requirement may be provided in an area constrained from development such as a wetlands, steep slope, or forested area.

3. Cottages shall be present on at least two sides of common open space to provide a sense of enclosure.
4. Common space should be in one contiguous area, or no more than three separate areas. Each contiguous common area shall have a minimum of four cottages arranged around at least 2 sides of the common area.
5. Each common open space area should have minimum width and depth dimensions of 20 feet.
6. The central common shall include a sidewalk (width) around the open space, connecting to each cottage front entrance facing the common area.
7. No vehicular areas shall be located between dwellings and central common areas. Vehicular areas shall be screened with landscaping.

6. Private Open Space

- A. A minimum of 250 square feet of usable private open space shall be provided adjacent to each unit.
- B. Required exterior side yards shall not apply to the calculation of required private open space.

7. Frontage, Access, Parking, and Vehicular Circulation

- A. Frontage. The parent parcel shall have frontage on a public street. If individual lots are created within the cottage development, each lot shall abut a common area, but is not required to have public street frontage.
- B. Access. Access, parking and circulation will be provided through a shared private lane. A lane is similar to a private driveway and parking area serving multiple units. There shall be pedestrian connectivity to the common area, but a lane is not a public street and is not subject to street standards. A lane will not fulfill block length and connectivity standards and is not intended for through-connectivity to other properties, although shared access may be required or desirable in some cases. If a public street connection is required to meet connectivity requirements or other street connectivity standards or plans, a public street connection shall be required where applicable.
- C. Parking. A minimum of one parking space per unit shall be provided, plus one additional parking space for every four cottages for visitors and extra vehicles.
 1. Parking and/or garage structures shall be located behind or to the side of the residential area and open space. They shall be accessed from the back of the cottages.
 2. Parking areas, shared parking structures, and garages shall be screened from common space and public streets by landscaping or architectural screening, not chain link.
 3. Shared covered or uncovered parking is permitted. Parking should be limited to groups not to exceed 4 spaces, with each group separated by at least 20 feet.
 4. If the property has frontage on a public alley, access and parking may be provided from the alley.

5. If individual lots are created, parking and access shall be provided in a common area with access easement.
6. On-Street parking may be counted toward meeting the guest parking requirements for the development.
- D. Fire Access. Fire access shall be provided consistent with the fire code, and fire hydrants shall be provided consistent with the fire code.

8. Landscaping and Vegetation

- A. Where feasible, cottage developments should be designed to retain existing mature trees (at least 6 inches in diameter) that do not pose a safety hazard.
- B. Landscaping located in common open spaces shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs.
- C. Street trees shall be per Section XX of this code.

9. Fences

- A. No fence taller than 36 inches in height shall be located between the front wall of a cottage or community building and the common open space.
- B. Fences around dwelling units or on the street frontage shall not exceed 36 inches in height.
- C. If private yards between buildings are fenced, they shall not exceed 6 feet in height.

10. Utilities

- A. Cottage development is subject to any applicable code provisions regarding public street frontages.
- B. Water. Water meters shall be installed within the public right-of-way. If the property is retained as a single lot, a master meter or individual meters may be used. If individual lots are created, each lot shall have a separate meter and service. Service lines may cross common areas to the individual lots, but shall not cross individual lots. If on-site fire hydrants are required, they shall be served by a public fire line located in a drivable easement within the parking and circulation areas.
- C. Sewer. Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual building lots.
- D. Gas/Electric/Phone/Cable/Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or they may be extended in circulation areas in a public utility easement, and extended across common areas to individual lots. \
- E. Trash Storage. Any areas where communal trash and recycling are stored shall be screened by a sight-obscuring fence and/or vegetation.

11. Addressing. Cottages should be addressed from a public street, not a private lane.

Building Requirements

1. Cottages

- A. Building footprint. Cottages shall have a maximum building footprint of 1,000 square feet. The footprint of an attached one-car garage is not included in this maximum, but shall not exceed 200 square feet per unit.
- B. Cottages may have a second partial or full story, provided that the floor area of the second story is no more than 0.6 of the square footage of the main floor (e.g., a cottage with an 800-square-foot building footprint (main floor) could have a second floor of 480 square feet, for a total floor area of 1,280 square feet).
- C. The maximum total floor area of cottages shall be 1,600 square feet (e.g., a cottage with a 1,000-square-foot building footprint (main floor) could have a second floor of 600 square feet, for a total floor area of 1,600 square feet). An additional 200 square feet is permitted for an attached garage.
- D. A below-grade partial story may be allowed, but habitable space on that story shall count toward the total floor area of the cottage.
- E. Building Height. The maximum building height shall be 24 feet.
- F. Porches. Attached, covered porches are required and shall have minimum width and depth dimensions of seven feet. (cottages, two-unit cottages). Carriage units are not required to have porches, but are encouraged to have an outdoor patio or deck).
- G. Other design requirements. Cottages shall contain a variety of designs that include articulation of facades; changes in materials, texture, color, and window treatments; and other architectural features so all units do not appear identical. (Some repetition is acceptable.)

2. Two-Unit Structures

- A. Where permitted, two-unit attached cottages shall not exceed a building footprint of 2,000 square feet for one-story units (average 1000 square feet footprint per unit) or 1,800 square feet for either one-and-a-half or two-story units (average 900 square feet footprint per unit).
- B. The number of attached units in a cottage development may not exceed one-third of the total number of units.
- C. Attached two-unit structures are allowed and must be similar in appearance to detached cottages.
- D. Attached two-unit structures shall have one primary shared entry facing the common open space.

3. Carriage Units

- A. One carriage unit may be provided for every four cottages.

4. Community Buildings

- A. Community buildings are intended as an amenity for the use of the cottage development residents and to help promote the sense of community. They may include a multi-purpose entertainment space, a small kitchen, library, or similar amenities. Guest quarters, storage space, or a carriage unit could be included as part of a community building.
- B. A community building shall be of similar scale, design, and height as the cottages, with a maximum footprint of 1,000 square feet and with the second floor not to exceed 0.6 square footage of the first floor.
- C. Commercial uses are prohibited in the community building.

5. Accessory Structures

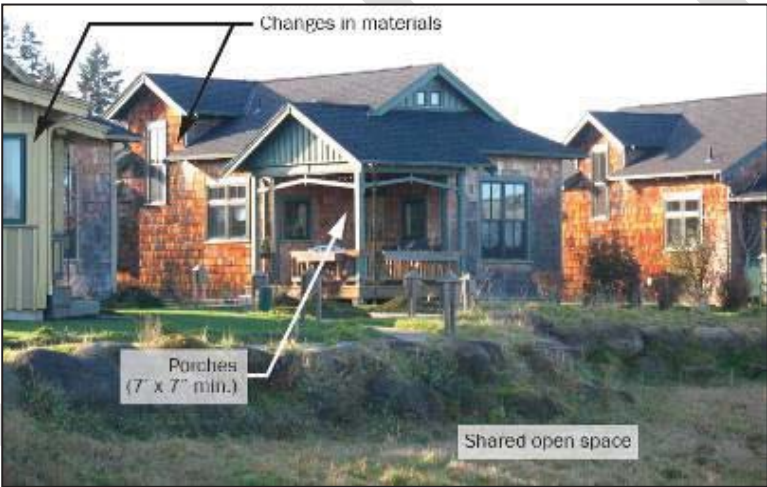
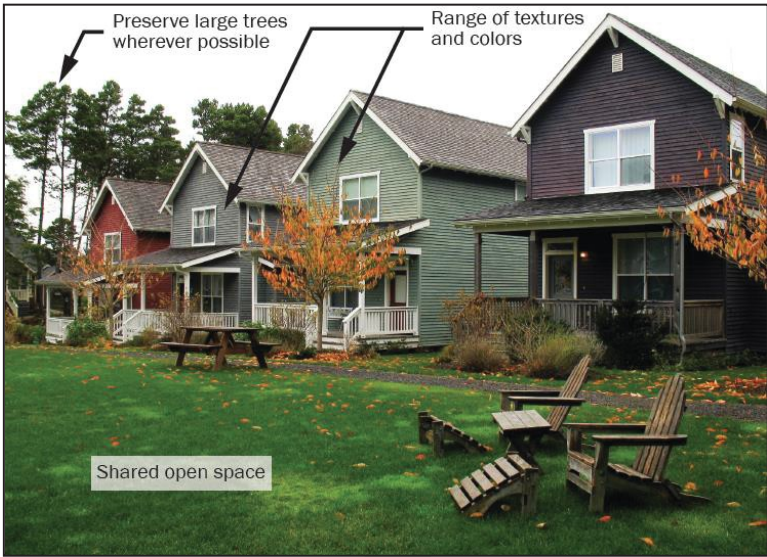
- A. Accessory structures such as garages, carports, storage or tool sheds shall not exceed 200 square feet per unit, or 1,000 square feet per accessory structure that is shared by five or more dwelling units. Storage space may be included in a garage structure, but vehicle space may not be used for storage or uses other than parking.
- B. The design of garages, carports, and other accessory structures must be similar or compatible with that of the cottages in the development.

6. Existing Dwellings on the Site. Existing dwellings may be incorporated into the development as a residence or community building, and may be nonconforming to standards. Noncompliance may not be increased.

7. Renovation and Expansion

- A. Renovations shall be in keeping with the size and architectural character of the new development.
- B. A covenant restricting any increases in unit size after initial construction beyond the maximum allowed by this section shall be recorded against the property.

Cottage development design standards



Topic	McMinnville	Newberg	Bend ¹	Ashland	Redmond ²	Corvallis	Grants Pass ³
Cottage Codes							
Type Allowed	<ul style="list-style-type: none"> - Cottage development not specifically allowed - Same form could be allowed as “condominium” development 	<ul style="list-style-type: none"> - Cottage/cluster development not specifically allowed 	<ul style="list-style-type: none"> - Cottage Housing Development - Cluster grouping of 4-12 cottages on one site - One site can contain more than one cluster 	<ul style="list-style-type: none"> - Cottage/cluster development not specifically allowed 	<ul style="list-style-type: none"> - Cottage Development allowed - Single family dwellings permitted - Site must contain a minimum of 4 cottages 	<ul style="list-style-type: none"> - Cottage/cluster development not specifically allowed 	<ul style="list-style-type: none"> - Cottage Development allowed - Cluster of 4-12 small, single family dwelling units on one site - Site must contain a minimum of 4 cottages, and no more than 12 cottages
Zoning Districts Allowed	<ul style="list-style-type: none"> - Condominium development permitted in R-4, O-R, and C-3 		<ul style="list-style-type: none"> - Standard Density Res (RS) - Medium Density Res (RM) - Medium-10 Res (RM-10) - RS & RM make up majority of residentially zoned land in Bend 		<ul style="list-style-type: none"> - Conditional use in R-2, R-3, R-4, and R-5 districts 		<ul style="list-style-type: none"> - Permitted in all residential districts, with approval by hearing’s officer or Planning Commission
Density	<ul style="list-style-type: none"> - Minimum lot size of 1,500 sf/dwelling unit 		<ul style="list-style-type: none"> - Minimum densities of 4 units/acre in RS, and 12 units/acre in RM - Max. density cannot exceed underlying zone 		<ul style="list-style-type: none"> - No minimum overall site or individual lot sizes - Densities: <ul style="list-style-type: none"> R-2: 4-9 units/acre R-3: 4-10 units/acre R-4: 5-12 units/acre R-5: 8+ units/acre 		<ul style="list-style-type: none"> - Density bonus allowed, up to 125% of the maximum density of the underlying zone
Setbacks	<ul style="list-style-type: none"> - Follows standard R-4 setback requirements 		<ul style="list-style-type: none"> - Standard setbacks between any building and site perimeter - Smaller setbacks between buildings within site 		<ul style="list-style-type: none"> - Standard setbacks between any building and site perimeter - Smaller setbacks between buildings within site 		<ul style="list-style-type: none"> - Standard setbacks between any building and site perimeter - Smaller setbacks between buildings within site
Material Requirements/Design Standards	<ul style="list-style-type: none"> - None 		<ul style="list-style-type: none"> - Each unit served by individual utilities - Covered entries required - Pathways required - Common accessory structures allowed 		<ul style="list-style-type: none"> - Orientation of cottages toward open space - FARs for cottage units - Architectural standards for cottages & accessory structures - Pathways required 		<ul style="list-style-type: none"> - Guiding Principles related to site design, architecture, and building materials to guide cottage development - FARs and building footprint maximums for cottage units
Open Space	<ul style="list-style-type: none"> - 25% of site required to be landscaped 		<ul style="list-style-type: none"> - Common open space required at minimum of 400 sf/cottage - Private open space required at 400 sf/cottage 		<ul style="list-style-type: none"> - Minimum common open space of 500 sf/cottage - Minimum private open space of 300 sf/cottage 		<ul style="list-style-type: none"> - Minimum common open space of 400 sf/cottage - Minimum private open space of 250 sf/cottage
Parking	<ul style="list-style-type: none"> - Follows standard multi-family requirements 		<ul style="list-style-type: none"> - Number based on cottage size and number of BRs - Location flexible 		<ul style="list-style-type: none"> - 2 parking spaces required per cottage unit - Location flexible 		<ul style="list-style-type: none"> - 1 space required per cottage unit, plus 1 extra space per 4 cottage units - Location flexible

¹ Bend Development Code Table 4.5.600

² Redmond Development Regulations 8.0285

³ Grants Pass Development Code 18.300

Character-Compatible, Space-Efficient Housing Options for Single-Dwelling Neighborhoods

May 2016



State of Oregon
Department of
Environmental
Quality



3. COTTAGE CLUSTERS

Cottage clusters are groups of relatively small homes, typically oriented around a shared common space, such as a courtyard, garden, quiet street, or alleyway. They can be found in urban, suburban, or rural areas, and range in site area and number of dwellings. As architect Ross Chapin, architect and developer of many clustered residential developments, puts it, cottage clusters are designed around peoples’ natural “scale of sociability.”

As home sizes decrease, the importance of site and building design arguably increase. To support community interactions, provide essential buffer areas between private and public spaces, and ensure they fit in well with the surrounding neighborhood, successful cottage cluster developments rely on design and density strategies that are quite different from patterns found in typical single-dwelling developments.



*Third Street Cottages in Langley, WA, is a community of eight detached cottages located on four standard single-dwelling lots, oriented around a shared commons building and tool shed.
(Photo courtesy of Third Street Cottages and Ross Chapin Architects.)*

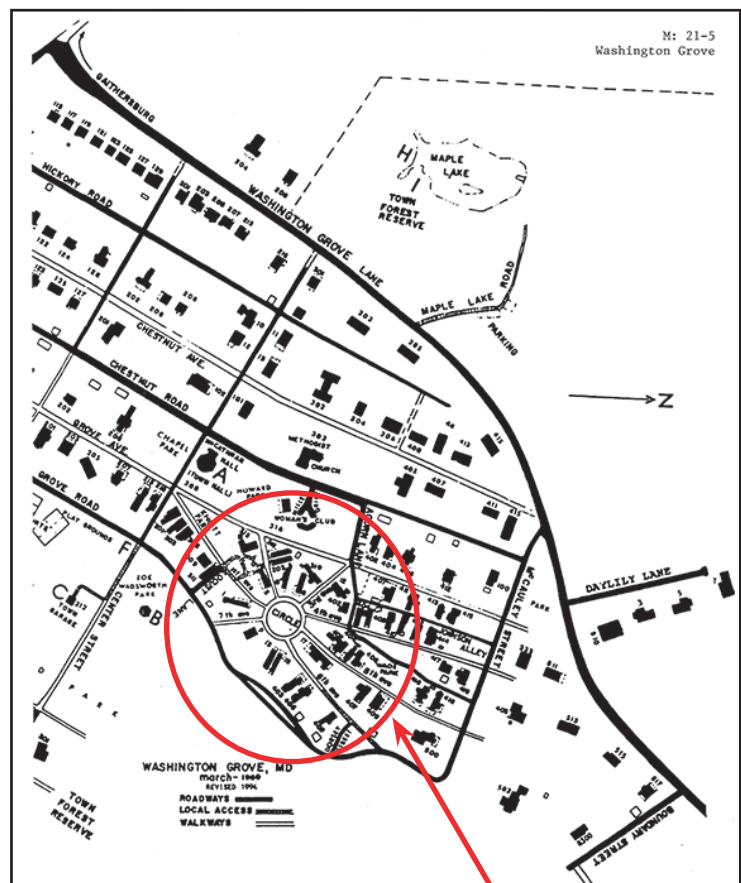
Cottage Cluster Characteristics

Cottage Clusters – Typical Characteristics	
Form	
	• 4-14 detached homes situated around shared open space
	• Home sizes under 1,000-1,200 square feet
	• Recently built cottage clusters often feature deep porches, kitchens facing courtyards, and bedrooms tucked in the back or upstairs. Older examples of the form may have some or none of these design elements.
	• Similar configurations with attached homes may be also called courtyard apartments
	• Parking is either not required on-site or located along the site perimeter
Ownership	
	• Fee simple lots (Case Study: Wyers End)
	• Single-lot Planned Development with condominium ownership (Case Study: Cully Grove)
Density	
	• Varies; up to 225% of single-dwelling densities

History & Regulatory Context

Precedents for small homes clustered around common spaces go back as long as people have been building homes. Early examples of recognizable cottage clusters in the United States find roots in Methodist and other camp meetings from the early 1800s that grew over time into permanent housing developments. One such community that still exists is Washington Grove in Montgomery County, MD, a mostly car-free neighborhood of small, ornate homes, anchored by a cluster of “Cottages in a Circle” around a common green.

A more recent form of cottage cluster housing is the Bungalow Court, which was introduced in Pasadena, CA, in 1909 as a collection of small, inexpensive, detached single family homes around a central garden courtyard.⁸ These are quite similar to the courtyard clusters found in Salem (see the Catterlin Cottages case study) and other Oregon cities, mostly built before single-dwelling zoning was widely introduced in the 1950s. Minimum lot sizes and one-house-per-lot requirements, which figured prominently into this new approach to residential zoning, were (and still are) largely incompatible with cottage cluster housing. Couple in the growth of average home sizes and increase in home ownership rates⁹ following World War II, and it's easy to see why construction of new cottage clusters ceased - even as pre-existing examples of this housing form continued to provide small, affordable housing options amidst larger and more expensive homes built in the latter half of the century.



Washington Grove, Montgomery County, MD.
(Images courtesy of the Maryland Historical Trust.)

Common Green

⁸ James Curtis and Larry Ford, “Bungalow Courts in San Diego: Monitoring a Sense of Place,” *Journal of San Diego History*, Spring 1988.

⁹ James Pollock, “Long-term home ownership trends: The US, England, and Canada,” *Housing Finance International*, March 2014.



*Cottage clusters on Cottage Street NE, Salem, OR.
(Photos courtesy of TGM.)*

More recently, cottage housing codes crafted in the 1990s and 2000s were introduced to support housing diversity and affordability on infill sites in single-dwelling zones, primarily aimed at one- and two-person households. In 1995, the City of Langley, WA, working to meet the State of Washington Growth Management Act's urban growth and housing goals, adopted the Cottage Housing Development code provision, the first of its kind to be implemented in the Pacific Northwest. Architect Ross Chapin, who was instrumental in creating this Langley code, has since designed and/or developed a number of cottage cluster communities across the country. He often works with local jurisdictions to adopt supportive zoning code regulations as a necessary precedent to constructing cottage cluster developments (See Wyers End case study in White Salmon, WA).

Code Elements

Cottage cluster codes depart in multiple ways from typical single-dwelling zone standards, as summarized below:

Attribute	Typical Single-Dwelling Zones	Cottage Clusters
Density	3,100 – 10,000 square-foot lot / unit	Can double densities found in single-dwelling zones
Home size	Median size of new U.S. home in 2014 was 2,506 sf ¹⁰	Up to 1,200 sf (and ≤1,000 more typical)
Height	Typically 1-3 stories	Typically 1-1.5 stories
Development size	Varies widely	Typically 4-12 homes; larger communities may have more homes around two or more courtyards on the same or contiguous plots of land
Orientation	Facing a public street or road	Dwellings are oriented toward a common green, courtyard, or other central feature
Common buildings	Rare	May include shared common buildings for meals, guest accommodations, and/or social gatherings
Parking	Street-facing garage or carport houses one to two vehicles	Parking is located on the edge of the property, or no parking is provided/required

¹⁰ <http://www.census.gov/construction/charts/highlights.html>

Attribute	Typical Single-Dwelling Zones	Cottage Clusters
Location	Allowed in any residentially zoned area, regardless of lot size	Sometimes limited to specific overlay zones and/or properties over a minimum size

For the purpose of this study, the key elements of cottage cluster codes are:

1. Home size caps in exchange for density bonuses
2. Relaxed off-street parking requirements

In addition, design requirements are often included to ensure a threshold level of community-oriented design (e.g., covered front porches, homes fronting on shared central courtyard, vehicle access and parking at periphery) and compatibility with neighborhood context. Sometimes codifying design expectations makes adoption of new codes more politically feasible, even if developers might have incorporated them into their projects regardless.

Yet, the cottage cluster regulations uncovered while researching this report were often used just once, when used at all. Since projects built using these codes were quite well received by residents and the surrounding community, it raises the question of whether standard cottage cluster codes might be stricter than they need to be. With so few new built examples, particularly of cottage cluster communities that weren't well received, there are insufficient data to get definitive answers. But it is possible to itemize key features of cottage cluster codes and suggest how they might be adjusted to try and increase production rates of this housing type while still fitting in nicely to existing neighborhoods.

Jurisdictions wanting to see broader use of this model could experiment by:

- Increasing the density bonus and/or the home size cap; and
- Relaxing or removing code requirements (e.g., minimum front porch sizes, requirements that homes be oriented towards central courtyards, parking location standards) geared towards community-oriented design that are helpful for neighborhood compatibility, but not essential to respond to the demand for smaller, more affordable, and environmentally-friendly housing choices.

Summarized below are some common code provisions, and how they may influence the likelihood that cottage clusters will be developed in a particular jurisdiction:

Provision Type	Supportive Codes	Limiting Codes
Density	<ul style="list-style-type: none"> • Provide density bonus in exchange for unit size caps 	<ul style="list-style-type: none"> • Offer no increase in density
Ownership	<ul style="list-style-type: none"> • Allow property to be divided into fee-simple lots or have multiple homes on a single lot (that could be rented out or sold as condominiums) 	<ul style="list-style-type: none"> • Require whole cluster to be on a single tax lot, or • Require the creation of multiple lots through a subdivision
Eligible Properties	<ul style="list-style-type: none"> • Establish overall site size minimums (~6,000 sf) that allow for small, infill clusters • Allow outright in all residential zones 	<ul style="list-style-type: none"> • Establish large lot size minimums (e.g., 21,000 sf) for cottage clusters that rule out many possible development sites • Allow only in a special overlay district or in particular residential zones
Site Features	<ul style="list-style-type: none"> • Allow building coverage to exceed single-unit dwelling requirement 	<ul style="list-style-type: none"> • Expand side/rear setbacks and building separation requirements • Require inclusion of a "Common house" and other common amenities (e.g., fire pit, etc.)

Provision Type	Supportive Codes	Limiting Codes
Homes	<ul style="list-style-type: none"> • Allow a range of sizes (e.g., 600 sf – Wyers End; 1,200 sf - Commons at NW Crossing) • Allow both attached and detached homes 	<ul style="list-style-type: none"> • Establish specific building and design requirements, such as porches, height limits, trim, eaves, and other features • Require design review*
Off-Street Parking	<ul style="list-style-type: none"> • Minimize or waive off-street parking requirements for clusters near frequent transit • Allow on-site parking to be clustered along the edge of property 	<ul style="list-style-type: none"> • Require one or more off-street parking spaces per home
Standard Provisions	<ul style="list-style-type: none"> • Common open space requirement • Require design review, conditional use, or other discretionary review (true for all cottage cluster codes examined for this report). However, codes could be written to allow clustered housing by right. 	

* Note the discussion in Recommendations, below, regarding design requirements.

Recommendations

(1) Couple Density Bonuses with Home Size Caps

It is critical to the success of cottage cluster codes that density bonuses and home size caps go hand-in-hand. Without a density bonus, developers have no financial incentive to opt in to home size limits. With a suitable density bonus, builders can spread the fixed cost of land across more units, allowing them to build smaller homes *and* compete successfully with land buyers who would construct larger homes.

(2) Avoid Minimum Individual Lot Size Requirements

Some jurisdictions set minimum sizes for individual cottage cluster home lots as high as 2,100 square feet. Such a standard could hinder the development of compact home clusters, especially in inner, higher-density residential and mixed-use neighborhoods. Cities could consider leaving out lot size minimums all together, relying instead on compliance with all other appropriate standards to ensure good design and neighborhood compatibility.

(3) Support Community-Oriented Site Plans with Flexible Subdivision or Planned Development Rules

Cottage cluster codes support community-oriented site layouts, particularly for deep lots large enough to accommodate multiple homes. By defining courtyards or common greens as streets (Portland, OR), or by allowing multiple homes on a single lot through a planned development process, cities can legalize a path for developers to orient homes to a central garden, lawn, or other active space rather than a paved central parking area or public street. Although such code provisions support nice site plan designs, they do not encourage the cottage development to be any denser than other residential development allowed in the zone. Without an accompanying density bonus, there's no reason to expect homes in these developments will be smaller than average.

(4) Strike a Balance with Design Requirements

Those cottage cluster codes adopted thus far have tended to have fairly strict design and site layout requirements. Such requirements may have been written for a particular project or to

respond to concerns expressed by neighbors. They may turn out to be insufficiently flexible to accommodate cottage developments on properties elsewhere in the jurisdiction, each with its own unique characteristics. In some cases (e.g., Sisters and Wood Village), cottage cluster codes have been adopted, but remain unused. It is also important to note that while design and other review processes can be highly involved and lengthen project timelines, they can also be critical to a project's success, particularly with housing types that are proposed in a jurisdiction for the first time. City councils may be less likely to consider passing an ordinance without design requirements, or taking any other measure that might allow a project unless they are confident that the ultimate development will be aesthetically pleasing, well-designed, and that existing neighborhood character will be maintained.

(5) Experiment with Geographically-Specific, Limited Adoption

It can be difficult to measure the extent to which design requirements, or any requirement, may constrain the application of cottage cluster codes. Cities may benefit from experimenting with an initial cluster code limited to a very small geography, with the intent to revisit the code in a few years. Since only a small proportion of Oregon communities have cottage cluster ordinances to date, odds are high that a developer wanting to build this type of community would need to pass an ordinance first, as happened in White Salmon, WA; Bend, OR; and Manzanita, OR. This adds some cost and risk to the development process, limiting usage of this housing model to developers who are especially driven to give it a try.

Benefits and Limitations of the Cottage Cluster Housing Type	
Benefits	Limitations
<p><i>More Efficient Use of Land</i> It is not unusual for cottage cluster developments to double the underlying zoning's density. If cottages are clustered densely enough, the cost per unit can be lower than nearby larger single-unit homes (though the cost per square foot is generally higher).</p> <p><i>Flexible Ownership Models</i> Cottage clusters can be rental (Catterlin Cottages in Salem, OR), owned as fee simple lots in a subdivision (Wyers End in White Salmon, WA and Northwest Crossing in Bend, OR), or owned as condominiums (Cully Grove in Portland, OR).</p> <p><i>Flexible Scale of Development</i> Over the past two decades, the Pacific Northwest has witnessed increased demand for cottage clusters across a wide range of city sizes and neighborhood densities. Partly because they can be designed successfully at a wide range of scales, cottage clusters can be found in cities of all sizes, including Portland and Salem, or towns like White Salmon, WA, and tiny Manzanita, OR.</p>	<p><i>Availability of Suitable Lots</i> Unlike other development models in this report that can be implemented at the scale of one single-dwelling residential lot, cottage clusters require relatively large parcels of land, which can be hard to find or assemble in desirable, pedestrian-friendly locations.</p> <p><i>Lack of Familiarity with Sharing Space</i> Many buyers are increasingly gravitating toward housing options that allow them to down-size, economize, and share resources. However, the culture of individual ownership of private homes with fully private yards is deep-rooted, limiting the breadth of demand for cottage cluster housing.</p>

Conclusions

Cottage cluster zoning is a critical infill development tool, providing a larger number of relatively small homes compared to more standard infill at the single home, lot by lot level. On the one hand, this creates the opportunity for efficiencies of scale by building multiple small homes all at once, close to one another. On the other, it can be a more difficult housing type

to site because of the amount of land required per cottage cluster development. So, although clusters are well-suited for under-developed and/or awkwardly shaped pieces of property, these kinds of parcels are more frequently found in more suburban or even rural locations than in built-out neighborhoods.

Although there are many examples of older clustered developments (including cottages and courtyard apartments), this type of housing is only now starting to re-emerge. Part of the reason for this is its appeal to a range of households, including empty nesters and families with children, who tend to prioritize community over large homes. Building cottage clusters around shared spaces doesn't guarantee that a cohesive community will form, but it does stack the odds in favor of residents getting to know one another more than they might in a more conventional neighborhood subdivision setting.

COTTAGE CLUSTER CASE STUDIES

Commons at NorthWest Crossing – Bend, OR

Irregular lot development in an experimental/opportunity district

Location: Skyliners Rd & NW Lemhi Pass Drive, Bend, OR (population 81,236)

Owner/Developer: West Bend Property Company

Architect: Jason Offutt, The Shelter Studio, Inc.

Builder: Tyee Development

Type: 14 single-family cottages on 1.91 acres, Subdivision, owned as fee simple lots with homeowner association

Square Footage: 793–999 sf

Year Built: 2013–2015

The Commons at NorthWest Crossing is a cluster of traditional-style cottages oriented around a common courtyard, with a large gardening and recreation area along the southeastern edge. The Commons offers efficient, relatively affordable homes that are designed to work well for singles, couples, and empty nesters looking to downsize. The project is close to Galveston Avenue restaurants, breweries, Rimrock Park, and adjacent to pedestrian, biking, and hiking paths.

Homes in the Commons range from 793-square-foot one-bedroom units to 999-square-foot two-bedroom units. Unlike typical cottage cluster developments where parking is clustered on the edge of the property, each cottage also has an attached one- or two-car garage. An additional five spaces are located near the Commons entrance.



*1,200 square foot cottage, Commons at NW Crossing, Bend, OR.
(Photo courtesy of Tyee Development.)*

The NorthWest Crossing Residential Cluster

Housing Overlay District, based on Langley, Washington's cottage cluster code, was adopted into the NorthWest Crossing Overlay Zone in order for this development to proceed. This Cluster Housing Overlay District sets standards for cottage cluster developments, including maximum cottage floor areas of 1,000 square feet (1,200 with an attached garage), site layout specifications, and open space requirements. The NorthWest Crossing Overlay Zone, within which the Cluster Housing Overlay District is located, allows for a density of up to 12 units per acre, significantly higher than the underlying zone (Bend's Standard Residential/Urban Standard Density zone - RS) allowance of up to 7.3 units per acre.



*Commons at NW Crossing site plan, Bend, OR.
(Image courtesy of Tyee Development.)*

The Commons, however, has 14 units on 1.91 acres, at a density of 7.33 units/acre, barely over the minimum density allowed in the Standard Density Residential District. Developers indicated that the parking arrangement and relatively low density are responses to local buyer preferences for parking and storage space, as well as challenging site topography. That said, the small increase in allowed density does little to meet the potential that cottage cluster codes have for supporting land-efficient development patterns.

The City of Bend views the NorthWest Crossing Zone area as a laboratory for new housing ideas. Hence, the Commons essentially became a plan district, and was allowed to employ a new set of codes specifically for cottage clusters. Following project execution, Bend is considering extending the cottage cluster provision to additional parts of the city.

Bend now also has a Cottage Housing Development code, which may be applied in the Standard Density Residential (RS), Medium Density Residential (RM), and Medium-10 Residential (RM-10) zones outside of the NorthWest Crossing area. However, increased density is not available in exchange for smaller homes. The Cottage Housing Development code, rather, stipulates that

maximum densities shall not exceed those of the base zone.¹¹ Further, in addition to an on-site parking minimum (one space per one-bedroom and 1.5 spaces per for two-bedroom cottages), the requirement for an attached garage increases allowable floor area from 1,100 to 1,200 square feet, perhaps making cottage developments less suitable to compact, inner areas.

Supportive Code Provisions

The NorthWest Crossing Cluster Housing Overlay District provides flexibility for commons-oriented design elements such as street frontage and lot coverage. The NorthWest Crossing Overlay Zone allows for up to 12 units per acre, however this density bonus was barely used at this site.

Limiting Code Provisions

Currently, increased density for smaller homes is not offered outside of the NorthWest Crossing Overlay District. Cottage housing developments that are permitted in other single-dwelling zones via the Cottage Housing Development code offer no density beyond the base zone.

Lessons Learned

Even though this project minimally utilized the density bonus provision available to small cottage developments, it demonstrates how cottage cluster zoning can facilitate development of irregular lots with topographic challenges, and meet market demand for significantly smaller units within walking distance of nearby amenities. It is also a successful example of experimental adoption of the cottage cluster housing type in anticipation of expanded applicability to single- and multi-dwelling zones throughout the city.

Current Status

Cottages are being completed and sold in batches, with three homes available at a time. Of the five pre-sold cottages at the time of this report, all buyers are empty nesters and/or second-home buyers.

Project website: <http://thegarnergroupharcourtsusa.com/Home/Neighborhoods/The-Commons-at-NorthWest-Crossing/5456>

¹¹ The aforementioned Cottage Housing Development code (Section 4.5.600, "Cottage Housing Development") is not included in the appendix to this report. To find this provision, please visit the City of Bend at www.codepublishing.com/OR/Bend.

Wyers End – White Salmon, WA

Site-specific code adoption and subsequent expansion

Location: Fifth Street and Jewett Boulevard, White Salmon, WA (population 2,305)

Owner/Developer: Smart Development Corporation

Architect: Ross Chapin

Builder: Skyward Construction

Type: 11 residential bungalows, 7 cottages, and 10 homes with flexible live/work space within a mixed-use planned unit development on 2.4 acres, owned as fee simple lots with home owner's association

Square Footage: 600–1,500 sf

Year Built: 2006–2008

Wyers End is composed of 28 homes: 11 residential bungalows, 7 cottages, and a yet-to-be-built second phase of 10 homes with flexible live/work space on a 2.4-acre, wedge-shaped infill site three blocks from the center of White Salmon, WA. Wyers End replaced Timms Trailer Court, while preserving the mature oak trees that now shade many front yards and footpaths. Its density is similar to that of the former trailer park: 28 homes replaced 29 single-wide trailers. Home sizes range from 600-square-foot, one-story cottages to 1,500-square-foot, two-story houses.

Designed as a “pocket neighborhood,”¹² Wyers End homes are oriented toward courtyards, small park-like areas, and landscaped walkways. There is also a small common building used mostly as a community meeting space. Parking is provided in attached garages for some units, detached parking for others, and a parking strip along Lower Wyers St. for the smaller cottages.



Live-work homes, Wyers End, White Salmon, WA.
(Photo courtesy of Ross Chapin Architects.)

Wyers End could not have been developed under existing zoning codes, so the developer and architect presented the idea of cottage cluster zoning at a town hall meeting. Sixteen months later, the City adopted Ordinance 2006-08-783, based on Langley, Washington's cottage housing development code (Langley Municipal Code 18.22.180).¹³ The amendment added Chapter 17.74 to the Zoning Ordinance for the City of White Salmon, providing for a Mixed Use Planned Unit Development (MU-PUD) overlay zone, with standards for cottage dwellings.

¹² A term coined by Ross Chapin and described in his 2011 book, *Pocket Neighborhoods: Creating Small-Scale Community in a Large-Scale World*, Taunton Press.

¹³ Excerpts from Langley's code are included in the Code Appendix to this report.

Chapter 17.74 increased the single-dwelling density permitted in the underlying R-2 (Two-Family Residential) and R-3 (Multi-Family Residential) zones by 200% and 225%, respectively, where the MU-PUD overlay is applied, so long as the developer caps the square footage and height of new homes, organizes them into four-to-ten-home clusters, provides shared common spaces, and meets special design, parking, screening, and setback requirements.¹⁴ Both base zones require 5,000-square-foot minimums for single-family lots, whereas the MU-PUD overlay zone allows densities of one home per 3,500 and 3,000 square feet, respectively. Rather than



*Cottages, Wyers End, White Salmon, WA.
(Photo courtesy of Ross Chapin Architects.)*

establishing minimum lot sizes, it states that: “The minimum lot sizes will be the product of compliance with all other standards and criteria applicable to the cottage development as a special use within a PUD.”¹⁵ The MU-PUD was intentionally crafted so it could only be used at



*Site plan for Wyers End, White Salmon, WA.
(Image courtesy of Ross Chapin Architects.)*

two or three locations in town, one of which was the site of Wyers End. This allowed White Salmon to explore this development type on a limited basis before deciding whether to make it more broadly available. While no other cottage clusters have been proposed for White Salmon, a City planner indicated that there would likely be enthusiastic support for more.

¹⁴ Section 17.73.010, “Cottage Infill Projects,” White Salmon Zoning Ordinance.

¹⁵ White Salmon Ordinance 2006-08-783, Section 17.74.080.B.6.

Supportive Code Provisions

The MU-PUD provision, adopted specifically to allow this development, offers a substantial density bonus in exchange for more compact homes, shared open space, and other attributes. In addition to the MU-PUD provision, under which Wyers End was permitted, White Salmon's zoning ordinance now offers a Cottage Infill Project overlay (Chapter 17.73) in two residential zones (R2 and R3). Both offer density bonuses for smaller home sizes, but the land use processes differ. Cottage infill projects are treated as conditional uses subject to a special site plan review process, whereas PUDs (as used for Wyers End) are classified as special uses that must meet additional, prescriptive development standards.

Limiting Code Provisions

The MU-PUD Provision, which allowed Wyers End to move forward, has not to date been applied to additional sites or areas. In addition, the Cottage Infill Projects overlay is narrowly applied: the overlay is not allowed in the R-1 (Single-Family Residential District) or the RL (Single-Family Large Lot District) zones, and the minimum site areas for cottage-style developments start at 21,000 or 14,000 square feet. Collectively, these severely limit the number of properties eligible for cottage-cluster-style developments. Furthermore, the Cottage Infill Projects overlay contains a number of requirements, above and beyond capping home sizes, to earn a density bonus. Finally, the allowed bonus (from 5,000-square-foot minimum lot sizes to 3,000 or 3,500 square feet) still yields a fairly low density – and may be insufficient to incentivize cottage cluster development.

Lessons Learned

Meeting the requirements of the MU-PUD provision was already contemplated for the Wyers End development, for which it was written. Adopting a site-specific ordinance allowed White Salmon to experiment with this housing type with minimal worry about possible unintended consequences should early projects be poorly received. Happily, Wyers End was received quite well.

Current Status

Initial buyers were mostly retired couples looking to downsize into a supportive community environment; others were looking to purchase a second, vacation, or investment rental property. Over time, Wyers End owners have opted to make White Salmon their primary residence, including single working adults and a young couple.

Cully Grove – Portland, OR

Community-oriented site layout achieved through Planned Development

Location: Cully Neighborhood, Portland, OR (609,456)

Owner/Developer: Eli Spevak and Zach Parrish, Cully Grove LLC

Architect: Hans Kretschmer, Green Gables Design & Restoration; Mark Lakeman, Communitecture

Builder: Orange Splot LLC

Type: 16 for-sale homes with shared common buildings on two acres, owned as condominiums with HOA

Square Footage: Thirteen 1,450–1,530 sf, three-bedroom homes; three 1,780 sf, four-bedroom homes; one 1,100 sf common house

Year Built: 2012–2013

Cully Grove is a 16-home garden community tucked within a Portland neighborhood with relatively large lots, predominantly unimproved streets, and a focus on urban agriculture. Thirteen homes are attached three-bedroom townhomes in two- and three-unit buildings; the remaining three are single dwelling detached four-bedroom homes. The property was never divided into fee simple lots. Instead, the homes (and parking spaces) were sold and financed as condominiums.

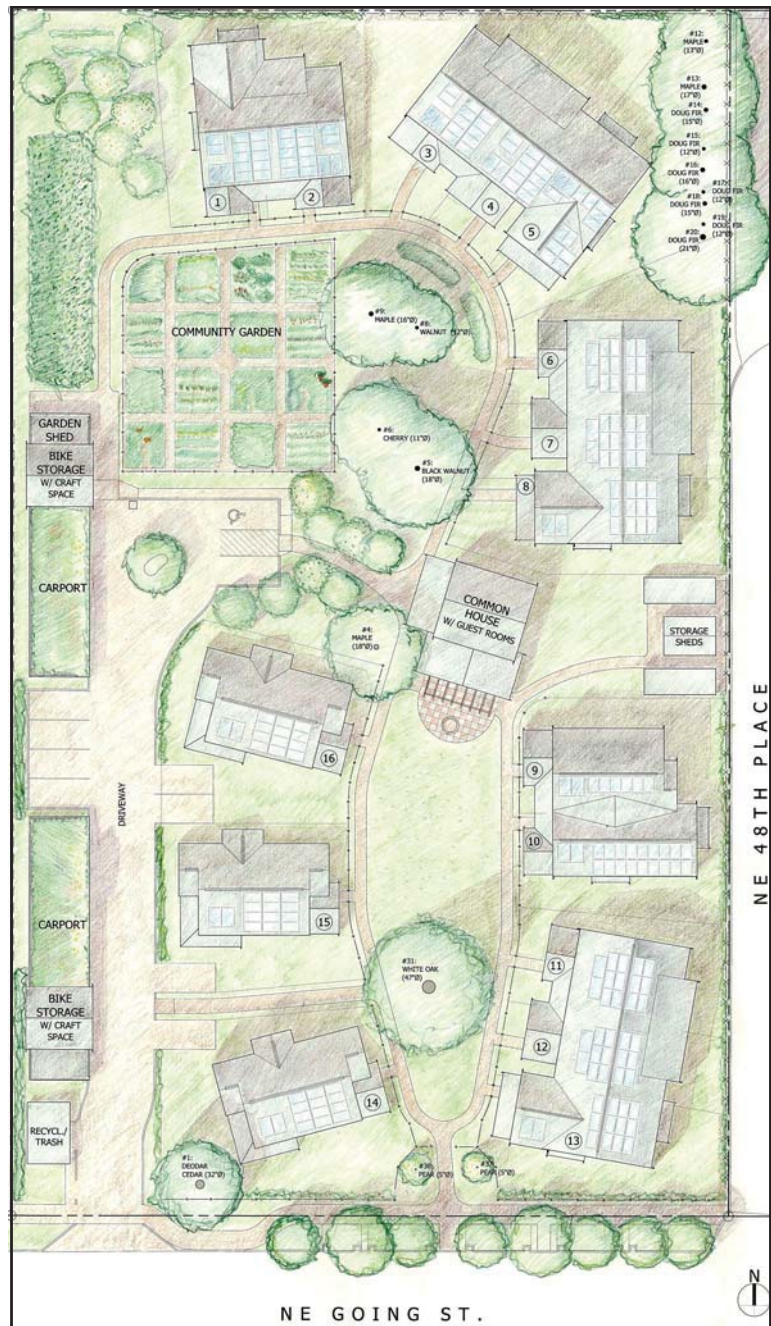


*Courtyard, Cully Grove, Portland OR.
(Photo courtesy of Communitecture.)*

The site is laid out around two internal courtyards, anchored by large trees and a community garden. A shared common house between these courtyards serves as an extension of residents' individual homes. The first floor contains a community gathering space, small kitchen, and half bath. Upstairs, there are two bedrooms and a full bath for community members' out-of-town guests. Shared outdoor spaces at Cully Grove host picnic tables, vegetable and flower gardens, fruit trees, chickens, ducks, children's play areas, a campfire circle, and quieter lawn areas.

Twenty-two on-site parking spaces are located on the edge of the property: two for guests and the rest separately deeded and sold to residents. Shared bike storage and garden tool and wood shop rooms are built into the carport structures, along with two small craft space units for on-site office or art space.

Rather than subdivide the property into multiple single-dwelling lots, as allowed by code, the developers used Portland's Planned Development process to distribute allowed units across the site, free from the constraints of subdivision standards. Design flexibility was instrumental in preserving existing trees, orienting homes around courtyards, using attached townhomes as the primary building type (where the base zone requires detached housing) and sequestering parking and driveway access to the periphery of the site. This discretionary Type III land use process gives staff and a hearings officer, informed by neighbor input, the opportunity to determine whether the proposed alternative layout would be appropriate for this single-dwelling zone.



Site plan, Cully Grove, Portland OR.
(Image courtesy of Orange Splot, LLC.)

Supportive Code Provisions

The Planned Development process allowed site layout flexibility crucial to meeting project design and community goals.

Limiting Code Provisions

Portland's lack of zoning options to increase density in exchange for smaller home sizes was a barrier for this project. The developers would have liked to include smaller homes in this community. But without a density bonus, the fixed per-unit costs associated with land acquisition, site work, and (required) half street improvements made it financially prohibitive to do so. Also, the Planned Development process that was required in order to locate more than one home on a lot in the single-dwelling R5 zone added complexity and costs to the process.

Lessons Learned

Planned Development processes can provide a density-neutral way to support community-oriented site layouts and preserve existing trees and/or homes. However, if a jurisdiction wants to see substantially smaller homes built in single-dwelling zones, they may need to increase allowed densities, decrease minimum lot sizes, and offer density bonuses for smaller homes. Homes in Cully Grove were also pre-sold, as required by the construction lender, which led to more buyer customization and complexity than the developer/builders had expected.

Current Status

All homes are owner-occupied, and there has been no turnover thus far. Approximately half the owners are singles or couples with young children; the others are empty nesters.

Project website: www.cullygrove.org

Catterlin Cottages – Salem, OR

World War II-era cottage clusters become market-based affordable rentals

Location: Northeast Neighborhood, Salem, OR (population 160,614)

Owner: Jeff Zeeb

Architect, Builder: Unknown

Type: Six detached cottages on .31 acres; long-term rentals

Square Footage: Each home is single story, approximately 910 sf

Year Built: ~1940

The Catterlin Cottages consist of six detached one-story homes, each approximately 38' x 24' fronting onto a central courtyard. Six angled off-street parking spaces are available off a back alley near the site perimeter.

The Catterlin Cottages' mid-century appeal is starting to come back into favor, and the project has become exemplary of historic, Word War II housing options preserved and updated to maintain appealing, space-efficient housing. Residents have decorated several of the home entry patios with flowers and other custom landscaping. One resident volunteered that he loves living there because of the lack of shared walls between homes. According to the owner, these homes are relatively low-cost, low-amenity rentals. Most renters turn over after two or three years.

The Multiple Family Residential (RM-II) zoning applicable to this parcel supports multi-dwelling housing at a density of between 12 and 28 dwelling units per acre. At 19 dwellings per acre, Catterlin Cottages would be legal to build at this location today. The owner noted,



The Catterlin Cottages in Salem, OR, are six detached one-story homes, each approximately 38'x24', fronting onto a central courtyard.

(Photo by Eli Spevak.)

however, that they wouldn't likely be built as rentals, due to high construction costs relative to potential rental income. Some other cottage clusters in Salem, however, are located in zones with designations that *would not* allow them to be built today.

Supportive Code Provisions

Salem's Multi-Family Residential (RM-II) zone.

Limiting Code Provisions

This housing type, although fairly common in Salem, would not be allowed today in single-dwelling zones.

Lessons Learned

Certain housing types may not be financially feasible, regardless of zoning, if local rents or sales prices are too low to cover current construction costs. Hence, cities that have existing legal, non-conforming ("grandfathered") housing built to older codes may find that preserving these homes provides a valuable source of housing at smaller sizes and lower prices than could be built today.



City of McMinnville
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MINUTES

June 15, 2017
Planning Commission
Work Session Meeting

5:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Vice-Chair Zack Geary, Commissioners: Erin Butler, Susan Dirks, Roger Lizut, Lori Schanche, and Erica Thomas

Members Absent: Martin Chroust-Masin

Staff Present: Chuck Darnell – Associate Planner, Ron Pomeroy – Principal Planner, and Heather Richards – Planning Director

1. Call to Order

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

2. Swearing in New Commissioners – Roger Lizut

Planning Director Heather Richards swore in new Planning Commissioner Roger Lizut.

Commissioner Lizut introduced himself.

3. Discussion Items:

- **Green Cities – Three Mile Lane**

Planning Director Richards said the City had been in discussion with the University of Oregon regarding utilizing undergraduate and graduate students to help with local planning projects. One of these programs was the Green Cities program where a community was chosen for students to work on a planning issue. The students would be utilizing drones to get video and aerial shots of the area and host a design charrette, and create a report with recommendations for the City to consider. Staff suggested the Three Mile Lane corridor project would be a great opportunity for McMinnville and the students and the college agreed to move forward with that project. They were also partnering with a university in South Africa as part of this program. She explained the existing land uses and development included in this corridor and mentioned that there was also a Three Mile Lane Overlay District created in 1981 and updated in 1994 in addition to a 1996 Highway 18 Corridor Refinement Plan. Notice would be sent to property owners and there would be a group of citizens who would work with the students. The design charrette would be held on Saturday, July 29th. The value system of the Green Cities program is sustainability and how to bring that into planning and public policy. The City applied for a Transportation Growth Management Grant for this corridor and the grant award announcement would take place in August. She explained that the Yamhill River Bridge, various transportation connections, and bicycle and pedestrian

amenities would be studied through the grant. It was a competitive grant and, if the City received a grant award, a scope of work for the consultant would be drafted. It would take about six months to procure a consultant due to working with ODOT. In the meantime, the Commission would be able to review the reports from the University of Oregon students.

- Industrial Zone Land Use Classifications

Planning Director Richards said planning staff were working on updating the zoning ordinance. It had been brought to staff's attention by the community and the McMinnville Economic Development Partnership that there were portions of the zoning ordinance that were not working towards the vision of 11 jobs per acre in the industrial zones. She discussed the Economic Opportunities Analysis that was done in 2014, locations of M-2 zoned land in the City, and land use classifications. Some of the current issues included marijuana grow operations buying industrial land as well as mini storage uses on industrial land. The intent of the code was to allow storage of industrial products, but it had been historically interpreted to say these were all storage units and mini storage was allowed in the industrial zones. The concern was that as this continued, they were using land that would not achieve the job target. The question was if this should be refined to get to the 11 jobs per acre. Mini storage uses consumed a large amount of land and were not job productive, however it was a booming business and there was a need for it. Staff put together a table of McMinnville's industrial land zones and classifications. Staff also surveyed other communities that were comparable to McMinnville's existing conditions and cities that were effectively managing industrial land uses that McMinnville might want to emulate.

Principal Planner Ron Pomeroy introduced the City's industrial classifications. Planning Director Richards suggested changing the specific, narrow land uses to broader classifications that fit today's activities.

Associate Planner Chuck Darnell discussed what six other cities were doing for industrial uses and land use classifications. Five of the six had a land use table that they used which made for easier use to know what was permitted in what zones. Regarding industrial land use categories, most were selective on where they allowed mini storages.

There was discussion regarding how the Commission wanted the zoning information to be brought back for additional discussion. The consensus was for staff to bring back three proposals for the Planning Commission to review, two extremes and a middle approach.

Planning Director Richards would also take the proposals to the McMinnville Economic Development Partnership who would give a recommendation to the Planning Commission. This work would take about four months to complete.

- McMinnville Matters – Planning Outreach and Engagement (Growing McMinnville)

Planning Director Richards stated the City wanted to start a community portal for conversation in regard to planning matters and to do a much better job of outreach to all demographics. To reach those goals, staff was working on a McMinnville Matters campaign for all forms of planning outreach. It is a social media press through Facebook, Twitter, Instagram, and WordPress. Staff would start a planning blog. The planning team would be posting the items beginning in July. This would be informative and people could comment, but staff would not be commenting back.

The Commission made suggestions regarding the design of the blog.

Planning Director Richards shared with the Commission the Growing McMinnville presentation she had been giving to community groups. It was a visionary plan looking forward to the next 15 years. Included in the presentation were a number of topics including the need for connections and putting the pieces together, where McMinnville was today, how McMinnville was planned in the past, progressive public improvements, significant growth impacts, historic preservation program and downtown character, NE Gateway District, Urban Renewal and the Alpine Avenue project, 3rd Street improvement project, other current improvement projects, loan and grant programs for business and property assistance, creating a residential historic district, reviewing the downtown overlay district, and planning for the sesquicentennial in 2032. Future dialogues would be about growth, housing, great neighborhood principles, the economy and jobs, parks and open space, connectivity and bicycle and pedestrian trails, entryways, urban design standards, and things that made McMinnville unique.

Planning Director Richards reviewed what happened with the Baker Creek development land use applications. The applicant appealed the Planning Commission's decision for denial to the City Council. After the Planning Commission meeting, the developer met with staff in an effort to be responsive to what the Commission had said. The concerns included a need for more open space and connectivity, concern about the urban form, concern about the size of the lots, concern about on-street parking, and need for more multi-family housing units. They met the code for the parking. In terms of the urban form, there were conditions of approval for different architectural types and for an architectural plan book. Regarding open space, the applicant agreed to add open space in areas of high density that did not have as much access to the neighborhood park. She explained where the open space was added which eliminated five lots and the multi-family space was increased from 65 to 70 units. With the modifications provided by the applicant, the Council voted to support the appeal and approved the applicant's request.

Planning Director Richards then discussed the West Hills development. The Planning Commission had a condition of approval for pedestrian/bike connectivity between the longer block lengths. Staff shared that she had met with the developer and discussed where those connections made the most sense. She showed the map that was presented to the Council. The Council agreed the connections made a better plan and approved the application.

4. Citizen Comments:

Mr. Mark Davis, McMinnville resident, suggested adding a slide to the Growing McMinnville presentation about McMinnville Water and Light as it was an asset to the community. The Three Mile Lane area was prime farmland and the City should never have developed there. He hoped as they moved forward that they stayed away from developing more farmland. The bridge was structurally deficient and needed to be replaced. He thought mini storage would hurt the potential for jobs in both commercial and industrial zones. He did not think it mattered what zone they were in. People cared about the edges and what zoning they were next to. He thought that for the industrial land, they should talk to the McMinnville Economic Development Partnership and McMinnville Industrial Promotions for what types of industrial should go where as they knew what would be an incompatible neighbor. The jobs projection in the Economic Opportunities Analysis was important to look at in the discussions about what kind of housing the City needed. There needed to be more land zoned for affordable housing and he suggested creating a new land use classification, R-5, which was strictly multi-family. He was part of the Housing Authority Team that built the Village Quarter downtown and he suggested the Commission walk through the project as an example of quality government subsidized affordable housing.

J.W. Milligan, McMinnville resident, asked if the City was awarded the Transportation Growth Management Grant, when would they receive the funds. Planning Director Richards said in the next fiscal year. They had to procure a consultant with ODOT and then the work could begin.

Mr. Milligan was in favor of looking at the industrial land classifications. After doing some research, he thought that TTR Tax Software could not locate in the industrial zone, and he asked how they were able to expand their building. Planning Director Richards stated looking at what was permitted and what that company did, and that software development was considered traded sector, they were allowed to expand.

Mr. Milligan thought that was a stretch. He was told his company could not locate there and he did not think TTR could occupy the building either. He suggested the Commission also look at commercial zones as financial service firms were not allowed in any of the zones. There was also an issue with residential homes downtown that were zoned C-3, and people were occupying them illegally due to them being legally non-conforming to the zone. This also caused problems when acquiring financing.

5. Commissioner Comments:

Commissioner Schanche reported on the training session she attended in Eugene.

6. Adjournment:

Chair Hall adjourned the meeting at 7:30 p.m.



Heather Richards
Secretary



**City of McMinnville
Planning Department**
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MINUTES

**July 20, 2017
Planning Commission
Regular Meeting**

**6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon**

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Susan Dirks, Gary Langenwalter, Roger Lizut, Lori Schanche, and Erica Thomas

Members Absent: Martin Chroust-Masin and Zack Geary

Staff Present: Chuck Darnell – Associate Planner, David Koch – City Attorney, and Heather Richards – Planning Director

*Note – Due to technical difficulties, the audio recording of the July 20, 2017 Planning Commission did not record and save properly. No audio recording exists for the July 20, 2017 meeting.

1. Call to Order

Chair Roger Hall called the meeting to order at 6:30 pm.

2. Citizen Comments

None.

3. Approval of Minutes:

A. May 18, 2017 Work Session

Chair Hall called for action on the Planning Commission minutes from the May 18, 2017 Work Session. Commissioner Schanche MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Dirks. Motion CARRIED 7-0.

B. May 18, 2017 Public Hearing

Chair Hall called for action on the Planning Commission minutes from the May 18, 2017 meeting. Commissioner Schanche MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Dirks. Motion CARRIED 7-0.

4. Public Hearing (Quasi-Judicial)

A. Conditional Use Permit (CU 3-17)

Request: Approval of a conditional use permit to allow for the expansion of the existing Parkland Village Assisted Living Facility. The expansion would allow for the addition of 24 units to the overall facility, resulting in a total of 74 units between the existing and proposed new buildings.

Location: 3121 NE Cumulus Avenue and more specifically described as Tax Lot 100, Section 22DD, T. 4 S., R. 4 W., W.M.

Applicant: RJ Development

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

Chair Hall asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none.

Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Most of the Commission had visited the site. There was no discussion regarding the visits.

Associate Planner Darnell presented the staff report. This was a request for approval of a Conditional Use Permit to allow for the expansion of the existing Parkland Village assisted living facility located on Cumulus Avenue. The facility would be expanded by 24 units for a total of 92 residential beds. He explained the site location and surrounding area. The site was zoned R-4 PD. The property had been rezoned previously to allow for the assisted living facility to operate. The expansion would be occurring on the north side of existing facility, and it would be 23,134 square feet in size. Parking was based on the number of residential beds in the facility and based on the number of beds after the expansion, they would be required to have 46 spaces. The applicant was proposing to add 4 spaces to the site to bring the total number of parking spaces up to 49, which exceeds the minimum required parking.

Associate Planner Darnell explained that the expansion would be consistent with the existing use. As a residential care facility, the intensity of the use was low and should not have a significant increase in traffic, especially as the residents did not drive. There was a stream that ran along the north side of the property that connected with the Yamhill River and there were many trees on site. The applicant intended to preserve as much of the natural area as possible. A portion of the property was located in the flood plain, but the construction was not located in that area. There were steep slopes on the site on the north side of the property. A geotechnical report had been completed to evaluate the soil. The report identified a 35 foot setback area which was identified in the site plan, as well as recommendations for construction techniques to allow for safe construction within the setback area. Staff recommended a condition of approval regarding the geotechnical report. They included that the construction of the expansion would follow any recommendations from the geotechnical report that the Building Official deemed necessary.

Associate Planner Darnell explained that there were a number of mature trees on the property. The applicant had submitted a tree inventory that identified which trees would need to be removed during the construction of the expansion. 19 trees were identified to be removed. The site contained other mature trees in close proximity to the construction site, so staff recommended that a condition of approval be included to require protection of those trees during construction.

Associate Planner Darnell explained that there were a number of assisted living facilities in this area and the proposed expansion was compatible with the surrounding development pattern. There were single family residential uses to the west. To mitigate for that, a condition of approval was recommended to require that landscaping would be installed along the west to provide screening. The proposed expansion was a single story building and should not have bulk or large visual impact on the adjacent properties. It should also be a quiet facility and there should not be any noise issues. The design would be consistent with the existing building and staff recommended a condition that the design and elevations be provided at the time of the building permit. Landscaping would be required and the landscape plan would be reviewed by the Landscape Review Committee.

Associate Planner Darnell explained that the applicant had worked with the McMinnville Fire Department to ensure that the expanded facility would meet all fire code and emergency access requirements. In order to achieve adequate fire access, an emergency fire route was added around the east and north side of the existing building to provide emergency fire access to the new building on the north side of the site. The applicant has stated that they will design the fire access route to operate as a pedestrian walkway when not being used for emergency access, with the installation of grasscrete and bollards at the entrance to enhance the aesthetics of the fire access route and make it appear to be more of a pedestrian walkway. Staff recommended approval of the application.

Commissioner Dirks expressed some concern with the number of trees being removed from the site, and asked whether they would be required to replace the trees. Associate Planner Darnell stated that there is no specific requirement that they replace every tree that they remove, but that a landscape plan would need to be submitted and may include trees.

Commissioner Schanche also was concerned with the proposed tree removals, but understood the need for removal. She asked whether the condition related to the protection of trees could be amended to ensure better protection of the trees that would remain.

Commissioner Langenwaller asked about the geotechnical report and to what level of a seismic event the geotechnical analysis considered.

Commissioner Butler asked about the pedestrian walkways around the building and how they would be designed for safety near the top of the steep slope. Associate Planner Darnell stated that the applicant could provide more information on the design of the walkways.

Applicant: Josh Snodgrass was representing the Parkland Village Assisted Living facility. Their demand study had shown that assisted living facilities were a need in the community, and they wanted to explore options for adding additional units. Their updated analysis and geotechnical materials provided information on what would be required to expand the footprint of the facility near the steep slope on the north side of the property. They were willing to follow any

recommendations as may be required by the Building Official. They intended to preserve as much of the existing natural areas and trees as possible, and the building would be completely out of the flood zone.

Mr. Snodgrass stated that the pedestrian walkways near the steep slope would have barriers to prevent anyone from falling down the steep slope. These barriers would be required by the State of Oregon, who oversees the licensing and inspections of this type of assisted living facility. The applicant intends to comply with all safety and health standards that are required for this type of facility. This would be a low impact development. It would be a one story building and they were keeping the current architecture of the existing building.

Commissioner Dirks asked whether any other building footprints were explored to preserve natural areas on the site. Mr. Snodgrass stated that they explored many options, but to fit the number of units they were hoping for, the proposed layout was the best for the constrained site. They made every attempt to avoid construction near the steep slope, and have only one corner of the building encroaching into a 10 foot setback area as recommended by the geotechnical engineer.

Proponents and Opponents: None.

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

Chair Hall closed the public hearing.

Commissioner Dirks stated that she would not be voting in favor of the application, based on the proposed location near the steep slope and the fact that it impacted the surrounding natural environment and resulted in the loss of mature trees.

Commissioner Langenwaller asked if the Planning Commission could include an additional condition of approval to require that the building be constructed to withstand a high magnitude earthquake. Planning Director Richards stated that the City is required to follow the Oregon State Building Code, and they cannot require any construction above the minimum standards in the building code. Staff explained that the City would continue to rely on the Building Official to determine what is meeting minimum building code requirements, and that the recommendations from the geotechnical report would be followed as required by the building official.

Commissioner Schanche stated that she agreed with Commissioner Dirks and had concerns about the trees being removed.

Commissioner Thomas stated that she was comfortable with allowing the tree removals because the removals would be limited to the area required for the construction site and she did not feel it was realistic to leave mature trees in very close proximity to the new building that would be constructed.

Commissioner Schanche stated that she was more concerned with the protection of trees that would be remaining. Associate Planner Darnell stated that the condition related to tree protection could be amended to require protection within the critical root zone of all trees in close proximity to the construction site, rather than requiring protection within the dripline as the

condition was originally proposed by staff. Commissioner Schanche stated that she was supportive of that amendment.

Commissioner Lizut stated that he was no longer a licensed engineer, but after years of professional experience in that field, he believed that the geotechnical analysis provided was sound and would allow for construction to the highest engineered standards available. He was comfortable with the condition that the applicant would be required to follow the recommendations from the geotechnical report, as determined by the Building Official.

Chair Hall stated that he appreciated the concerns with the removal of trees and natural areas, but that the overall project satisfies other criteria and is a needed housing product in the city.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to approve CU 3-17 subject to the staff recommended conditions of approval and the amendment related to the tree protection condition. SECONDED by Commissioner Thomas. The motion CARRIED 6-1, with Commissioner Dirks voting in opposition.

B. Zoning Text Amendment (G 3-17)

Request: Approval to amend Ordinance No. 4401, which is the existing Historic Preservation Ordinance. The amendments will result in the creation of a Historic Preservation chapter of the McMinnville Zoning Ordinance. A majority of the amendments are being proposed to ensure consistency with updated Oregon Administrative Rules (OAR 660-023-0200) related to the protection of historic resources, including protection of National Register historic resources, owner consent processes, updated application review criteria, and updated standards and guidelines for the alteration of historic landmarks. Another amendment being proposed is the creation of a certificate of approval process to ensure that proposed alterations meet the historic preservation requirements.

Applicant: City of McMinnville

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

Associate Planner Darnell provided a staff report on the proposed zoning text amendments. The amendments being proposed included amendments to the existing Historic Preservation ordinance (Ordinance No. 4401), the Downtown Design Standards and Guidelines chapter (Chapter 17.59), and the Applications and Review Process chapter (Chapter 17.72) of the McMinnville Zoning Ordinance. The majority of the proposed amendments to the City's Historic Preservation regulations and program were triggered by recent updates to the Oregon Administrative Rules (OAR) related to the preservation of historic resources. The Historic Landmarks Committee had reviewed these updates to the OAR language, and had oversaw the development of the proposed zoning text amendments. At their June 28, 2017 meeting, the Historic Landmarks Committee endorsed and recommended approval of the zoning text amendments that are being presented to the Planning Commission.

Associate Planner Darnell explained the proposed repealing of the existing Historic Preservation ordinance and the adoption of a new Historic Preservation chapter within the McMinnville Zoning Ordinance. Much of the existing ordinance language would remain, but would be reformatted to fit into the Zoning Ordinance. The amendments to the Historic Preservation chapter to ensure consistency with the updated OARs included new review criteria for historic resource designation, definitions and processes related to owner consent, updated preservation standards and guidelines based on the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, and processes for the protection of national register resources.

Associate Planner Darnell explained another amendment to the Historic Preservation chapter, which was the removal of the building permit clearance process and creation of a certificate of approval process. Many of the historic preservation standards and guidelines apply to alterations that can be completed without a building permit, and the review of these types of alterations was only triggered if a building permit was required. This had resulted in alterations occurring that were inconsistent with standards and with the historic character of historic landmarks throughout the city. The certificate of approval process would correct for this by requiring the review of any exterior alteration that results in a change in design, materials, or appearance. The Planning Director would have the ability to determine whether a proposed alteration results in a change in design, materials, or appearance.

Associate Planner Darnell explained that a similar issue existed in the review process for the Downtown Design Standards and Guidelines, in that the review was only triggered by a building permit. Therefore, the proposed amendments to the Downtown Design Standards and Guidelines chapter (Chapter 17.59) would result in the provisions of the chapter applying to any exterior building or site alteration. The Planning Director would again have the ability to determine whether any proposed alteration would be subject to review, and would also have the ability to approve minor alterations. Major alterations would be reviewed by the Historic Landmarks Committee. Finally, Associate Planner Darnell explained some amendments to the Applications and Review Process chapter (Chapter 17.72) that were required to be consistent with the amendments being made to the various historic preservation and downtown design processes. Staff recommended that the Planning Commission recommend approval of the zoning text amendments to the City Council.

Commissioner Langenwaller asked for clarification on the criteria that must be met in order for a property owner to request and automatically be granted removal from a local inventory. Staff responded that the language proposed related to the owner consent process was intended to be the exact same as is included in the updated Oregon Administrative Rules. Staff checked the language in the Oregon Administrative Rules and realized that a minor type existed, which could be amended prior to consideration by the City Council.

Chair Hall closed the public hearing.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the City of McMinnville, Commissioner Schanche MOVED to recommend approval of G 3-17 to the City Council, subject to the amendment related to consistency with the Oregon Administrative Rules. SECONDED by Commissioner Thomas. The motion CARRIED 7-0.

5. Old/New Business

None.

6. Commissioner Comments

None.

7. Staff Comments

None.

8. Adjournment

Chair Hall adjourned the meeting at 8:10 p.m.

A handwritten signature in blue ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

Heather Richards
Secretary



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

www.mcminnvilleoregon.gov

EXHIBIT 2 - STAFF REPORT

DATE: August 17, 2017
TO: Planning Commissioners
FROM: Chuck Darnell, Associate Planner
SUBJECT: ZC 9-17 / ZC 10-17 – 1730 SW 2nd Street

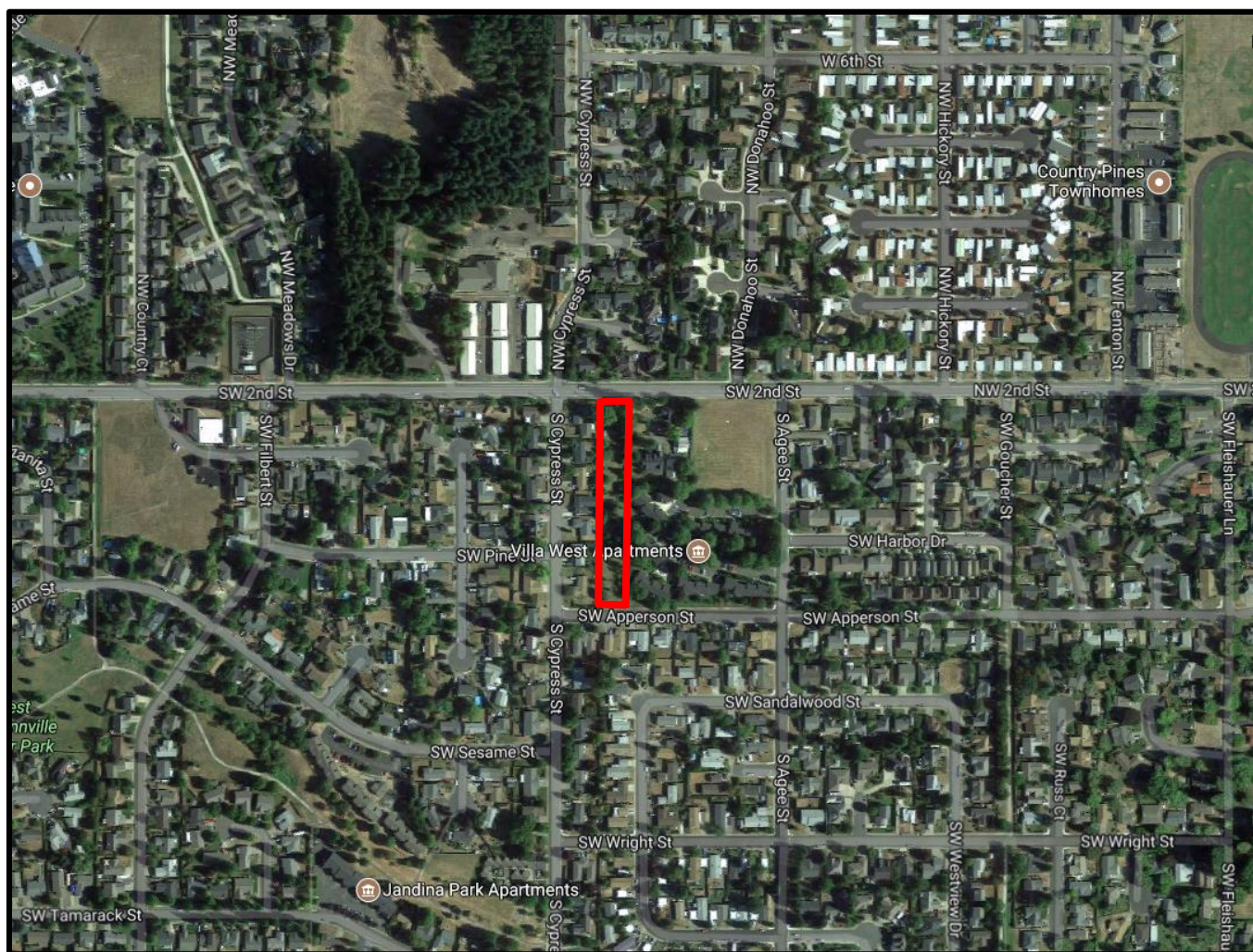
Report in Brief:

This is a public hearing to consider an application for a zone change from R-1 (Single Family Residential) to R-4 (Multiple-Family Residential) on a parcel approximately 0.22 acres, and an amendment to an existing planned development (R-4 PD) of approximately 0.89 acres, that would increase the allowed density, provide variances for setbacks, allow for multiple duplexes as a multi-family project, and increase the size by adding the 0.22 acre parcel that has been rezoned to R-4 for a new multiple-family residential planned development of approximately 1.11 acres. The two parcels are located immediately adjacent to each other, with the smaller parcel adjacent to 2nd Street and the larger parcel to the south extending down to SW Apperson Street. The rezoning and planned development amendment would result in the ability to develop 21 (twenty-one) multiple-family residential dwelling units on the two parcels. The subject sites are located at 1730 SW 2nd Street, and more specifically described as Tax Lots 101 and 100, Section 20CB, T. 4 S., R. 4 W., W.M., respectively.

Background:

The subject sites are currently largely undeveloped. There is an existing single family home on the northern parcel and the southern parcel is vacant. The site is bounded on the north by SW 2nd Street and on the south by SW Apperson Street. Existing single family homes in the Jandina subdivision are located to the west of the subject site. Immediately to the east of the subject site are a few single family homes and a larger apartment complex, the Villa West Apartments. The subject sites are identified below:

Site Reference Map



The northern parcel is currently zoned R-1 (Single Family Residential) and is designated on the comprehensive plan map as Residential. The southern parcel is currently zoned R-4 PD (Multiple Family Residential Planned Development) and is also designated on the comprehensive plan map as Residential.

The existing Planned Development overlay that applies to the southern parcel (Ordinance 4097) was adopted in 1980 and resulted in a rezoning of the property to R-4 PD to allow for the development of up to five (5) dwelling units. The approval of the planned development included conditions of approval as follows:

- 1) That the density allowed for development of this property be limited to five units.
- 2) That sewer and water facilities be extended to the property prior to the issuance of building permits
- 3) That "A" Street be improved to City standards prior to the issuance of building permits.
- 4) That a ten-foot easement for utilities be granted to the City along the subject site's "A" Street frontage.

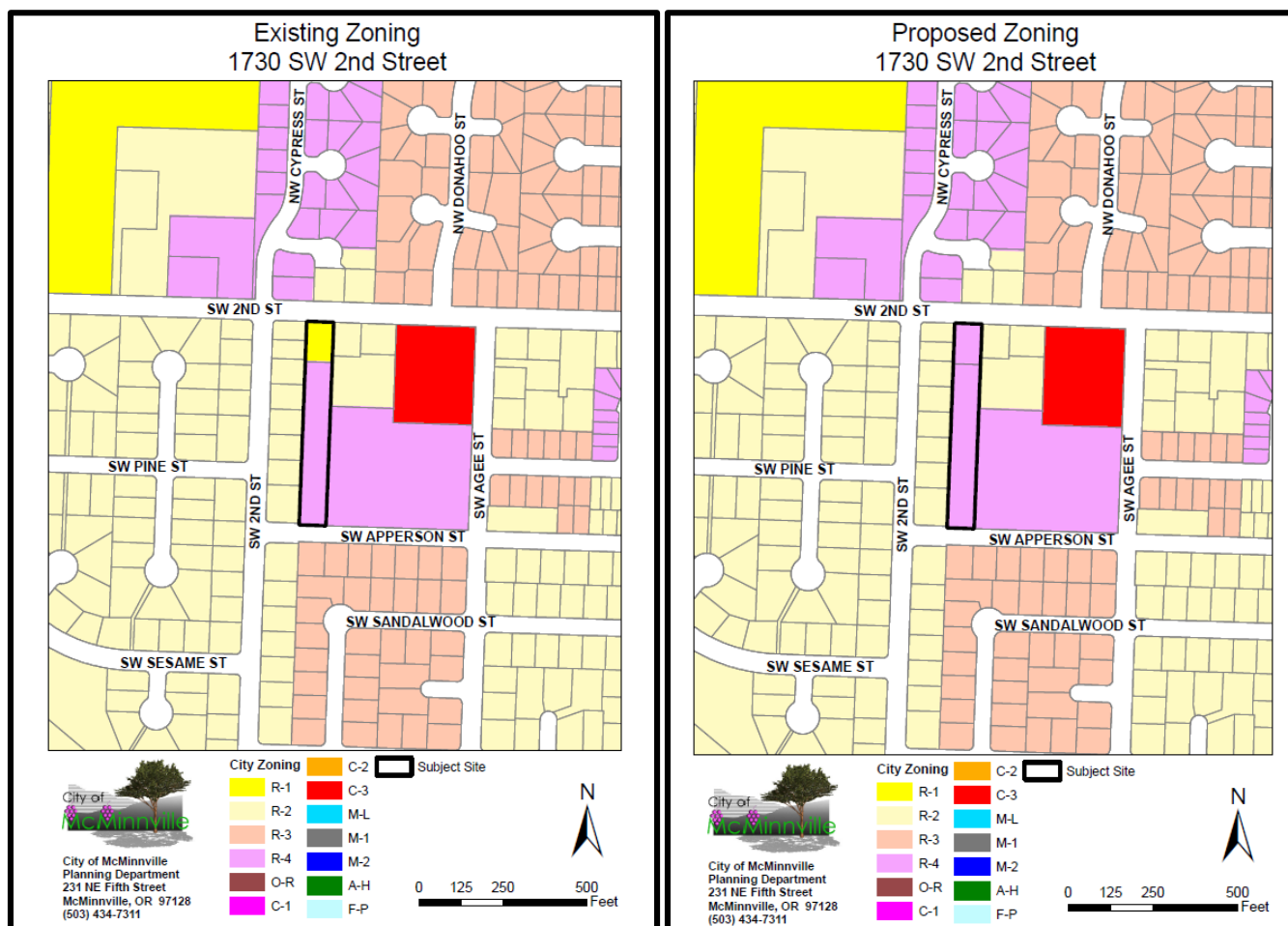
The applicant is proposing to repeal the outdated existing planned development ordinance and replace it with a new planned development ordinance that more accurately reflects their proposed development

plan. The original conditions of approval from the 1980 planned development have either already been completed or will be required as part of the applicant's development. The required improvements to "A" Street, which is now SW Apperson Street, have already occurred. Sewer and water facilities and any necessary easements will be required by McMinnville Water and Light and the Engineering Department through the building permit process should the zone change and planned development requests be approved.

The original condition of approval related to density and the limit to 5 (five) dwelling units was based on a sewer system analysis completed in 1979, which had determined that downstream capacity issues existed in the sanitary sewer system serving this property and this area of the city. One of the recommendations of the 1979 sewer system analysis was to limit density in the western side of McMinnville to 6 (six) dwelling units per acre. This resulted in the southern parcel being limited to 5 (five) dwelling units based on its 0.89 acres size. Since the adoption of the existing planned development in 1980, improvements to the sanitary sewer system have occurred and will be discussed in more detail below during the evaluation of the review criteria.

Properties immediately adjacent to the subject site to the west in the Jandina subdivision are zoned R-2 PD (Single Family Residential Planned Development). Other properties immediately adjacent to the subject site are zoned R-2 (Single Family Residential) and R-4 PD (Multiple Family Residential Planned Development). The R-4 PD property to the east is the location of the Villa West Apartments and was allowed to be developed at a density of up to 15 dwelling units per acre as part of a planned development that was adopted in 1978. The zoning of other properties in the general vicinity of the subject site is varied, with some R-2 (Single Family Residential) and R-3 (Two Family Residential) zoned property, as well as some other R-4 (Multiple Family Residential) zoned properties in both directions along SW 2nd Street.

Reference maps showing the existing and proposed zoning designations of the subject site and the surrounding properties are provided below:



Discussion:

The Planning Commission's responsibility regarding this type of land use request is to conduct a public hearing and, at its conclusion, render a decision to recommend approval or approval with conditions to the City Council, or deny the zone change and planned development amendment requests utilizing the criteria in Section 17.74.020 of the McMinnville Zoning Ordinance for a zone change, and the criteria in Chapter 17.51 of the McMinnville Zoning Ordinance for a planned development, and Section 17.74.070, planned development amendment review criteria

There are two concurrent requests being made by the applicant. The zone change request applies to the northern parcel, and the planned development amendment request applies to both the southern and northern parcels. The two requests have different review criteria, and have been reviewed against those criteria separately. However, the overall planned development as proposed would expand to cover both parcels and the entire development site, so the entire site was considered when reviewing the proposed development plan against the planned development review criteria.

Northern Parcel Zone Change

The request that is applicable to the northern parcel is to rezone the parcel from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential). An amendment of the zoning map may be authorized provided that the proposal satisfies all applicable zoning requirements and provided that the applicant demonstrates the following:

Section 17.74.020

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

There are numerous Comprehensive Plan Goals and Policies that are applicable to this request. The narrative provided by the applicant identifies those goals and policies in detail, and they have also been identified in the attached decision document.

The more notable Comprehensive Plan policies being satisfied by the rezoning are found in Chapter V (Housing and Residential Development). Goals from Chapter V of the Comprehensive Plan promote the development of affordable, quality housing for all city residents, and also promote a land-intensive development pattern. Policies adopted to support and achieve those goals include providing opportunities to develop a variety of housing types and densities, and an encouragement of a compact form of urban development close to the city center and in areas where urban services are readily available. Specifically, there is a policy that provides guidance in the designation of high density residential zones. Policy 71.13 states that the following factors should serve as criteria in determining areas appropriate for high-density residential development:

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

The northern parcel is currently zoned for low density residential development. However, the applicant is arguing that the site better meets the locational criteria for high density residential development. The adjacent property that will be part of the overall development of the northern parcel is currently zoned for high density residential development. In addition, the surrounding residential neighborhoods are zoned for a variety of residential densities, with a variety of housing types in the immediate area. The northern parcel can be buffered by landscaping from adjacent lower density residential areas on the west and east sides of the site. A condition of approval is being suggested to require landscaping as buffering along the planned development's east and west property lines to maximize the privacy of established lower density residential areas adjacent to the site. The condition of approval will also require that a landscape plan be submitted for review, at which time the Landscape Review Committee would ensure that any proposed landscaping is achieving the required buffering effect.

In addition, because the request is to rezone a property with a lower residential density to a higher residential density that has adjacency to existing single family development, a condition of approval is being recommended to increase required setbacks if the maximum building height normally allowed in lower density residential zones is exceeded. Currently the R-4 (Multiple Family Residential) zone states that a side yard shall not be less than six (6) feet, except an exterior side yard shall not be less than 15 (fifteen) feet. And all yards shall be increased over the requirements of this section, one (1) foot for each two (2) feet of building height over 35 (thirty-five) feet (Section 17.21.040). Since the subject site is adjacent to existing single family residential development, it is recommended that the language for increasing the side yard setbacks relative to building height over 35 (thirty-five) feet be increased to one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet. The applicant has stated in their

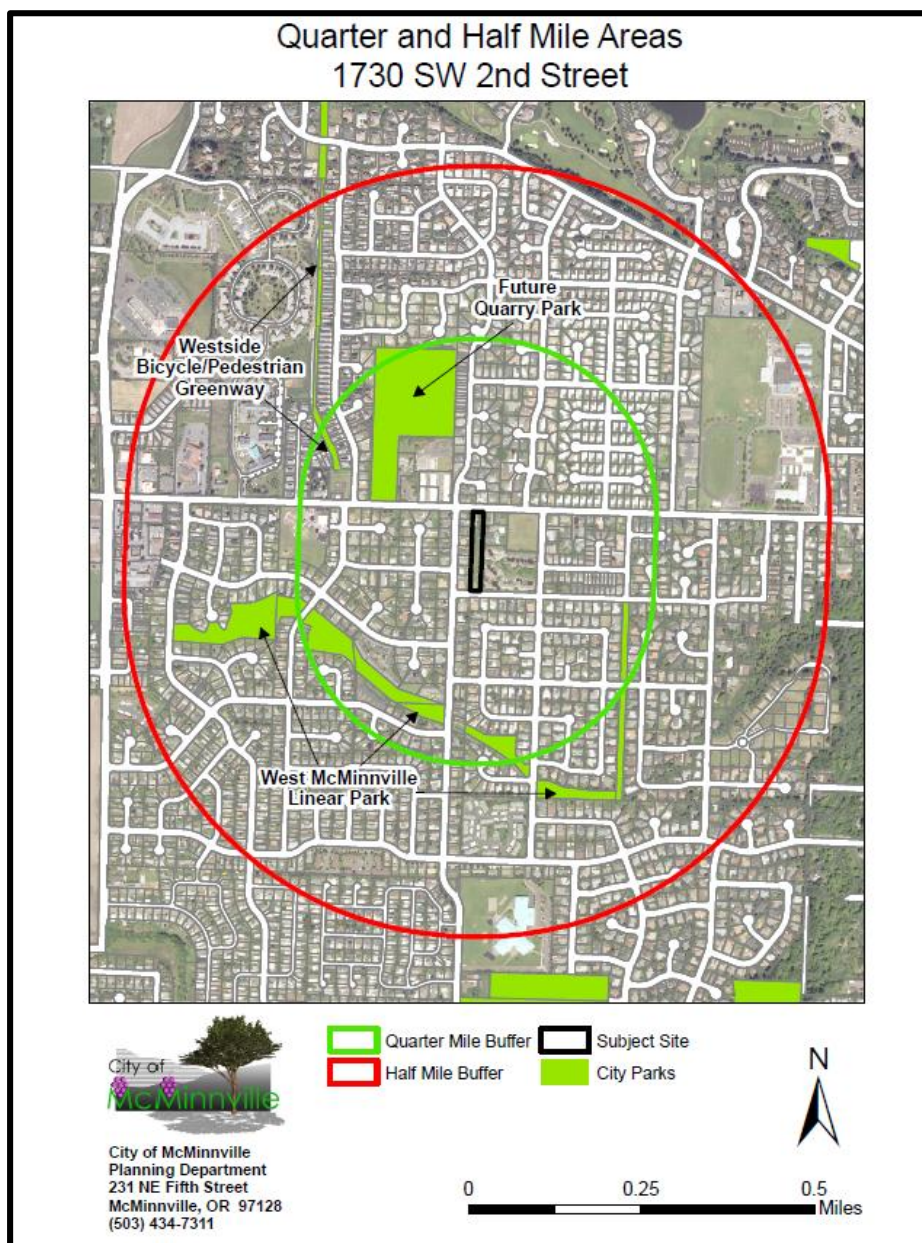
narrative that they intend to construct duplex units with similar architecture and exterior design as the applicant's recently constructed multiple family complex across SW 2nd Street, west of Newby Elementary School. These units were not more than 35 feet in height, but because there are no specific architectural plans associated with the planned development request, this condition of approval would ensure that adequate spacing and buffering is provided.

The northern parcel has direct access from SW 2nd Street, which is an arterial street. The northern parcel is not subject to any development limitations, as the site is flat and does not contain any significant natural or topographic features or that would reduce the developable area of the site.

The applicant has provided a traffic analysis that concluded that the surrounding street network has the capacity to accommodate the increase in trips that would result from the applicant's request to rezone the northern parcel and develop 21 (twenty-one) dwelling units on the entire site, including the southern parcel. The traffic analysis showed that minimal increases in delays would occur at all of the surrounding intersections on SW 2nd Street, SW Agee Street, and SW Cypress Street. The minimal increases in delay did not have any impact on the overall level of service of any intersection within the study area. The Engineering Department has reviewed the traffic analysis, and does not have any concerns with the analysis or the findings. The Engineering Department has also verified that adequate sanitary and storm sewer facilities exist to serve the increased density of the site proposed by the applicant.

Public transit is available immediately adjacent to the property, as Yamhill County Transit Route 2 (McMinnville East-West Express) runs hourly along SW 2nd Street for most of the day. The northern parcel is within one-quarter mile of a future commercial area, as there is a vacant piece of land at the southwest corner of the intersection of SW 2nd Street and SW Agee Street that is zoned C-3 (General Commercial). The northern parcel is not immediately adjacent to any permanent public open space, but private open space will be provided within the site and will be discussed in more detail below in the review of the planned development. The site is located in close proximity to permanent public open space. A nearly 2,000 foot long segment of the West McMinnville Linear Park is located within a quarter mile of the subject site, and the southern end of the Westside Bicycle/Pedestrian Greenway is also located within a quarter mile of the subject site. Also within a quarter mile of the subject site is the future Quarry Park, which is proposed in the Parks, Recreation, and Open Space Master Plan to be a special use park. While there is no neighborhood park within a half mile of the property, there are multiple other existing or planned park and recreation facilities within a quarter mile of the site.

The amenities within a quarter mile and half mile of the subject site can be seen below:



Section 17.74.020

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

The development pattern in the surrounding area is widely varying. Within a quarter mile of the subject site, there are nearly all forms of residential zones and housing types. The area to the west in the Jandina subdivision is primarily single-family residences, with some duplexes on corner lots along SW Cypress Street. Immediately adjacent to the subject site to the east is an existing higher density apartment complex. Slightly further east and across SW Agee Street, a number of duplex and townhome type residential dwelling units have been developed. Across SW 2nd Street and near the intersection of SW 2nd Street and SW Cypress Street, another R-4 (Multiple Family Residential) zoned property contains another apartment complex. The established development pattern for the larger surrounding area is clearly a mix of residential housing types.

The parcel immediately to the south of the northern parcel is vacant, but is zoned R-4 PD (Multiple Family Planned Development). Therefore, the rezoning of the northern parcel to R-4 would be consistent with the zoning of other properties immediately adjacent to the site, and also would be consistent with the overall development pattern of the area. The existing R-4 PD zoned property to the south is very deep and narrow, which makes development of that property difficult. The rezoning of the northern parcel to R-4 will allow for the property to be developed along with the vacant parcel to the south, which will be discussed in more detail below in the review of the planned development. The rezoning of the property to R-4 will allow for more efficient and orderly development of the vacant land in this area of the city.

The applicant is also arguing that the current zoning designation of R-1 (Single Family Residential) is not consistent with the City's locational policies for R-1 zoned land. Comprehensive Plan policies 71.06 and 71.07 state that low density residential development should be limited to areas adjacent to collector and local streets, areas with development limitations such as natural or topographic features, and areas where utilities cannot support more intense uses. The subject site does not meet many of these locational requirements. Together with the adjacent land uses and pattern of development in the surrounding area, the subject site better meets the locational policies for higher density residential development.

Section 17.74.020

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

Utility and Service Provision: This area is well served by existing sanitary and storm sewer systems as well as other public utilities. The Engineering Department has reviewed this proposal and has offered no concerns with providing adequate services to this site to support the residential development density proposed by the applicant as part of the planned development.

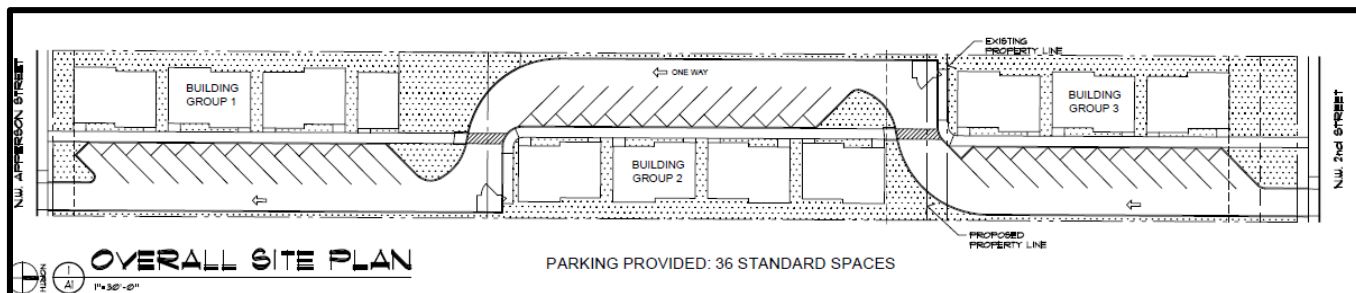
Street System: As discussed above, the applicant has provided a traffic analysis that concluded that the surrounding street network has the capacity to accommodate the increase in trips that would result from the applicants request to rezone the northern parcel and develop 21 dwelling units on the entire site, including the southern parcel. The traffic analysis showed that minimal increases in delays would occur at all of the surrounding intersections on SW 2nd Street, SW Agee Street, and SW Cypress Street. The minimal increases in delay did not have any impact on the overall level of service of any intersection within the study area. The Engineering Department has reviewed the traffic analysis, and does not have any concerns with the analysis or the findings.

Planned Development Amendment

The request that is applicable to the southern parcel is an amendment of the existing planned development. The primary reasons for the amendment are to increase the density of the planned development which is limited based upon an outdated land-use decision; request a variance in the setbacks from the street to be able to create more open space interior to the project due to the unique and constrained layout of the property, and to allow several duplexes as a multi-family project on one parcel rather than one large apartment complex.

The applicant is requesting to repeal the existing planned development ordinance and replace it with a new planned development overlay. The zoning of the property would remain as R-4 PD (Multiple Family Residential Planned Development), but a development plan has been proposed by the applicant to become binding on the site. Also, the applicant is proposing to expand the planned development overlay to encompass the northern parcel. Therefore, the entire site would become R-4 PD, and the entire site was considered when reviewing the proposed development plan against the planned development review criteria

The proposed development plan can be seen below:



An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant zoning requirements, and also provided that the applicant demonstrates the following:

Section 17.74.070

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;

The subject site is uniquely shaped, as it is a somewhat narrow (80 feet wide) and deep (510 feet deep) parcel. This unique lot size creates a difficulty in the development of multiple family dwelling units on the site. The subject site is also located between two properties with different residential zoning classifications and existing residential uses. Immediately to the west are properties zoned R-2 PD (Single Family Residential Planned Development) and developed as single family dwellings. Immediately to the east is a property zoned R-4 PD (Multiple Family Residential Planned Development) and developed as a higher density apartment complex.

To allow for efficient development of the parcel, the applicant is proposing to combine the property with the adjacent property to the north, should the concurrent zone change request be approved, to provide one-way access through the site. This allows the applicant to reduce the amount of space required for vehicular movement, and also allows for the dwelling units to be more evenly distributed and spread out throughout the site.

In addition, the applicant is proposing to construct multiple duplex units within the site, clustered into three separate groups throughout the site. This pattern of development would not normally be allowed under standard zoning requirements. The City's definition of a multiple family dwelling unit is "a building containing three or more dwelling units". The buildings proposed by the applicant would only contain two dwelling units, which are defined as two-family dwelling units and are more commonly known as duplexes. Duplexes are allowed in the underlying R-4 zone, but normally no more than one duplex is allowed on a single lot. The allowance for multiple duplex units on a single lot is the primary reason for the applicant's planned development request. The proposed pattern of development with multiple duplex units clustered throughout the site would also provide more of a transition in building massing between the existing apartment complex to the east and the existing single family residences to the west.

The physical conditions of the site being uniquely shaped, and the applicant's intent to distribute housing units throughout the site and provide a transition between existing land uses, warrant a departure from the standard regulation requirements and the allowance of multiple duplex units in one development site.

Section 17.74.070

- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;

There are numerous Comprehensive Plan Goals and Policies that are applicable to this request. The narrative provided by the applicant identifies those goals and policies in detail, and they have also been identified in the attached decision document.

Housing and Residential Development Policies

The more notable Comprehensive Plan policies being satisfied by the planned development amendment are found in Chapter V (Housing and Residential Development). Goals from Chapter V of the Comprehensive Plan promote the development of affordable, quality housing for all city residents, and also promote a land-intensive development pattern. The applicant is proposing to provide a housing type that is needed in the city in multiple family dwelling units, and the infill development of this parcel with increased densities is an efficient and land-intensive development pattern.

The applicant is requesting an increase in density on the southern parcel as part of the planned development amendment. The existing planned development overlay limits the southern parcel to five (5) dwelling units, which is based on a maximum density of six (6) units per acre. The development plan for the overall planned development, which includes the parcel to the north, shows the construction of 21 (twenty-one) dwelling units. The requested increase to 21 (twenty-one) dwelling units then represents an overall increase of 15 (fifteen) dwelling units. The density of the overall planned development as proposed would be 18.9 units per acre. This level of density is more consistent with the densities intended for high density residential (R-4) properties in Comprehensive Plan Policy 71.09. The southern parcel also meets the locational requirements described in Policy 71.13 for high density residential (R-4) land, in that the site will have direct access from an arterial street if the planned development is approved. The site also has access to existing transit service, access to future commercial services, access to public parks and pedestrian walkways, and the development of the site is not limited by any natural or topographic features.

Westside Density Policy

The existing Planned Development overlay that applies to the southern parcel (Ordinance 4097) was adopted in 1980 and resulted in a rezoning of the property to R-4 PD to allow for the development of up to five (5) dwelling units. The limit to five (5) dwelling units was included as a condition of approval and was based on a sewer system analysis completed in 1979, which had determined that downstream capacity issues existed in the sanitary sewer system serving this property and this area of the city. One of the recommendations of the 1979 sewer system analysis was to limit density in the western side of McMinnville to six (6) dwelling units per acre. This resulted in the southern parcel being limited to five (5) dwelling units based on its 0.89 acres size.

In response to the sewer capacity issues identified in the 1979 analysis, the City adopted the Westside Density Policy in 1985 as a policy within the Comprehensive Plan. The Westside Density Policy (Policy 71.01) formally limited densities on the west side of the city to no more than six (6) units per acre. However, in an effort to disperse multiple family units throughout the community, the policy was amended in 2003 to exclude properties within a quarter mile of planned or existing transit corridors from the density limitation. The southern parcel is located well within a quarter mile of transit service. The Yamhill County Transit Route 2 (McMinnville East-West Express) currently operates immediately adjacent to the site, running hourly along SW 2nd Street for most of the day. Therefore, the subject site is not limited to six dwelling units per acre.

Planned Development Policies

Comprehensive Plan policies related to planned developments are contained in Policies 72.00 – 78.00. These policies encourage planned developments as a form of residential development as long as social, economic, and environmental savings will accrue to the city. The planned development policies also require preservation of natural and topographic features, the development of open space and community facilities within the planned development, and the development of safe and efficient traffic patterns and vehicle circulation within the planned development.

The proposed planned development will provide for a type of needed housing in the city in the form of multiple family residential rental housing. The increase in density on the site is more consistent with the city's policies for high density residential zones, as described above, but the increase in dwelling units also increases the efficiency with which vacant land in the city is being developed. This can be considered an environmental savings as it will allow for densification within the existing urban growth boundary.

There are no significant natural or topographic features to preserve within the site. Open space is being provided within the development that directly benefits the future residents of the development. The applicant had originally submitted a development plan that included minimal open space, outside of some small areas that would be used for landscaping. To better meet the purpose of a planned development and Comprehensive Plan policies 75.00 and 76.00, the applicant revised the site plan to include more open space. On the north side of the southernmost grouping of duplexes, one of the duplex units was reduced to a single stand-alone unit. This allowed for a contiguous open space area to be provided within the site, totaling 2,360 square feet. The space is centrally located within the site, and will provide opportunities for gathering space and recreation for future residents. The open space provided equates to five (5) percent of the site being preserved as contiguous, usable open space.

In order to provide that larger open space within the site, the applicant is requesting reduced setbacks for the overall development site. The reduced setbacks are shown on the development plan that would become binding on the site, should the planned development amendment be approved. Specifically, the reduced setbacks are as follows:

	Front Yard	Rear Yard
Standard Required Setback	20 Feet	15 Feet
Proposed Setback	15 Feet	10 Feet

Since the City does not have specific standards for the amount of open space to be provided, staff reviewed other Oregon city's requirements and found that the proposed percentage of open space is consistent with what other communities require within multiple family developments.

The internal traffic system is being designed to be efficient and safe. The circulation through the site will be one-way traffic, with ingress to the site from SW 2nd Street and egress to SW Apperson Street. The one-way drive aisle will meander through the site, primarily to allow for clustering of the duplex units, but that will effect traffic movement and should help to limit vehicle speed through the site. Also, landscaped islands will be provided near the curves in the drive aisle, which should assist more with traffic calming through the site.

Section 17.74.070

- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;

The surrounding area is fully developed, and the property within the planned development will not provide for access or services to adjoining parcels. Buffering will be required as a condition of approval between

the subject site and the adjoining parcels, and the planned development will directly connect to the streets adjacent to the property without any major reconstruction or change to the surrounding transportation system.

Section 17.74.070

- D. The plan can be completed within a reasonable period of time;

The applicant has developed other properties in the city, and has a bona fide ability to develop this site. From conversations with the applicant, it is staff's understanding that, should the zone change and planned development amendment be approved, the applicant intends to begin site work this fall in anticipation of construction of the dwelling units during the next construction season. In order to ensure that the plan is completed in a reasonable period of time, a condition of approval is recommended to require that the proposed improvements commence within two years of the effective date of this proposal. If the proposed improvements have not commenced within two years, and if they are not fully complete within seven years, the planned development approval shall be terminated and the applicant would be required to resubmit a planned development amendment application.

Section 17.74.070

- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;

The applicant has provided a traffic analysis that concluded that the surrounding street network has the capacity to accommodate the increase in trips that would result from the applicant's request to rezone the northern parcel and develop 21 (twenty-one) dwelling units on the entire site, including the southern parcel. The traffic analysis showed that minimal increases in delays would occur at all of the surrounding intersections on SW 2nd Street, SW Agee Street, and SW Cypress Street. The minimal increases in delay did not have any impact on the overall level of service of any intersection within the study area. The Engineering Department has reviewed the traffic analysis, and does not have any concerns with the analysis or the findings. The engineering department has also verified that adequate sanitary and storm sewer facilities exist to serve the increased density of the site proposed by the applicant.

Section 17.74.070

- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;

Improvements to the sanitary sewer system have occurred since the time of the adoption of the Westside Density Policy, which was discussed in more detail above. Those improvements have addressed the capacity issues that drove the need for the Westside Density Policy, and the Engineering Department has reviewed this proposal and has offered no concerns with providing adequate services to this site to support the residential development density proposed by the applicant as part of the planned development. The applicant has also discussed the proposed development plan with other utility providers, McMinnville Water and Light and Northwest Natural, and neither entity has concerns with providing services to the site. Water, electricity, natural gas, sanitary sewer, and storm sewer all exist in either SW 2nd Street or SW Apperson Street to service the site. The engineering department will require that onsite stormwater detention and storm system improvements be provided that comply with the City's Storm Drainage Master Plan, and the applicant has verified that they intend to design their onsite system to meet that requirement.

Section 17.74.070

- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

The proposed development will be relatively low in intensity as a multiple family residential development. Based on the size of the site at 1.11 acres and the allowable densities in the R-4 (Multiple Family Residential) zone, the property could be developed with up to 32 (thirty-two) dwelling units. Therefore, significant noise, air, and water pollutants from the proposed development of the 21 (twenty-one) dwelling units will not have an adverse effect on the surrounding area or the city as a whole.

Additional Conditions of Approval

As proposed, the development plan shows three clusters of duplex units. The northern-most cluster is identified to be located primarily on the northern parcel. However, one of the duplex units in the northern cluster is currently shown to be constructed over the existing property line between the two subject parcels. In order to not have a duplex unit constructed over a common property line, staff is recommending a condition of approval to require that the applicant complete a property line adjustment to either eliminate the common property line between the parcels or to adjust the property line to allow for the construction of all duplex units on one parcel.

Fiscal Impact:

None.

Commission Options:

- 1) Close the public hearing and forward a recommendation for **APPROVAL** to the application to the McMinnville City Council, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

The Planning Department recommends that the Planning Commission make the following motion recommending approval of ZC 9-17/ZC 10-17 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE ZC 9-17/ZC 10-17.

CD:sjs



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

503-434-7311
www.mcminnvilleoregon.gov

**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS
FOR THE APPROVAL OF ZONE CHANGE AND PLANNED DEVELOPMENT AMENDMENT
REQUESTS FOR PROPERTY LOCATED AT 1730 SW 2ND STREET.**

DOCKET: ZC 9-17/ZC 10-17 (Zone Change and Planned Development Amendment)

REQUEST: The applicant is requesting approval of a zone change from R-1 (Single Family Residential) to R-4 (Multiple-Family Residential) on a parcel approximately 0.22 acres, and an amendment to an existing planned development (R-4 PD) of approximately 0.89 acres, that would increase the allowed density, provide variances for setbacks, allow for multiple duplexes as a multi-family project, and increase the size by adding the 0.22 acre parcel that has been rezoned to R-4 for a new multiple-family residential planned development of approximately 1.11 acres. The two parcels are located immediately adjacent to each other, with the smaller parcel adjacent to 2nd Street and the larger parcel to the south extending down to SW Apperson Street. The rezoning and planned development amendment would result in the ability to develop 21 (twenty-one) multiple-family residential dwelling units on the two parcels.

LOCATION: The subject sites are located at 1730 SW 2nd Street, and more specifically described as Tax Lots 101 and 100, Section 20CB, T. 4 S., R. 4 W., W.M., respectively.

ZONING: The subject site's current zoning is R-1 and R-4 PD.

APPLICANT: Ray Kulback

STAFF: Chuck Darnell, Associate Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: August 17, 2017. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: September 12, 2017. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas. Their comments are provided in this decision document.

Based on the findings and conclusions, the Planning Commission recommends that the City Council **APPROVE** zone change ZC 9-17 and zone change ZC 10-17 **subject to the conditions of approval provided in this document.**

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DECISION: APPROVAL WITH CONDITIONS

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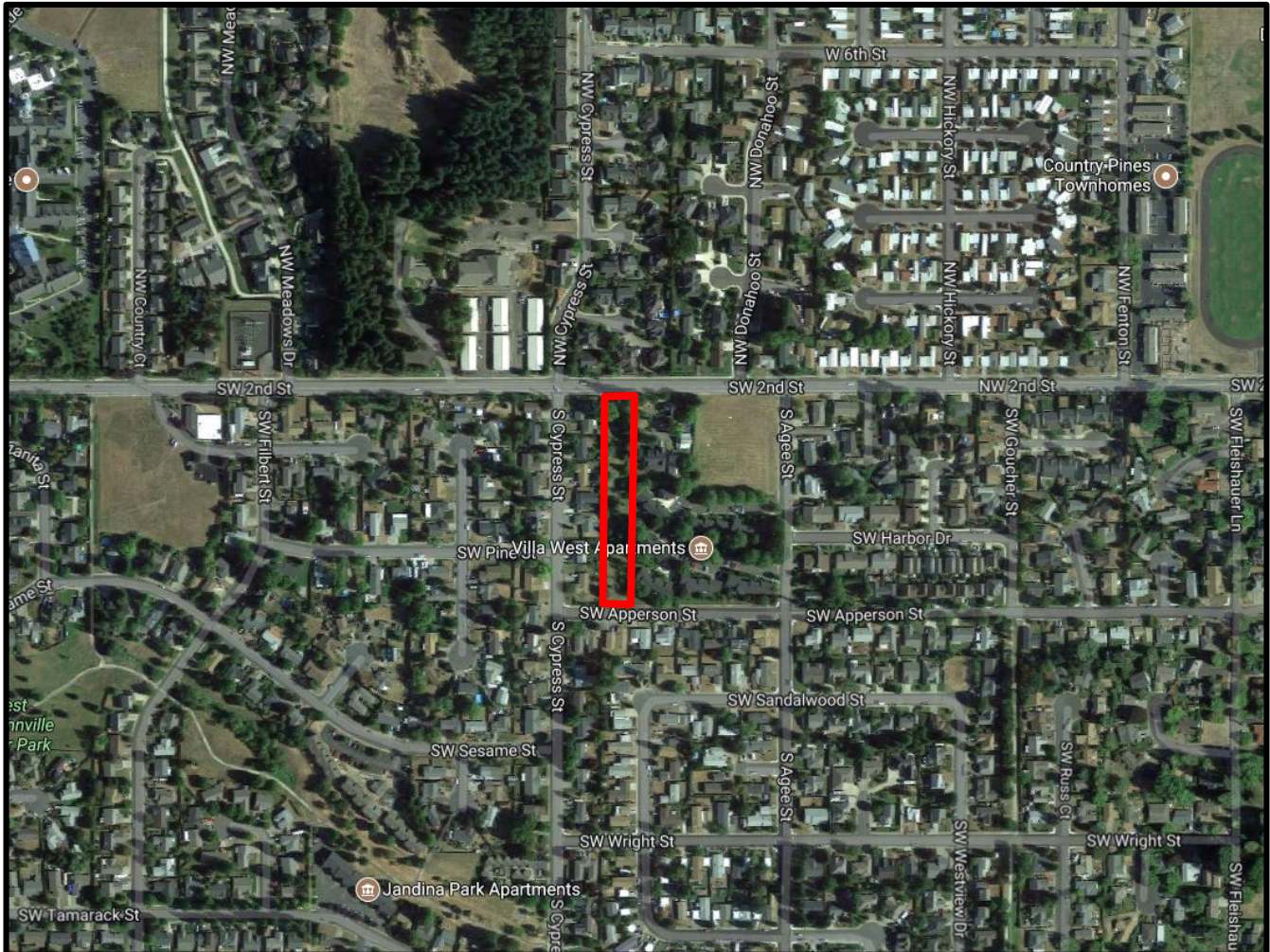
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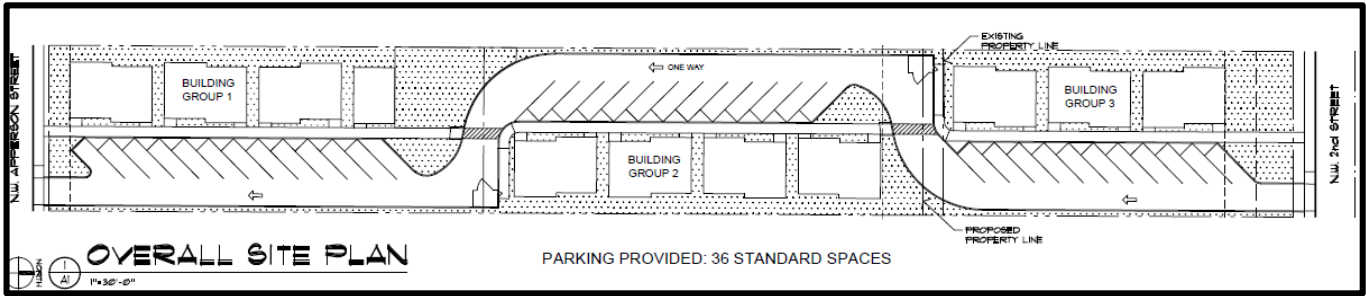
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Application Summary:

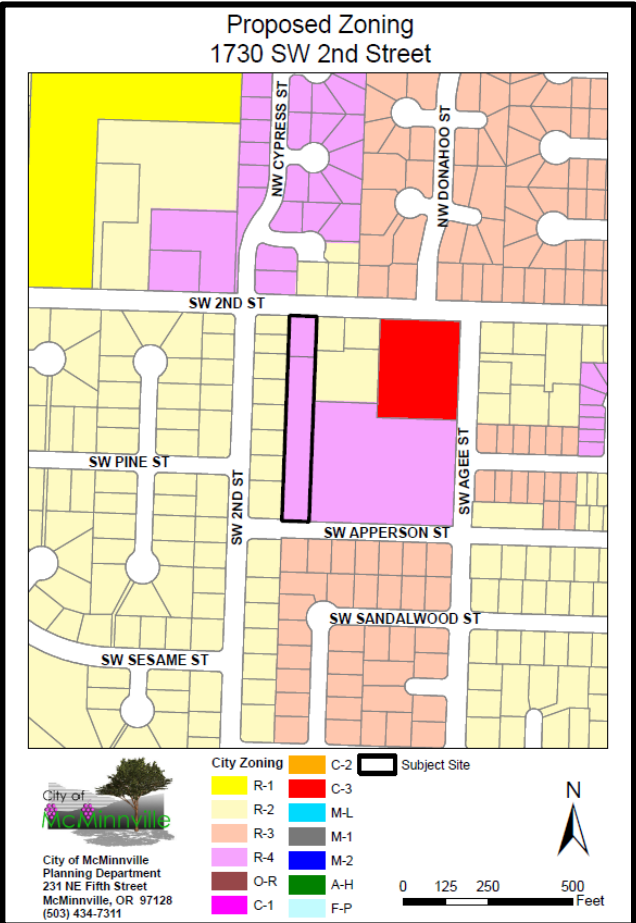
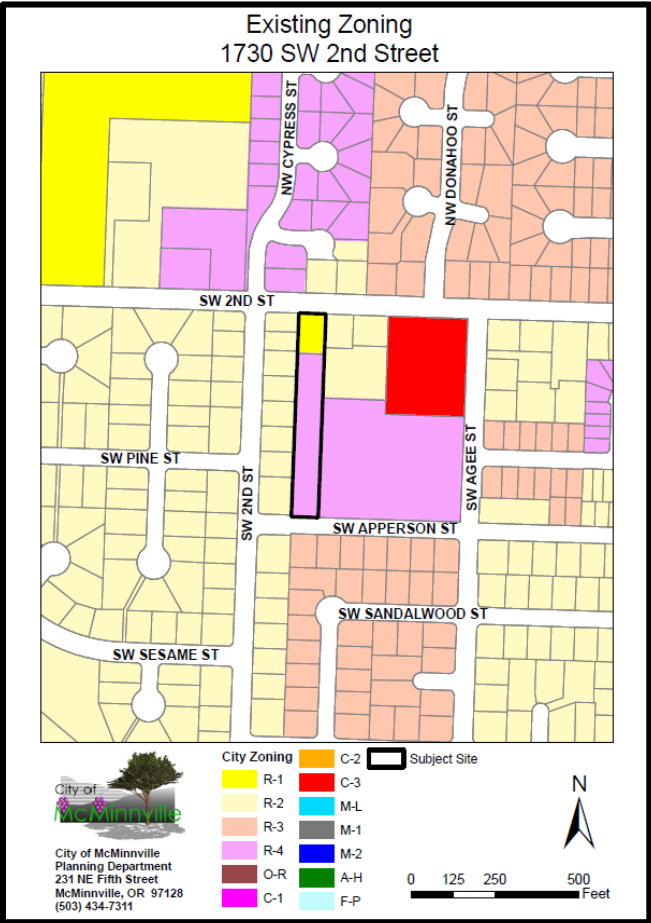
The applicant is requesting approval of a zone change from R-1 (Single Family Residential) to R-4 (Multiple-Family Residential) on a parcel approximately 0.22 acres, and an amendment to an existing planned development (R-4 PD) of approximately 0.89 acres, that would increase the allowed density, provide variances for setbacks, allow for multiple duplexes as a multi-family project, and increase the size by adding the 0.22 acre parcel that has been rezoned to R-4 for a new multiple-family residential planned development of approximately 1.11 acres. The two parcels are located immediately adjacent to each other, with the smaller parcel adjacent to 2nd Street and the larger parcel to the south extending down to SW Apperson Street. The rezoning and planned development amendment would result in the ability to develop 21 (twenty-one) multiple-family residential dwelling units on the two parcels. The subject sites are identified below:



The proposed development plan can be seen below:



The two graphics below provide a depiction of current zoning designations on the subject sites and surrounding properties in addition to identifying how the zoning map would appear should these zone change requests be approved.



CONDITIONS OF APPROVAL:

The following conditions of approval shall be required to ensure that the proposal is compliant with the City of McMinnville's Comprehensive Plan and Zoning Ordinance:

1. That the development plan shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Planning Director may be made only to the Planning Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

2. Side yards setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.
3. Buffering along the western and eastern boundaries of this site shall be required and shall utilize methods for the express purpose of mitigating noise, headlight glare, and visual intrusion from this site onto the neighboring properties located to the west and east of this site and shall include a mix of vertical and horizontal vegetation, fencing and/or berms. A landscape plan for the site, which includes proposed plant material to provide the required buffering, shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to the issuance of building permits for the site.
4. The current development plan includes one duplex unit that would be constructed over the existing common property line between the subject parcels. To prevent a duplex unit from being constructed over a common property line, the applicant shall submit a property line adjustment application to the Planning Department to either eliminate the common property line between the subject parcels, or to adjust the common property line to allow for the construction of each duplex unit on an individual lot of record. The property line adjustment shall be recorded, as approved by the Planning Director, with the Yamhill County Clerk's office prior to the issuance of building permits for the site.
5. That the applicant shall submit shared parking and access agreements or easements to the Planning Department for review. The shared parking and access agreements or easements shall be recorded, as approved by the Planning Director, with the Yamhill County Clerk's office prior to the issuance of building permits for the site.
6. That the applicant shall dedicate 18 (eighteen) feet of right-of-way along the site's SW 2nd Street frontage to provide the necessary right-of-way for the roadway as it is classified in the Transportation System Plan.
7. That the applicant shall dedicate a 10 (ten) foot public utility easement along the site's SW 2nd Street frontage.
8. That driveway and sidewalk improvements within the site and adjacent to the site shall be constructed to meet current Public Right-of-Way Accessibility Guidelines (PROWAG).
9. That the applicant shall provide onsite stormwater detention and storm system improvements that satisfy the requirements of the City of McMinnville Storm Drainage Master Plan.
10. That the planned development amendment approval shall be terminated if the proposed improvements do not commence within two years of the effective date of this approval, and if the proposed improvements are not complete with seven years of the effective date of this approval.
11. That Ordinance No. 4097 is repealed in its entirety.

ATTACHMENTS

1. ZC 9-17/ZC 10-17 Application and Attachments

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; Northwest Natural Gas. Their comments are provided in this decision document:

Engineering Department:

We have reviewed proposed ZC 9/10-17, and do not have concerns with the proposal. As noted in the applications, and associated attachments, there is adequate transportation network and sanitary sewer system capacity to accommodate the proposed zone change.

At the time of development of the properties, the appropriate infrastructure improvements and right-of-way dedications, in compliance with the City's adopted master plans, will be required. Those requirements will include:

- The dedication of an additional 18' of right-of-way along the site's 2nd Street frontage per the adopted Transportation System Plan;
- The dedication of a 10' public utility easement along the site's 2nd Street frontage;
- Site driveway and sidewalk improvements meeting current Public Right-of-Way Accessibility Guidelines (PROWAG); and
- Onsite stormwater detention and storm system improvements in compliance with the City's Storm Drainage Master Plan.

Building Department:

A full Geo-Technical study of the proposed development will be required specifically areas of bearing capacities of the building footprint.

Yamhill County Public Works:

I have reviewed the subject Planned Development Amendment and have no conflicts with the interests of Yamhill County Public Works.

McMinnville Water and Light:

MW&L has no comments on this application.

FINDINGS OF FACT

- A. Ray Kulback is requesting approval of a zone change from R-1 (Single Family Residential) to R-4 (Multiple-Family Residential) on a parcel approximately 0.22 acres, and an amendment to an existing planned development (R-4 PD) of approximately 0.89 acres, that would increase the allowed density, provide variances for setbacks, allow for multiple duplexes as a multi-family project, and increase the size by adding the 0.22 acre parcel that has been rezoned to R-4 for a new multiple-family residential planned development of approximately 1.11 acres. The two parcels are located immediately adjacent to each other, with the smaller parcel adjacent to 2nd Street and the larger parcel to the south extending down to SW Apperson Street. The rezoning and planned development amendment would result in the ability to develop 21 (twenty-one) multiple-family residential dwelling units on the two parcels.
- B. The site is currently designated as Residential on the McMinnville Comprehensive Plan Map, 1980.
- C. Sanitary sewer and municipal water and power can adequately serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
- D. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

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

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

Finding: Goal V 1 and Policies 58.00 and 59.00 are met by this proposal in that approval of the zone change requests from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential) will allow for the opportunity to develop the property and increase the variety of housing types and densities in this area of the city. The multiple family residential units proposed would provide rental housing, which is a needed type of housing in the city. Higher density residential development is also consistent with the surrounding development pattern, as there are numerous multiple-family development projects located within a quarter mile of the subject sites.

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

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

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

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments. The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

- 1. Areas that are not committed to low density development;*
- 2. Areas that have direct access from collector or arterial streets;*
- 3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
- 4. Areas where the existing facilities have the capacity for additional development;*
- 5. Areas within one-quarter mile of existing or planned public transportation; and,*
- 6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

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

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

Finding: Goal V 2 and Policies 68.00, 71.00, 71.09, and 71.13 are met by this proposal in that the proposal to rezone this land as requested is encouraged by the existing Comprehensive Plan. In addition, rezoning of this site to allow higher residential density encourages more efficient residential development in an area where urban services are already available before committing alternate areas to residential development. The northern parcel is currently zoned for low density residential development. However, the site better meets the locational criteria for high density residential development. The adjacent property that will be part of the overall development of the northern parcel is currently zoned for high density residential development. The site can be buffered by landscaping from adjacent lower density residential areas on the west and east sides of the site. A condition of

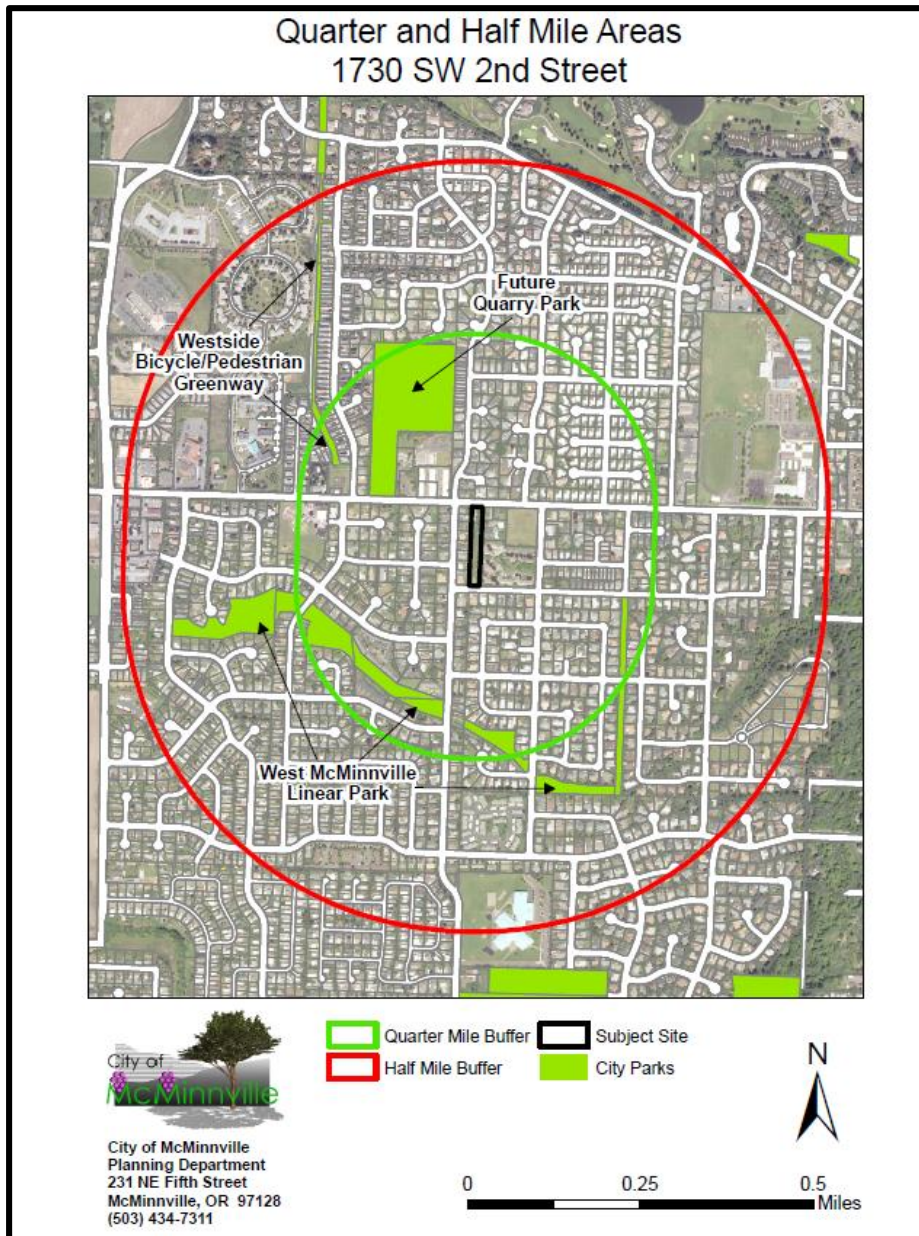
approval is included to require landscaping as buffering along the planned development's east and west property lines to maximize the privacy of established lower density residential areas adjacent to the site. The condition of approval also requires that a landscape plan be submitted for review, at which time the Landscape Review Committee would ensure that any proposed landscaping is achieving the required buffering effect.

In addition, because the request is to rezone a property with a lower residential density to a higher residential density that has adjacency to existing single family development, a condition of approval is included to increase required setbacks if the maximum building height normally allowed in lower density residential zones is exceeded. Currently the R-4 (Multiple Family Residential) zone states that a side yard shall not be less than six (6) feet, except an exterior side yard shall not be less than 15 (fifteen) feet. And all yards shall be increased over the requirements of this section, one (1) foot for each two (2) feet of building height over 35 (thirty-five) feet (Section 17.21.040). Since the subject site is adjacent to existing single family residential development, a condition of approval is included to require that side yards be increased by one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet. The applicant has stated in their narrative that they intend to construct duplex units with similar architecture and exterior design as the applicant's recently constructed multiple family complex across SW 2nd Street, west of Newby Elementary School. These units were not more than 35 feet in height, but because there are no specific architectural plans associated with the planned development request, this condition of approval will ensure that adequate spacing and buffering is provided.

The northern parcel has direct access from SW 2nd Street, which is an arterial street. The northern parcel is not subject to any development limitations, as the site is flat and does not contain any significant natural or topographic features or that would reduce the developable area of the site.

The applicant has provided a traffic analysis that concluded that the surrounding street network has the capacity to accommodate the increase in trips that would result from the applicant's request to rezone the northern parcel and develop 21 (twenty-one) dwelling units on the entire site, including the southern parcel. The traffic analysis showed that minimal increases in delays would occur at all of the surrounding intersections on SW 2nd Street, SW Agee Street, and SW Cypress Street. The minimal increases in delay did not have any impact on the overall level of service of any intersection within the study area. The Engineering Department has reviewed the traffic analysis, and does not have any concerns with the analysis or the findings. The Engineering Department has also verified that adequate sanitary and storm sewer facilities exist to serve the increased density of the site proposed by the applicant. Conditions of approval have been included to ensure that when the site is developed, it is done so to meet current street, right-of-way, and stormwater requirements.

Public transit is available immediately adjacent to the property, as Yamhill County Transit Route 2 (McMinnville East-West Express) runs hourly along SW 2nd Street for most of the day. The northern parcel is within one-quarter mile of a future commercial area, as there is a vacant piece of land at the southwest corner of the intersection of SW 2nd Street and SW Agee Street that is zoned C-3 (General Commercial). The northern parcel is not immediately adjacent to any permanent public open space, but a condition of approval has been included to require common open space within the planned development. The site is also located in close proximity to permanent public open space. A nearly 2,000 foot long segment of the West McMinnville Linear Park is located within a quarter mile of the subject site, and the southern end of the Westside Bicycle/Pedestrian Greenway is also located within a quarter mile of the subject site. Also within a quarter mile of the subject site is the future Quarry Park, which is proposed in the Parks, Recreation, and Open Space Master Plan to be a special use park. While there is no neighborhood park within a half mile of the property, there are multiple other existing or planned park and recreation facilities within a quarter mile of the site. Please see the aerial map below.



Policy 71.01 *The City shall plan for development of the property located on the west side of the city that is outside of planned or existing transit corridors (1/4 mile either side of the route) to be limited to a density of six units per acre. It is recognized that it is an objective of the City to disperse multiple family units throughout the community. In order to provide higher density housing on the west side, sewer density allowances or trade-offs shall be allowed and encouraged. (Ord. 4961, January 8, 2013; Ord.4796, October 14, 2003)*

1. *It will be the obligation of the City Planning Director and the City Engineer to determine whether or not the density of each proposed development can exceed six units per acre. School property, floodplain, and parklands will not be included in the density calculations.*
2. *For those developments which have less than six units per acre, the differences between the actual density of the development and the allowed density (six units per acre) may be used as an additional density allowance by other property which is located in the same immediate sewer service area, providing that no peak loading effect would occur which would cause overloading of particular line design capacity, and provided that the zone change application is processed under the provisions of Chapter 17.51 of the zoning ordinance.*

3. *The City will monitor development on the west side of McMinnville to determine which property is available for development at increased densities.*
4. *In no case will a residential development of a higher density than six units per acre be approved if, by allowing the development, some other undeveloped property (which is not included in the application, but which is within the above-mentioned sewer service area) would be caused to develop at less than six units per acre because of lack of sewer capacity.*
5. *Applications for multiple-family zone changes will be considered in relation to the above factors, e.g., sewer line capacity and dispersal of units. In addition, requests for zone changes to multiple-family shall consider those factors set for in Section 17.74.020 (Comprehensive Plan Map Amendment and Zone Change – Review Criteria) of the zoning ordinance (Ord. 4796, October 14, 2003; Ord. 4218, November 23, 1985).*

Finding: Policy 71.01 is met by this proposal in that the property is located well within a quarter mile of transit service. The Yamhill County Transit Route 2 (McMinnville East-West Express) currently operates immediately adjacent to the site, running hourly along SW 2nd Street for most of the day. Therefore, the subject site is not limited to six dwelling units per acre. The Engineering Department has no concerns with providing adequate services to this site to support the residential development density proposed by the applicant as part of the planned development.

Policy 72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

Policy 73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

Finding: Policies 72.00 and 73.00 are satisfied by this proposal in that the proposed planned development will provide for a type of needed housing in the city in the form of multiple family residential rental housing. The increase in density on the site is more consistent with the city's policies for high density residential zones, and will also increase the efficiency with which vacant land in the city is being developed. This can be considered an environmental savings as it will allow for densification within the existing urban growth boundary.

Policy 74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

Finding: Policy 74.00 is satisfied by this proposal in that there are no significant natural or topographic features to preserve within the site.

Policy 75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowner's association, assessment district, or escrow fund will be required to maintain the common area.

Policy 76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

Finding: Open space is being provided within the development that directly benefits the future residents of the development. The applicant had originally submitted a development plan that included minimal open space, outside of some small areas that would be used for landscaping. To better meet the purpose of a planned development and Comprehensive Plan policies 75.00 and 76.00, the applicant revised the site plan to include more open space. On the north side of the southernmost grouping of duplexes, one of the duplex units was reduced to a single stand-alone unit. This allowed for a contiguous open space area to be provided within the site, totaling 2,360 square feet. The space is

centrally located within the site, and will provide opportunities for gathering space and recreation for future residents. The open space provided equates to five (5) percent of the site being preserved as contiguous, usable open space.

Policy 77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

Policy 78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Finding: The internal traffic system is being designed to be efficient and safe. The circulation through the site will be one-way traffic, with ingress to the site from SW 2nd Street and egress to SW Apperson Street. The one-way drive aisle will meander through the site, primarily to allow for clustering of the duplex units, but that will also help to limit vehicle speed through the site. In addition, landscaped islands will be provided near the curves in the drive aisle, which should assist further with traffic calming through the site. Since the planned development will include two (2) existing parcels, a condition of approval is included to require that shared parking and access agreements or easements between the two (2) parcels be created and recorded with the Yamhill County Clerk's office.

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

Finding: Policy 86.00 is satisfied by this proposal in that the rezoning and planned development amendment will allow for the development of multiple-family residential units in a residentially designated area of the city that has both low density and high density existing residential development. The development of multiple family residential units would not be inconsistent with the surrounding development pattern, but would allow for additional dispersal of new multiple family units in the city.

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

Finding: Policy 89.00 is met by this proposal in that landscaping will be provided for the site, and a landscape plan will be required to be submitted and approved by the Landscape Review Committee.

Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes. (Ord. 4840, January 11, 2006; Ord. 4796, October 14, 2003)

Policy 91.00 Multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development. (Ord. 4573, November 8, 1994)

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

Policy 92.01 High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use. (Ord. 4796, October 14, 2003)

Policy 92.02 High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation. (Ord. 4796, October 14, 2003)

Finding: Policies 90.00, 92.00, 92.01 and 92.02 are satisfied by this proposal in that the subject site is located adjacent to and accessed from SW 2nd Street, which is a minor arterial street. Public transit is available immediately adjacent to the property, as Yamhill County Transit Route 2 (McMinnville East-West Express) runs hourly along SW 2nd Street for most of the day. The northern parcel is within one-quarter mile of a future commercial area, as there is a vacant piece of land at the southwest corner of the intersection of SW 2nd Street and SW Agee Street that is zoned C-3 (General Commercial). In addition, there are multiple schools and parks within one-half mile of the subject site. The subject site is not located near any undesirable land uses such as railroad lines or heavy industrial uses.

Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
- 5. Deleted as per Ord. 4796, October 14, 2003.*

Finding: Policy 99.00 is satisfied by this proposal as adequate levels sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Required street improvements shall be required at the time of development.

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.

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

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

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

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

- 1. Major, Minor arterials.*
 - a. Access should be controlled, especially on heavy traffic-generating developments.*

Finding: Goal VI 1 and Policies 117.00, 119.00, 120.00 and 122.00 are satisfied by this proposal in that the subject site is currently adjacent to public streets along two sides, SW 2nd Street on the north and SW Apperson Street on the south. Access to the site will be provided from SW 2nd Street, with entry

only off of SW 2nd Street and a one-way drive aisle through the site that exits onto SW Apperson Street. This circulation pattern will limit access points and traffic delays on SW 2nd Street, which is a minor arterial street. The driveway on SW 2nd Street is also being located as far east as possible to increase the distance between the driveway and the intersection of SW 2nd Street and SW Cypress Street.

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

Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.

Finding: Policies 126.00 and 127.00 are satisfied by this proposal in that off-street parking will be provided in excess of the minimum number of required parking spaces for a multiple family development.

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

Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

Finding: Policies 130.00 and 132.15 are satisfied by this proposal in that public sidewalks will be required to be upgraded to Public Right-of-Way Accessibility Guidelines (PROWAG) as a condition of approval, which will enhance pedestrian connections between the site and the surrounding area. An accessible pedestrian walkway will be provided through the site, connecting to the existing sidewalk network on SW 2nd Street on the north side of the site and SW Apperson Street on the south side of the site.

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

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

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

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

Policy 142.00 The City of McMinnville shall insure that adequate storm water drainage is provided in urban developments through review and approval of storm drainage systems, and through

requirements for connection to the municipal storm drainage system, or to natural drainage ways, where required.

Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

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

Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

- 1. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*
- 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;*
- 4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

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

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

Finding: Goal VII 1 and Policies 136.00, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00 and 151.00 are satisfied by the request as, based on comments received, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and

McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

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

Finding: Policies 153.00 and 155.00 are satisfied in that emergency services departments have reviewed this request and no concerns were raised.

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

Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

Finding: Goal VII 3 and Policy 163.00 are satisfied in that park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

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

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

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Finding: Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal and no concerns were raised. A building permit pre-application meeting was held, and McMinnville Water and Light did not have any concerns with providing adequate services to this site to support the residential development density proposed by the applicant as part of the planned development

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

Finding: Policy 178.00 is satisfied in that the applicant is proposing to amend the current zoning designations of this site to R-4 to allow for a multiple family housing product, thereby achieving a more compact form of urban development and energy conservation than would have otherwise been achieved.

GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

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

Finding: Goal X1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertized public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

17.21.010 Permitted uses. In an R-4 zone, the following uses and their accessory uses are permitted:

- A. Single-family dwelling;
- B. Two-family dwelling;
- C. Multiple-family dwelling;

Finding: Section 17.21.010 is satisfied by the proposal in that the proposed planned development will include two-family dwellings that will operate as a larger multiple family complex. The applicant is proposing to construct multiple duplex (two-family) units within the site, clustered into three separate groups throughout the site. This pattern of development would not normally be allowed under standard zoning requirements, but the unique development pattern with multiple duplex units on a single lot can be allowed within a planned development overlay, which will be described in more detail below.

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet.

Finding: Section 17.21.040 is satisfied by the proposal in that the required side yard setbacks in the R-4 zone will be met based on the development plan associated with the proposed planned development. The applicant has requested reduced front and rear yard setbacks as part of the planned development overlay, which will be described in more detail below.

17.21.060 Density requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. The above requirements may be waived if the provisions of Section 17.21.020(M) are utilized.

Finding: Section 17.21.060 is satisfied in that the proposed density of the planned development is under the maximum density allowed based on the size of the lot. Based on the size of the lot at 1.11 acres, the site could accommodate up to 32 (thirty-two) dwelling units. As proposed, the planned development would include 21 (twenty-one) dwelling units.

17.51.010 Purpose. The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of

open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.

Finding: Section 17.51.010 is satisfied in that the proposed planned development, along with the conditions of approval described in this decision document, is consistent with the purpose of a planned development. The planned development provides for the efficient development of a unique shaped lot. The planned development will increase the variety of housing types available in the area of the city it will be located in, while not being inconsistent with the surrounding development pattern. Private common open space will be provided, which will help to facilitate a desirable aesthetic within the planned development site. The open space being provided within the development will directly benefit the future residents of the development.

The applicant had originally submitted a development plan that included minimal open space, outside of some small areas that would be used for landscaping. To better meet the purpose of a planned development and Comprehensive Plan policies 75.00 and 76.00, the applicant revised the site plan to include more open space. On the north side of the southernmost grouping of duplexes, one of the duplex units was reduced to a single stand-alone unit. This allowed for a contiguous open space area to be provided within the site, totaling 2,360 square feet. The space is centrally located within the site, and will provide opportunities for gathering space and recreation for future residents. The open space provided equates to five (5) percent of the site being preserved as contiguous, usable open space. In order to provide that open space, the applicant is proposing reduced setbacks for the overall development site. The reduced setbacks are shown on the development plan that will become binding on the site. Specifically, the reduced setbacks are as follows:

	Front Yard	Rear Yard
Standard Required Setback	20 Feet	15 Feet
Proposed Setback	15 Feet	10 Feet

17.51.020 Standards and requirements. The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:

- A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;
- B. Density for residential planned development shall be determined by the underlying zone designations.

Finding: Section 17.51.020 is satisfied by this proposal in that the use of land as proposed, with duplex units functioning as a larger multiple family complex, is consistent with the Comprehensive Plan and zoning of the underlying property. The property is designated as residential on the Comprehensive Plan, and the underlying R-4 (Multiple Family Residential) zone allows for two-family and multiple family dwelling units as permitted uses. The proposed density for the planned development is well within that which would be allowed in the R-4 zone.

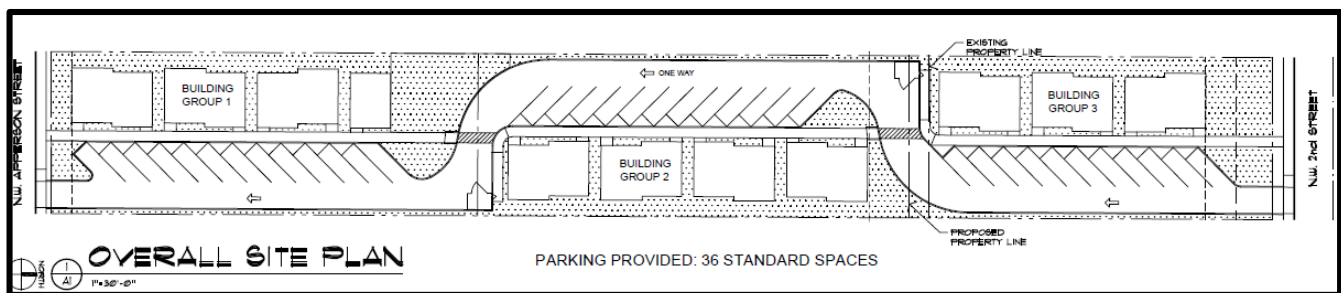
17.51.030 Procedure. The following procedures shall be observed when a planned development proposal is submitted for consideration: [...]

- C. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:
 1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
 2. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;

3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
4. The plan can be completed within a reasonable period of time;
5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
7. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;

Finding: Section 17.51.030(C) is satisfied in that the proposed planned development, along with the conditions of approval described in this decision document, meets the necessary review criteria for a planned development.

The development plan, which would become binding on the site, is identified below:



There are special physical conditions of the subject site that warrant the use of a planned development overlay. The subject site is uniquely shaped, as it is a somewhat narrow (80 feet wide) and deep (510 feet deep) parcel. This unique lot size creates a difficulty in the development of multiple family dwelling units on the site. The subject site is also located between two properties with different residential zoning classifications and existing residential uses. Immediately to the west are properties zoned R-2 PD (Single Family Residential Planned Development) and developed as single family dwellings. Immediately to the east is a property zoned R-4 PD (Multiple Family Residential Planned Development) and developed as a higher density apartment complex.

To allow for efficient development of the parcel, the applicant is proposing to combine the property with the adjacent property to the north, should the concurrent zone change request be approved, to provide one-way access through the site. This allows the applicant to reduce the amount of space required for vehicular movement, and also allows for the dwelling units to be more evenly distributed and spread out throughout the site.

In addition, the applicant is proposing to construct multiple duplex units within the site, clustered into three separate groups throughout the site. This pattern of development would not normally be allowed under standard zoning requirements. The City's definition of a multiple family dwelling unit is "a building containing three or more dwelling units". The buildings proposed by the applicant would only contain two dwelling units, which are defined as two-family dwelling units and are more commonly known as duplexes. Duplexes are allowed in the underlying R-4 zone, but normally no more than one duplex is allowed on a single lot. The allowance for multiple duplex units on a single lot is the primary reason for the applicant's planned development request. The proposed pattern of development with multiple duplex units clustered throughout the site would also provide more of a transition in building massing between the existing apartment complex to the east and the existing single family residences to the west.

The physical conditions of the site being uniquely shaped, and the applicant's intent to distribute housing units throughout the site and provide a transition between existing land uses, warrant a departure from

the standard regulation requirements and the allowance of multiple duplex units in one development site.

The proposed planned development is consistent with the goals and policies of the Comprehensive Plan, as described in more detail above in the specific findings for each Comprehensive Plan goal and policy.

The surrounding area is fully developed, and the property within the planned development will not provide for access or services to adjoining parcels. Buffering will be required as a condition of approval between the subject site and the adjoining parcels, and the planned development will directly connect to the streets adjacent to the property without any major reconstruction or change to the surrounding transportation system.

The applicant has developed other properties in the city, and has a bona fide ability to develop this site. Should the zone change and planned development amendment be approved, the applicant intends to begin site work this fall in anticipation of construction of the dwelling units during the next construction season. In order to ensure that the plan is completed in a reasonable period of time, a condition of approval is included to require that the proposed improvements commence within two years of the effective date of this proposal. If the proposed improvements have not commenced within two years, and if they are not fully complete within seven years, the planned development approval shall be terminated and the applicant would be required to resubmit a planned development amendment application.

The applicant has provided a traffic analysis that concluded that the surrounding street network has the capacity to accommodate the increase in trips that would result from the applicant's request to rezone the northern parcel and develop 21 (twenty-one) dwelling units on the entire site, including the southern parcel. The traffic analysis showed that minimal increases in delays would occur at all of the surrounding intersections on SW 2nd Street, SW Agee Street, and SW Cypress Street. The minimal increases in delay did not have any impact on the overall level of service of any intersection within the study area. The Engineering Department has reviewed the traffic analysis, and does not have any concerns with the analysis or the findings. The engineering department has also verified that adequate sanitary and storm sewer facilities exist to serve the increased density of the site proposed by the applicant.

Improvements to the sanitary sewer system have occurred since the time of the adoption of the Westside Density Policy, which was discussed in more detail above. Those improvements have addressed the capacity issues that drove the need for the Westside Density Policy, and the Engineering Department has reviewed this proposal and has offered no concerns with providing adequate services to this site to support the residential development density proposed by the applicant as part of the planned development. The applicant has also discussed the proposed development plan with other utility providers, McMinnville Water and Light and Northwest Natural, and neither entity has concerns with providing services to the site. Water, electricity, natural gas, sanitary sewer, and storm sewer all exist in either SW 2nd Street or SW Apperson Street to service the site. The engineering department will require that onsite stormwater detention and storm system improvements be provided that comply with the City's Storm Drainage Master Plan, and the applicant has verified that they intend to design their onsite system to meet that requirement.

The proposed development will be relatively low in intensity as a multiple family residential development. Therefore, significant noise, air, and water pollutants from the proposed development will be minimal and will not have an adverse effect on the surrounding area or the city as a whole.

17.51.030 Procedure. The following procedures shall be observed when a planned development proposal is submitted for consideration: [...]

- D. The Commission may attach conditions to carry out the purpose of this ordinance provided that such conditions are not used to exclude needed housing or unnecessarily reduce planned densities, and do not result in unnecessary costs or delay;

Finding: Section 17.51.030(E) is satisfied in that conditions of approval have been included to better carry out the purpose of a planned development.

The proposed development plan shows three clusters of duplex units. The northern-most cluster is identified to be located primarily on the northern parcel. However, one of the duplex units in the northern cluster is currently shown to be constructed over the existing property line between the two subject parcels. In order to not have a duplex unit constructed over a common property line, a condition of approval has been included to require that the applicant complete a property line adjustment to either eliminate the common property line between the parcels or to adjust the property line to allow for the construction of all duplex units on one parcel.

17.57.010 Landscaping – Purpose and intent. The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs. The landscaping provisions in Section 17.57.050 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. [..]

17.57.050 Area Determination—Planning factors.

- B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:
1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
 2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens. [..]

Finding: Sections 17.57.010 and 17.57.050(B)(1-2) are satisfied by the request through adoption of a condition of approval of this application requiring sufficient buffering and screening for the benefit of established adjacent residential developments on the east and west sides of the site. This buffering and screening shall utilize methods for the express purpose of mitigating noise, headlight glare, and visual intrusion from the site's development onto adjacent land north and south and shall include a mix of vertical and horizontal vegetation, fencing and/or berms as may be approved by the Landscape Review Committee.

17.74.020 Comprehensive Plan Map Amendment and Zone Change - Review Criteria. An amendment to the official zoning map may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to service the proposed uses or other potential uses in the proposed zoning district.

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statutes), 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: Section 17.74.020 is satisfied by this proposal in that the proposed zone change is consistent with the goals and policies of the Comprehensive Plan, as described in more detail above in the specific findings for each Comprehensive Plan goal and policy.

The proposed zone change is orderly and timely, based on the pattern of development in the surrounding area. The development pattern in the surrounding area is widely varying. Within a quarter mile of the subject site, there are nearly all forms of residential zones and housing types. The area to the west in the Jandina subdivision is primarily single-family residences, with some duplexes on corner lots along SW Cypress Street. Immediately adjacent to the subject site to the east is an existing higher density apartment complex. Slightly further east and across SW Agee Street, a number of duplex and townhome type residential dwelling units have been developed. Across SW 2nd Street and near the intersection of SW 2nd Street and SW Cypress Street, another R-4 (Multiple Family Residential) zoned property contains another apartment complex. The established development pattern for the larger surrounding area is clearly a mix of residential housing types.

The parcel immediately to the south of the northern parcel is vacant, but is zoned R-4 PD (Multiple Family Planned Development). Therefore, the rezoning of the northern parcel to R-4 would be consistent with the zoning of other properties immediately adjacent to the site, and also would be consistent with the overall development pattern of the area. The existing R-4 PD zoned property to the south is very deep and narrow, which makes development of that property difficult. The rezoning of the northern parcel to R-4 will allow for the property to be developed along with the vacant parcel to the south. The rezoning of the property to R-4 will allow for more efficient and orderly development of the vacant land in this area of the city. Together with the adjacent land uses and pattern of development in the surrounding area, the subject site better meets the locational policies for higher density residential development.

Utilities and services can be efficiently provided to the subject site. This area is well served by existing sanitary and storm sewer systems as well as other public utilities. The Engineering Department has reviewed this proposal and has offered no concerns with providing adequate services to this site to support the residential development density proposed by the applicant as part of the planned development. The applicant has provided a traffic analysis that concluded that the surrounding street network has the capacity to accommodate the increase in trips that would result from the applicants request to rezone the northern parcel and develop 21 dwelling units on the entire site, including the southern parcel. The traffic analysis showed that minimal increases in delays would occur at all of the surrounding intersections on SW 2nd Street, SW Agee Street, and SW Cypress Street. The minimal increases in delay did not have any impact on the overall level of service of any intersection within the study area. The Engineering Department has reviewed the traffic analysis, and does not have any concerns with the analysis or the findings.

17.74.070 Planned Development Amendment - Review Criteria. An amendment to an existing planned development may be either major or minor. Minor changes to an adopted site plan may be approved by the Planning Director. Major changes to an adopted site plan shall be processed in accordance with Section 17.72.120, and include the following:

- An increase in the amount of land within the subject site;
- An increase in density including the number of housing units;
- A reduction in the amount of open space; or
- Changes to the vehicular system which results in a significant change to the location of streets, shared driveways, parking areas and access.

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

Finding: Section 17.64.070 is satisfied by this proposal. The planned development amendment is considered a major change, as the applicant proposed an increase in density and an increase in the size of the planned development. As a major change, the planned development amendment request was processed consistent with Section 17.72.120, which includes a review of the application by the Planning Commission during a public hearing and ultimately final approval by the City Council.

The planned development amendment proposed on the both the northern and southern parcels is consistent with the review criteria for a planned development amendment, as described in more detail above in the findings for the overall planned development that will apply to both parcels.

CD:sjs

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128

(503) 434-7311 Office • (503) 474-4955 Fax

www.mcminnvilleoregon.gov**Office Use Only:**File No. ZC 9-17Date Received 6-12-17Fee 1595.⁰⁰Receipt No. 17MD114Received by SJS

Comprehensive Plan Map Amendment/ Zone Change Application

Applicant InformationApplicant is: ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other _____Applicant Name Ray Kulback / RB&R Contractors Inc. Phone (503) 434-0483Contact Name _____ Phone _____
(If different than above)Address 737 NW Adams StreetCity, State, Zip McMinnville, OR 97128Contact Email r.kulback@frontier.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 1730 SW Second StreetAssessor Map No. R4420CB-00101 Total Site Area 9,600 sq. ft.Subdivision Fairlawn Block _____ Lot _____Comprehensive Plan Designation Residential Zoning Designation R-1

This request is for a:

☐ **Comprehensive Plan Amendment**

☒ **Zone Change**

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

See attached narrative

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

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. _____

See attached narrative

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. _____

See attached narrative

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

See attached narrative

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

See attached narrative

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

See attached narrative

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

See attached narrative

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.
- ☒ Payment of the applicable review fee, which can be found on the Planning Department web page.

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


Applicant's Signature

6-5-2017
Date


Property Owner's Signature

6-5-2017
Date

Supporting Narrative for Zone Change Application

R-1 (Single-Family Residential) Zone to R-4 PD (Multi-Family Residential Planned Development) Zone

1730 SW Second Street
Assessor's Map No. R4420CB – 00101
July 17, 2017

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

The applicant wishes to construct 20, two-family residential housing units (duplexes), and one, single-family, three-bedroom “manager’s unit” within approximately 1.1 acres (48,400 square feet) of land located south of West Second Street, north of Apperson Street, and some 100 feet east of Cypress Street. This project site, which measures a relatively narrow 80 feet in width by 605.1 feet in length, is comprised of two parcels, the southern of which is zoned R-4 PD and measures 38,800 square feet in area (identified as Assessor Map No. R4420CB-00100). The northern R-1 zoned parcel is 9,600 square feet in area (R4420CB-00101) and is the subject of this proposed zone change request.

For this project to move forward, two separate – but complementary – land use application approvals are required: 1) Rezoning of the northern parcel from its current R-1 (Single-Family Residential) zone to R-4 PD (Multi-Family Residential Planned Development) zone; and 2) amending (supplanting) provisions of an existing planned development ordinance that encumbers most of the larger, southern parcel (Ordinance No. 4097).¹ The materials contained in this supporting narrative are intended to address the relevant criteria for the zone change request; a separate planned development amendment for the southern parcel has been prepared and filed with the City to run concurrently with this zone change request.

Detailed plans for the proposed development are offered as part of this submittal to demonstrate to the review bodies how this project would develop, should approval of these land use requests be granted (see attached site plan). This plan is also offered to satisfy one of the requirements for approval of a planned development overlay (see Section 17.51.010(A) of the McMinnville Zoning Ordinance), and would be binding upon the applicant and City, as may be approved through this land use process. In general, the units, each measuring approximately 42 feet by 28 feet and two-stories

¹ The applicant recognizes that, in addition to these two land use requests, a separate application for a boundary line adjustment will be necessary to ensure that the property line common to these two parcels does not conflict with the proposed building's location. This is an administrative review and not subject to Planning Commission action.

in height, would be arranged in three "clusters" and in a non-linear fashion, to the extent permitted in such a narrow width of land. Vehicular access to each of the units would be provided by a one-way private drive extending south from West Second Street to Apperson Street. This drive's entrance from West Second Street is positioned as far to the east as possible to provide maximum separation from the Cypress Street and West Second Street intersection. Each of the building units would be positioned some eight to ten feet from the subject site's east and west borders, providing ample room for landscaping and buffering from adjacent development. It is the applicant's belief that the type of units, and their relative size and massing, make for a reasonable transition between the single-family housing to the immediate west of the site, and multi-family housing complex to the east. Adequate off-street parking is provided in front of each group of units (parking for the manager's unit is provided by a garage), and pedestrian walkways traverse the length of the site, connecting to public streets at either end. Community trash enclosures are conveniently located for the residents and servicing by Recology. Small play areas would also be provided within the complex for its future residents, as the need is warranted. Open space/landscaping areas are most prominently located along public street rights-of-way and near each of the parking bays and end building units to provide visual softening of the site. Architecturally, the applicant is considering exterior designs that mimic his most recent multi-family complex constructed on property on West Second Street, immediately west of Newby Elementary School (two-story in height; approximately 1,100 square feet in size).

As noted, a planned development overlay is being requested as part of this zone change to provide for the proposed "clustering" (grouping) of the housing units. In so doing, this oddly shaped infill property can be most effectively and efficiently developed, as is further described in the following pages. The planned development overlay would also serve to tie this parcel to the parcel to the immediate south, which is also owned by this applicant and is integral to the overall development concept.

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. II).*

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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.*

Applicant Response: Goal V 1 and Policy 58.00 are met by this proposal in that approval of the zone change request (and companion planned development

amendment request) will allow this land to be developed with a housing type that is relatively affordable to a broader segment of the McMinnville population than is single-family detached, for which this property is currently zoned. Residential density at the level proposed by this project is commensurate with surrounding development in that it would provide a transition between multiple-family development to the east, and single-family housing to the west.

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 and to those areas where urban services are already available before committing alternate areas to residential use.

71.09 Medium and High-Density Residential (R-3 and R-4) – The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments. The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

- 1. Areas that are not committed to low density development;*
- 2. Areas that have direct access from collector or arterial streets;*
- 3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
- 4. Areas where the existing facilities have the capacity for additional development;*
- 5. Areas within one-quarter mile of existing or planned public transportation; and,*
- 6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

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

- 1. Areas which are not committed to low or medium density development;*

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

Applicant Response: Goal V 2 and Policies 68.00, 71.09, and 71.13 are met by this proposal in that the increase of allowed units within this site encourages more efficient residential development in an area where urban services are already available before committing alternate areas to residential development. The surrounding residential neighborhoods currently exhibit a range of residential densities and housing types including single-family detached, duplex, and multiple-family dwellings. An analysis of vehicular impacts to the surrounding street network resulting from development of a multiple-family development on this site has been provided as part of the applicant's submittal. That analysis concludes that the surrounding network has the capacity to accommodate the anticipated traffic. Additionally, there are no known topographic or drainage characteristics of this site that would complicate or impinge on future residential development of the property.

As noted through the applicant's discussion with other agencies and utility providers, there are no concerns regarding service provision to this site, and that anticipated impacts would be mitigated by required improvements commensurate with future development and as required by City ordinances. Public transit is available to the site and is currently provided by the Yamhill County Transit Route 3 that runs along West Second Street. Buffering of any development that may occur on the site from the adjacent single-family neighborhood to the west would be provided by sight obscuring fencing and/or landscaping as may be required by the McMinnville Landscape Review Committee as part of their review of the landscape plan for this site. Additionally, this site is located within short walking distance of the Westvale Linear Park, and future Quarry Park. It is also approximately one-quarter mile from Newby Elementary School and Duniway Middle School.

Westside Density Policy:

71.01 The City shall plan for development of the property located on the west side of the city that is outside of planned or existing transit corridors (1/4 mile either side of the route) to be limited to a density of six units per acre. It is recognized that it is an

objective of the City to disperse multiple family units throughout the community. In order to provide higher density housing on the west side, sewer density allowances or trade-offs shall be allowed and encouraged. (Ord. 4961, January 8, 2013; Ord. 4796, October 14, 2003)

- 1. It will be the obligation of the City Planning Director and the City Engineer to determine whether or not the density of each proposed development can exceed six units per acre. School property, floodplain, and parklands will not be included in the density calculations.*
- 2. For those developments which have less than six units per acre, the differences between the actual density of the development and the allowed density (six units per acre) may be used as an additional density allowance by other property which is located in the same immediate sewer service area, providing that no peak loading effect would occur which would cause overloading of particular line design capacity, and provided that the zone change application is processed under the provisions of Chapter 17.51 of the zoning ordinance.*
- 3. The City will monitor development on the west side of McMinnville to determine which property is available for development at increased densities.*
- 4. In no case will a residential development of a higher density than six units per acre be approved if, by allowing the development, some other undeveloped property (which is not included in the application, but which is within the above-mentioned sewer service area) would be caused to develop at less than six units per acre because of lack of sewer capacity.*
- 5. Applications for multiple-family zone changes will be considered in relation to the above factors, e.g., sewer line capacity and dispersal of units. In addition, requests for zone changes to multiple-family shall consider those factors set for in Section 17.74.020 (Comprehensive Plan Map Amendment and Zone Change – Review Criteria) of the zoning ordinance (Ord. 4796, October 14, 2003; Ord. 4218, November 23, 1985).*

Applicant Response:

Plan Policy 71.01 is satisfied by this proposal for the following reasons:

- Considerable public investment has been directed toward addressing the City's sanitary sewer conveyance and treatment systems. Those improvements have, to a large degree, addressed the capacity issues that drove the need for the westside density policy, which was adopted in 1985. The applicant believes that, with these improvements, there exists adequate capacity within the current sanitary sewer conveyance system to accommodate this 15-dwelling unit increase, as proposed. The applicant would also submit that such capacity exists because, overall, residential development within west McMinnville has occurred at densities less than six dwelling units per acre (as documented in the *McMinnville Residential Land Needs Analysis, 2001*, and *McMinnville Urban Growth Management Plan, 2003*).
- In addition, the policy grants authority to the Planning Director and City Engineer to allow development to exceed the six-dwelling unit per acre cap, should certain

performance standards be met. In this case, the applicant argues that the factors necessary to grant such an exception exist for this property (as described in this section and elsewhere in this narrative) and could therefore be approved by City staff, but for the presence of the planned development limit placed on this property in 1980.

- The City acted in 2003 to amend the westside density policy to exclude lands that are within ¼ mile of a transit corridor (such as the subject property) from the six dwelling units per acre cap. That policy was later revised in 2013 to remove reference to Neighborhood Activity Centers, but it still retains to this day the exemption of lands within transit corridors from this density limit. The action taken to amend this policy in 2003 was driven by requirements of the State's urban growth boundary amendment process to increase housing density and opportunities within the existing urban growth boundary, where possible, and transportation system planning efforts, which sought to increase housing density opportunities along existing and proposed transit corridors. Amendment of this planned development ordinance density limit supports and advances both of those objectives.

Planned Development Policies:

72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

Applicant Response:

Plan Policy 72.00 is satisfied as social, economic, and environmental savings will accrue because of this project's approval and construction. Specifically, the project will increase the availability of needed housing (the City has demonstrated that two-family housing is in short supply), provide short term employment for workers involved in the construction of this project, and the allowed increase in density will make efficient use of the City's land supply and therefore reduce the need to expand the City's urban growth boundary to meet identified residential land needs.

73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

Applicant Response:

The two-family housing proposed by this project would offer a housing type that is in short supply within the city, therefore satisfying Plan Policy 73.00.

74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

Applicant Response:

There are no distinctive natural, topographic, or aesthetic features within the subject site.

75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowner's association, assessment district, or escrow fund will be required to maintain the common area.

Applicant Response:

This policy is not applicable as there are no common open spaces proposed as part of this development.

76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

Applicant Response:

Plan Policy 76.00 is satisfied by this proposal in that private play areas will be provided by the applicant for the future residents of this development, as need is warranted.

77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Applicant Response:

The above two policies are addressed in the traffic analysis conducted by David Evans and Associates and provided to the City as part of this application. In addition, as part of this development, the applicant will dedicate additional right-of-way for the future full improvement of West Second Street, consistent with the City's TSP. Plan Policies 77.00 and 78.00 are therefore satisfied by this proposal.

Residential Design Policies:

79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification,

the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.

Applicant Response: Plan Policy 79.00 is met by this proposal in that there are no topographical or public service capacity issues that would limit this density as requested. The increase in density is being requested consistent with the provisions of the planned development process and by Plan Policy 71.01.

90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes. (Ord. 4840, January 11, 2006; Ord. 4796, October 14, 2003)

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

92.01 High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use. (Ord. 4796, October 14, 2003)

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. (Ord. 4796, October 14, 2003)

Applicant Response: Policies 90.00, 92.00, 92.01 and 92.02 are satisfied by this proposal in that this site would be served by West Second Street and Apperson Street, identified in the McMinnville Transportation System Plan (TSP) as a minor arterial street, and local residential street, respectively. As part of this development, the applicant will dedicate an 18-foot wide strip of land adjacent to the West Second Street right-of-way to provide for its future improvement, consistent with the TSP's requirements for such streets. Professional and commercial uses are located within one-quarter mile of the site (Hillsdale commercial center to the west, and a vacant commercial zoned property some 150 feet to the east). Newby Elementary School, Columbus Elementary School, and Duniway Middle School are all located within one-half mile of this site. Also, as noted in the previous finding above, public transit is available to the site and is currently provided by the Yamhill County Transit Route 3 that runs along West Second Street, approximately 150 feet to the north. Additionally, this site is located within walking distance of the Westvale Linear Park and future Quarry Park site.

99.00 *An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:*

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
- 5. Deleted as per Ord. 4796, October 14, 2003.*

Applicant Response: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Required street improvements commensurate with future development shall be required at the time of development.

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.

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

118.00 *The City of McMinnville shall encourage development of roads that include the following design factors:*

- 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
- 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
- 3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
- 4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*

5. *Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

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

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

Applicant Response: Goal VI 1 and Policies 117.00, 118.00, 119.00 and 120.00 are satisfied by this proposal in that the subject site (when combined with the parcel to the south) is currently adjacent to public streets along two sides: West Second Street to the north; and Apperson Street to the south. These streets are already improved to public street standards and no further improvements are anticipated at this time. Additional land adjacent to the West Second Street right-of-way will be dedicated, allowing for its future improvement to the width required by the McMinnville TSP. Given the narrow width of the subject site, no public street within the site is planned (or is feasible).

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

127.00 *The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.*

Applicant Response: Policies 126.00 and 127.00 are satisfied by this proposal in that off-street parking will be required and provided for all proposed residential development as specified by Chapter 17.60 (Off-Street Parking and Loading) of the McMinnville Zoning Ordinance.

132.15 *The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.*

Applicant Response: Policy 132.15 is satisfied by this proposal in that, when a specific development is proposed for this site, public sidewalks commensurate with that proposal will be required as part of the street improvements and will add to the pedestrian connections within and beyond the subject site.

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.

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.

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

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

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

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

145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

- 1. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*
- 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;*
- 4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

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

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

Applicant Response: Goal VII 1 and Policies 136.00, 139.00, 142.00, 144.00, 145.00, and 151.00 are satisfied by the request as, based on comments received, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

Applicant Response: Goal VII 3 and Policy 163.00 are satisfied in that park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

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

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

177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Applicant Response: Policies 173.00 and 177.00 are satisfied in that no concerns regarding this proposal have been voiced to the applicant in his discussions with McMinnville Water and Light and Northwest Natural Gas.

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

Applicant Response: Policy 178.00 is satisfied in that the applicant is proposing to amend the zoning of the subject site to allow (when coupled with the R-4 PD zoned parcel to the south) an increase of up to 15 additional housing units, thereby achieving a more compact form of urban development and energy conservation than would have otherwise been achieved.

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

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 Response: Goal X I 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

This property is not subject to an existing planned development overlay.

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

The applicant is requesting a planned development overlay for this property to allow for the “clustering” of two-family residential units, a development concept not currently permitted by the City’s R-4 zone. A unique approach to the development of this property is required to respond to its unique shape, and to satisfy and advance some of the City’s plan policies, especially those related to transit supportive development, affordable housing, and compact urban development. The project, if approved, would meet all other requirements for a multiple family housing project (e.g., property setbacks, building height, off-street parking, landscaping).

Responses to the policies applicable to planned development overlays have been addressed in a prior response (see responses to Question #2, above). In addition, the applicant offers responses to the following criteria found in Section 17.51.030(C).

1. *There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements.*

Applicant Response: The subject site’s unique shape, the type and density of surrounding development (single-family residential to the west; multi-family residential to the east), and site’s location along a transit corridor demands an innovative solution to developing this infill parcel. The solution put forward in this proposal addresses each of these issues by providing a reasonable transition between adjacent development patterns while also offering a relatively high residential density (19 dwelling units per acre), thereby supporting the transit objectives for this area and making for a compact urban development. This housing type is also in short supply, thereby addressing the community’s housing need.

2. *Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area.*

Applicant Response: This proposal is consistent with McMinnville’s Comprehensive Plan as noted in prior responses (see Question #2, above). In particular, this project would advance the area’s objectives relative to supporting

transit and compact urban form, as well as providing a housing type that is in short supply.

3. *The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels.*

Applicant Response: See responses provided in Question #2, above.

4. *The plan can be completed within a reasonable period of time*

Applicant Response: It is estimated that the project, once approved, would be completed within two years. This is a reasonable period to complete a project of this scale and complexity.

5. *The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area.*

Applicant Response: See responses provided in Question #2, above.

6. *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.*

Applicant Response: See responses provided in Question #2, above.

7. *The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.*

Applicant Response: There is no evidence to suggest that this project would have any adverse effect upon noise, air, and water, or public utilities or city, as noted in the responses provided in Question #2, above.

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 subject property is bordered to the south by a vacant, R-4 PD zoned property; to the west by a duplex and single-family detached home; and to the east by a vacant, R-1 zoned property, and single-family home. The Villa West apartment complex is located a relatively short distance to the southeast, and another apartment complex

can be found to the northwest (across West Second Street). The property fronts West Second Street, a designated minor arterial street.

This site's proximity to other higher density development, Newby Elementary School (1/4 mile to the east), public parks (Westvale Linear Park is two blocks south; the future Quarry Park is a short distance to the northwest), commercial services (Hillsdale commercial center is less than 1/4 mile to the west; a vacant commercial site is a few hundred feet to the east at Agee and West Second Street); and its location on a transit route makes development of this property at a higher density than currently permitted orderly and timely.

Further, the City's Residential Land Needs Analysis documents the need for additional higher density and two-family zoned housing to meet its long (and short) term needs. Also, the City's locational policies for R-1 zoned land suggest that such zoning should be "**limited**" to areas within the urban growth boundary that: are located on collector or local residential streets (West Second is a minor arterial); areas with mapped development limitations (no such limitations exist for this property); areas committed to low density residential development (arguably, this particular block in which the subject site is located is of a predominately higher density); and areas with limited development capacity, as noted in an adopted utility master plan. See Plan Policies 71.06 and 71.07.

By contrast, the City's R-4 zone locational policies (Plan Policies 71.09 and 71.13) better describe and support this property's rezoning to R-4.

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

There have been several changes in the neighborhood or surrounding area that support this request. For example:

- A relatively large apartment complex has been constructed (Villa West apartments) some 150 feet southeast of the subject site;
- Commercial zoned land has been added to the block within which the subject site is located (southwest corner of Agee and West Second Street);
- Transit service now fronts the applicant's property to the north, on West Second Street. Such service benefits by higher density residential development within the corridors it serves;
- Considerable public investment has been directed toward addressing the City's sanitary sewer conveyance and treatment systems. Those improvements have, to a large degree, addressed the capacity issues that drove the need for the westside density policy. The applicant believes that, with these improvements, there exists adequate capacity within the current sanitary sewer conveyance system to accommodate this property's rezoning to R-4 and commensurate

dwelling unit increase, as proposed. The applicant would also submit that such capacity exists because, overall, residential development within west McMinnville has occurred at densities less than six dwelling units per acre (as documented in the *McMinnville Residential Land Needs Analysis, 2001*, and *McMinnville Urban Growth Management Plan, 2003*).

- In 2003, the City adopted locational policies for residential lands. Specific to those policies, and as described in the preceding question, this property is more appropriately suited for R-4 zone designation, especially when coupled with the R-4 zoned parcel to the south.

Although not a physical change in the neighborhood or surrounding area, it is important to note that the City acted in 2003 to amend the westside density policy (Plan Policy 71.01) to exclude lands that are within ¼ mile of a transit corridor (such as the subject property) from the six dwelling units per acre cap. That policy was later revised in 2013 to remove reference to Neighborhood Activity Centers, but it still retains to this day the exemption of lands within transit corridors from this density limit. The action taken to amend this policy in 2003 was driven by requirements of the State's urban growth boundary amendment process to increase housing density and opportunities within the existing urban growth boundary, where possible, and transportation system planning efforts, which sought to increase housing density opportunities along existing and proposed transit corridors. Amendment of this planned development ordinance density limit supports and advances both of those objectives.

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 applicant has discussed his concept plans with representatives of McMinnville Water and Light, Northwest Natural Gas, and City of McMinnville. Based upon those conversations, the applicant believes that sufficient capacity exists to serve the proposed development. Specific to the subject site, sanitary sewer service extends to the site's southern edge (8-inch line in Apperson Street), natural gas service is available from both West Second Street and Apperson Street, water service consists of a 12-inch ductile iron line on the south side of West Second Street and a six-inch ductile iron line within the Apperson Street right-of-way, and electricity services exists at the site's southwest corner (underground) and from West Second Street (overhead). In addition, storm sewer service is available in West Second Street. The onsite storm sewer system will be designed to comply with the City's adopted *Storm Sewer Master Plan*.

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

The applicant has engaged the services of David Evans and Associates to conduct a traffic analysis to determine the proposed development's impact on the surrounding street network. That analysis, a copy of which is attached to this submittal, finds that the 15 additional permitted dwelling units proposed for the total project site would not affect the street network and its safe operation.²

² The project site's zoning currently permits six dwelling units; five within the larger southern parcel, and one on the R-1 zoned northern parcel.

LEGAL DESCRIPTION

Tax Lot R4420CB-00101:

BEGINNING at the Northwest corner of Lot 3 of FAIRLAWN SUBDIVISION in the County of Yamhill, State of Oregon; thence East 80 feet along the North boundary line of said Lot 3; thence South 150 feet; thence West and parallel to the North boundary line 80 feet; thence North 150 feet along the West boundary line of said Lot 3 to the place of beginning.

Tax Lot R4420CB-00100:

A portion of Lot 3 of FAIRLAWN SUBDIVISION in the County of Yamhill, State of Oregon, said portion being more particularly described as follows:

BEGINNING at a point on the West line of said Lot 3 at a point 150 feet South of the Northwest corner of said lot; thence running South along the West line of said lot a distance of 510 feet, more or less, to the Southwest corner thereof; thence running East along the South line of said Lot 3 a distance of 80 feet; thence running North parallel with the West boundary of Lot 3 a distance of 510 feet, more or less, to the Southeast corner of that tract conveyed to Lester J. Pagh, et ux. by deed recorded April 10, 1972 in Deed and Mortgage Records, Film Volume 88, at 2057; thence running West along the south Pagh tract a distance of 80 feet to the place of beginning.

MEMORANDUM

DATE: June 5, 2017

TO: RB&R Contractors Inc.

FROM: Angela Rogge, PE, David Evans and Associates, Inc.
Jacob Nigro, David Evans and Associates, Inc.

SUBJECT: SW Second Street Development (McMinnville) – Traffic Analysis Findings

This memorandum summarizes traffic analysis and potential impacts of a proposed 21-unit multi-family residential development proposed by RB&R Contractors Inc. This memorandum provides preliminary findings of existing (2017) conditions and opening year (2019).

Study Area

The two parcels considered as part of this analysis are located at approximately 1730 SW Second Street in McMinnville, Oregon. The larger of the parcels (approximately 0.9 acres) is zoned as multi-family residential (R-4) and the traffic analysis reviews a zone change of the smaller parcel (approximately 0.2 acres) from R-1 to R-4.

Site generated trips were analyzed at the study area intersections shown below in Figure 1. A one-way entrance to the site is proposed on SW 2nd Street with a one-way exit on to SW Apperson Street.

FIGURE 1. STUDY AREA



Existing (2017) Conditions

Traffic Volumes

PM peak (4:00 PM to 6:00 PM) traffic counts were collected on Tuesday, May 16, 2017 for the following intersections:

- SW 2nd Street at SW Cypress Street
- SW 2nd Street at SW Agee Street
- SW Agee Street at SW Apperson Street

The PM Peak Hour occurred on SW 2nd Street from 5:00 PM to 6:00 PM. This common peak hour was used for all study area intersections. Traffic volumes for three additional intersections were deduced from adjacent intersections:

- SW 2nd St at Proposed Ingress
- SW Apperson St at S Cypress St
- SW Apperson St at Proposed Egress

Current Operations

Existing traffic operations were analyzed using the Highway Capacity Manual (HCM) 2010 standards for the four existing unsignalized intersections; the proposed ingress and egress are not present during existing conditions. See Table 1 for a summary of current operations. All intersections meet the City's mobility target of a v/c of 0.90.

TABLE 1. SUMMARY OF EXISTING (2017) OPERATIONS

Intersection		Operations	
1	SW 2nd St at SW Cypress St Unsignalized	V/C	0.27
		LOS	C
2	SW 2nd St at Proposed Ingress ¹ Unsignalized	V/C	N/A
		LOS	N/A
3	SW 2nd St at SW Agee St Unsignalized	V/C	0.11
		LOS	B
4	SW Apperson St at S Cypress St ² Unsignalized	V/C	0.01
		LOS	A
5	SW Apperson St at Proposed Egress ¹ Unsignalized	V/C	N/A
		LOS	N/A
6	SW Apperson St at SW Agee St Unsignalized	V/C	0.01
		LOS	A

Notes

¹ Proposed site ingress and egress are not present under existing conditions

² Intersection 4 traffic analysis based on volume estimates from adjacent intersections

Opening Year Conditions

Assumptions and Methodology

Intersection operations were analyzed using Synchro, a microscopic traffic analysis program. The trip generation for the opening year analysis (2019) follows the 9th edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The generated trips were distributed based on local understanding of travel patterns and background trips were increased annually based on observed trends. The analysis assumes the opening of 21 new townhouse units is expected to be completed by 2019.

The City's TSP states that the operational standard of McMinnville streets is a maximum v/c ratio of 0.90.

Trip Generation and Assignment

The study area includes two parcels. The northern parcel is currently zoned R-1 (Single-Family Residential), which would allow a single dwelling unit. The southern parcel, although zoned R-4 (Multi-Family Residential), is currently limited to a maximum of five dwelling units. The zone change would increase the number of dwelling units allowed to be built from six to 21.

The opening year analysis assumes that all 21 residential units are to be built; this was done to ensure that the maximum amount of potential trips are analyzed in this report. The analysis assumes the trip generation rates associated with Luxury Condominium/Townhouse (Code 233) for the weekday PM peak hour; this was a more conservative estimate than other townhouse rates. See Table 2 for a summary of generated trips.

TABLE 2. TRIP GENERATION AND OPENING YEAR (2019) GENERATED TRIPS

Description	Land Use Code	Size	ITE Average Trip Rate	Trips	Entering Percent	Entering Trips	Exiting Percent	Exiting Trips
Luxury Condominium/Townhouse	233	21 units	0.65 / unit	14	60%	8	40%	6

The proposed development is expected to generate 14 trips during the peak hour. Of the total new trips, eight would enter from SW 2nd Street and six would exit on to SW Apperson Street. Trip assignment assumed 75% of the trips enter the study area from the east on SW 2nd Street while the other 25% is split coming from the west and south along SW 2nd Street and SW Cypress Street, respectively. The exiting trips follow the same distribution but in the opposite directions.

Opening Year (2019) Operations

The opening of 21 residential units is expected to be completed by 2019. At that time, there would be the 14 new trips calculated from the development, as well as the 1.13% per year increase in background volumes.¹

Opening year (2019) traffic operations were analyzed using the Highway Capacity Manual (HCM) 2010 standards for the six unsignalized intersections. See Table 3 for a summary of current operations. All intersections currently meet the City's mobility target of a v/c of 0.90.

¹ Calculated from ODOT's Regional Travel Demand Model (RTDM) as part of a March 2017 TIA for the City of McMinnville, prepared by David Evans and Associates, Inc.

TABLE 3. SUMMARY OF OPENING YEAR (2019) OPERATIONS

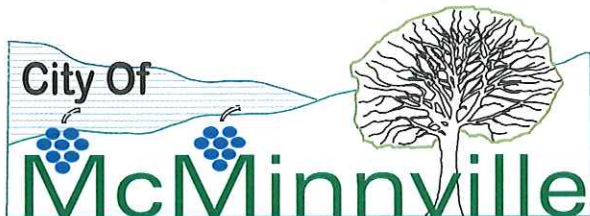
Intersection		Operations	
1	SW 2nd St at SW Cypress St Unsignalized	V/C	0.29
		LOS	C
2	SW 2nd St at Proposed Ingress Unsignalized	V/C	0.20
		LOS	N/A ¹
3	SW 2nd St at SW Agee St Unsignalized	V/C	0.12
		LOS	B
4	SW Apperson St at S Cypress St ² Unsignalized	V/C	0.01
		LOS	A
5	SW Apperson St at Proposed Egress Unsignalized	V/C	0.01
		LOS	A
6	SW Apperson St at SW Agee St Unsignalized	V/C	0.02
		LOS	B

Notes¹ HCM methodology does not calculate LOS for free-flowing movements² Intersection 4 traffic analysis based on volume estimates from adjacent intersections**Conclusions**

The preliminary traffic analysis determined the additional trips generated by the 21-unit development during the PM peak hour are not expected to exceed the City of McMinnville operational standard of a v/c of 0.90. The proposed development is expected to generate 14 total trips in the PM peak hour. The majority of these trips would travel to the development via SW 2nd Street and exit the development onto SW Apperson Street.

It is important to note that the analysis included a conservative assessment for trip generation. As currently zoned, the development site has the potential to serve six dwelling units (equivalent to four total PM peak hour trips). The zone change requests an increase in dwelling units by 15, to build 21 dwelling units. This is approximately a 10-trip net difference from what would be allowed under current zoning.

The operational results suggest the existing transportation network is sufficient to support the proposed development.



Planning Department

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

Office Use Only:

File No. 2C 10-17

Date Received 6-12-17

Fee 435.00

Receipt No. 17MD114

Received by SP

Planned Development Amendment Application

Applicant Information

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

Applicant Name Ray Kulback / RB&R Contractors Inc. Phone (503) 434-0483

Contact Name _____ Phone _____
(If different than above)

Address 737 NW Adams Street

City, State, Zip McMinnville, OR 97128

Contact Email r.kulback@frontier.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 1730 SW Second Street

Assessor Map No. R4420CB – 00100 Total Site Area 38,800 sq. ft.

Subdivision Fairlawn Block _____ Lot _____

Comprehensive Plan Designation Residential Zoning Designation R-4 PD

- See attached narrative**

See attached narrative

- See attached narrative**

See attached narrative

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

See attached narrative

4. Describe any changes in the neighborhood or surrounding area which might support or warrant the request: _____

See attached narrative

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

See attached narrative

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

See attached narrative

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

- ☒ A site plan (drawn to scale, legible, and of a reproducible size). The site plan should show existing and proposed features such as: access; lot and street lines with dimensions in feet; distances from property lines; improvements; north direction arrow, and significant features (slope, vegetation, adjacent development, drainage, etc.).
- ☒ A copy of the current planned development overlay ordinance.
- ☒ A legal description of the subject site, preferably taken from the deed.
- ☒ Payment of the applicable review fee, which can be found on the Planning Department web page.

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


Applicant's Signature

6-5-2017
Date


Property Owner's Signature

6-5-2017
Date

Supporting Narrative for Planned Development Amendment Application

Supplant Existing Planned Development Ordinance (No. 4097) In Its Entirety With New Planned Development

1730 SW Second Street
Assessor's Map No. R4420CB – 00100
July 17, 2017

1. *Show in detail how your request seeks to amend the existing planned development overlay. State the reason(s) for the request and the intended use(s) of the property.*

The applicant wishes to construct 20, two-family residential housing units (duplexes) and one, single-family, three-bedroom "manager's unit" within approximately 1.1 acres (48,400 square feet) of land located south of West Second Street, north of Apperson Street, and some 100 feet east of Cypress Street. This project site, which measures a relatively narrow 80 feet in width by 605.1 feet in length, is comprised of two parcels, the northern of which is zoned R-1 and measures 9,600 square feet in area (identified as Assessor Map No. R4420CB-00101). The northern R-4 PD zoned parcel is 38,800 square feet in area (R4420CB-00100) and is the subject of this proposed planned development amendment request.

For this project to move forward, two separate – but complementary – land use application approvals are required: 1) Rezoning of the northern parcel from its current R-1 (Single-Family Residential) zone to R-4 PD (Multi-Family Residential Planned Development) zone; and 2) amending (supplanting) provisions of an existing planned development ordinance that encumbers most of the larger, southern parcel (Ordinance No. 4097).¹ The materials contained in this supporting narrative are intended to address the relevant criteria for the planned development amendment request; a separate zone change request for the northern parcel has been prepared and filed with the City to run concurrently with this planned development request.

Detailed plans for the proposed development are offered as part of this submittal to demonstrate to the review bodies how this project would develop, should approval of these land use requests be granted (see attached site plan). This plan is also offered to satisfy one of the requirements for approval of a planned development overlay (see

¹ The applicant recognizes that, in addition to these two land use requests, a separate application for a boundary line adjustment will be necessary to ensure that the property line common to these two parcels does not conflict with the proposed building's location. This is an administrative review and not subject to Planning Commission action.

Section 17.51.010(A) of the McMinnville Zoning Ordinance), and would be binding upon the applicant and City, as may be approved through this land use process. In general, the units, each measuring approximately 42 feet by 28 feet and two-stories in height, would be arranged in three "clusters" and in a non-linear fashion, to the extent permitted in such a narrow width of land. Vehicular access to each of the units would be provided by a one-way private drive extending south from West Second Street to Apperson Street. This drive's entrance from West Second Street is positioned as far to the east as possible to provide maximum separation from the Cypress Street and West Second Street intersection. Each of the building units would be positioned some eight to ten feet from the subject site's east and west borders, providing ample room for landscaping and buffering from adjacent development. It is the applicant's belief that the type of units, and their relative size and massing, make for a reasonable transition between the single-family housing to the immediate west of the site, and multi-family housing complex to the east. Adequate off-street parking is provided in front of each group of units (parking for the manager's unit is provided by a garage), and pedestrian walkways traverse the length of the site, connecting to public streets at either end. Community trash enclosures are conveniently located for the residents and servicing by Recology. Small play areas would also be provided within the complex for its future residents, as the need is warranted. Open space/landscaping areas are most prominently located along public street rights-of-way and near each of the parking bays and end building units to provide visual softening of the site. Architecturally, the applicant is considering exterior designs that mimic his most recent multi-family complex constructed on property on West Second Street, immediately west of Newby Elementary School (two-story in height; approximately 1,100 square feet in size).

By way of background, McMinnville Planned Development ordinance no. 4097 was adopted by the City in September 1980 as part of the subject site's rezoning from AF-10 (Agricultural Forestry – 10-acre minimum) to R-4 PD (Multi-Family Residential Planned Development). This ordinance requires that development within the subject site satisfy the following four conditions: That the total number of housing units be limited to five; that sewer and water facilities be extended to the property prior to issuance of a building permit; that Apperson ("A") Street be improved to City standards; and that a ten-foot wide utility easement be granted along Apperson Street. In this instance, the applicant seeks approval to supplant this nearly 37-year old ordinance with a new planned development ordinance that is more reflective of current plan policies for the area, and to the development plan currently being proposed. Further, it is important to note that of the four conditions contained in Ordinance No. 4097, all but the first condition (dealing with a density limit) have either already been satisfied (condition nos. 3 and 4) or will be as a requirement of other existing City ordinances (condition no. 2).

As to the first condition contained in this ordinance, based upon the applicant's review of the land use history for this property, the density limit appears to have been applied to address the findings of a 1979 sanitary sewer system analysis conducted by the City. That analysis found that downstream capacity issues existed within the system that served McMinnville's growing west side, and that, to mitigate this issue, residential development should be limited to six dwelling units per acre. The applicant's property,

which was rezoned to R-4 in 1980, was therefore limited to five dwelling units based upon its .89-acre size. In 1985, the City memorialized its prior westside density limit practice with the adoption of Plan Policy 71.01. That policy remains in place today, but was modified in 2003, and again in 2013, to exclude from its application those lands that are within transit corridors. That action was taken for several reasons: to increase densities within the existing urban growth boundary, where appropriate, to minimize further urban expansion; to encourage land use patterns more supportive to transit operation; and in recognition of public investments in the sanitary sewer system directed at improving the conveyance system that serves McMinnville's west side. The site that is the subject of this requested planned development amendment is located within such a transit corridor. Based upon these factors, the applicant believes it timely and appropriate to revise this density limit for the subject site and memorialize that in a new planned development.

A new planned development overlay is also requested to provide for the proposed "clustering" (grouping) of housing units and their siting to the standards for multi-family housing (e.g., setbacks, off-street parking), as detailed in the submitted site plan. In so doing, this oddly shaped infill property can be most effectively and efficiently developed, as is further described in the following pages. The planned development overlay would also serve to tie this parcel to the parcel to the immediate south, which is also owned by this applicant and is integral to the overall development concept. Finally, the applicant respectfully requests that the new planned development ordinance include provisions for the adoption of the submitted site plan as binding upon the City and applicant, and allow within that condition provisions for minor amendments to the details of the plan to be made by the Planning Director. This is a condition commonly applied by the City to such requests.

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

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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.*

Applicant Response: Goal V 1 and Policy 58.00 are met by this proposal in that approval of the planned development amendment request (and companion zone change) will allow for this land to be developed with a housing type that is relatively affordable to a broader segment of the McMinnville population than is single-family detached housing. Residential development at the density proposed by this project is commensurate with surrounding

development in that it would provide a transition between multiple family development to the immediate east, and single-family housing to the west.

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 and to those areas where urban services are already available before committing alternate areas to residential use.

71.09 Medium and High-Density Residential (R-3 and R-4) – The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments. The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

- 1. Areas that are not committed to low density development;*
- 2. Areas that have direct access from collector or arterial streets;*
- 3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
- 4. Areas where the existing facilities have the capacity for additional development;*
- 5. Areas within one-quarter mile of existing or planned public transportation; and,*
- 6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

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

- 1. Areas which are not committed to low or medium density development;*
- 2. Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential areas;*
- 3. Areas which have direct access from a major collector or arterial street;*
- 4. Areas which are not subject to development limitations;*

5. *Areas where the existing facilities have the capacity for additional development;*
6. *Areas within a one-half mile wide corridor centered on existing or planned public transit routes;*
7. *Areas within one-quarter mile from neighborhood and general commercial shopping centers; and*
8. *Areas adjacent to either private or public permanent open space.*

Applicant Response: Goal V 2 and Policies 68.00, 71.09, and 71.13 are met by this proposal in that the site has been previously rezoned to R-4 (in 1980), but capped at five units per acre due to sanitary sewer service deficiencies. These have largely been resolved in recent years, allowing for this site to realize a density more commensurate with its current zoning. The increase of allowed units within this site encourages more efficient residential development in an area where urban services are already available before committing alternate areas to residential development. The surrounding residential neighborhoods currently exhibit a range of residential densities and housing types including single-family detached, duplex, and multiple-family dwellings. An analysis of vehicular impacts that may result from this proposed development has been provided as part of the applicant's submittal. That analysis concludes that the surrounding street system has the capacity to accommodate the anticipated traffic. Additionally, there are no known topographic or drainage characteristics of this site that would complicate or impinge on future residential development of the property.

As noted through the applicant's discussion with other agencies and utility providers, there are no concerns regarding service provision to this site, and that anticipated impacts would be mitigated by required improvements commensurate with future development and as required by City ordinances. Public transit is available to the site and is currently provided by the Yamhill County Transit Route 3 that runs along West Second Street. Buffering of any development that may occur on the site from the adjacent single-family neighborhood to the west would be provided by sight obscuring fencing and/or landscaping as may be required by the McMinnville Landscape Review Committee as part of their review of the landscape plan for this site. Additionally, this site is located within short walking distance of the Westvale Linear Park, and future Quarry Park. It is also approximately one-quarter mile from Newby Elementary School and Duniway Middle School.

Westside Density Policy:

71.01 The City shall plan for development of the property located on the west side of the city that is outside of planned or existing transit corridors (1/4 mile either side of the route) to be limited to a density of six units per acre. It is recognized that it is an objective of the City to disperse multiple family units throughout the community. In order to provide higher density housing on the west side, sewer density allowances or trade-offs shall be allowed and encouraged. (Ord. 4961, January 8, 2013; Ord.4796, October 14, 2003)

1. *It will be the obligation of the City Planning Director and the City Engineer to determine whether or not the density of each proposed development can exceed six units per acre. School property, floodplain, and parklands will not be included in the density calculations.*
2. *For those developments which have less than six units per acre, the differences between the actual density of the development and the allowed density (six units per acre) may be used as an additional density allowance by other property which is located in the same immediate sewer service area, providing that no peak loading effect would occur which would cause overloading of particular line design capacity, and provided that the zone change application is processed under the provisions of Chapter 17.51 of the zoning ordinance.*
3. *The City will monitor development on the west side of McMinnville to determine which property is available for development at increased densities.*
4. *In no case will a residential development of a higher density than six units per acre be approved if, by allowing the development, some other undeveloped property (which is not included in the application, but which is within the above-mentioned sewer service area) would be caused to develop at less than six units per acre because of lack of sewer capacity.*
5. *Applications for multiple-family zone changes will be considered in relation to the above factors, e.g., sewer line capacity and dispersal of units. In addition, requests for zone changes to multiple-family shall consider those factors set for in Section 17.74.020 (Comprehensive Plan Map Amendment and Zone Change – Review Criteria) of the zoning ordinance (Ord. 4796, October 14, 2003; Ord. 4218, November 23, 1985).*

Applicant Response:

Plan Policy 71.01 is satisfied by this proposal for the following reasons:

- Considerable public investment has been directed toward addressing the City's sanitary sewer conveyance and treatment systems. Those improvements have, to a large degree, addressed the capacity issues that drove the need for the westside density policy, which was adopted in 1985. The applicant believes that, with these improvements, there exists adequate capacity within the current sanitary sewer conveyance system to accommodate this 15-dwelling unit increase, as proposed. The applicant would also submit that such capacity exists because, overall, residential development within west McMinnville has occurred at densities less than six dwelling units per acre (as documented in the *McMinnville Residential Land Needs Analysis, 2001*, and *McMinnville Urban Growth Management Plan, 2003*).
- In addition, the policy grants authority to the Planning Director and City Engineer to allow development to exceed the six-dwelling unit per acre cap, should certain performance standards be met. In this case, the applicant argues that the factors necessary to grant such an exception exist for this property (as described in this section and elsewhere in this narrative) and could therefore be approved by City staff, but for the presence of the planned development limit placed on this property in 1980.
- The City acted in 2003 to amend the westside density policy to exclude lands that are within ¼ mile of a transit corridor (such as the subject property) from the six dwelling

units per acre cap. That policy was later revised in 2013 to remove reference to Neighborhood Activity Centers, but it still retains to this day the exemption of lands within transit corridors from this density limit. The action taken to amend this policy in 2003 was driven by requirements of the State's urban growth boundary amendment process to increase housing density and opportunities within the existing urban growth boundary, where possible, and transportation system planning efforts, which sought to increase housing density opportunities along existing and proposed transit corridors. Amendment of this planned development ordinance density limit supports and advances both of those objectives.

Planned Development Policies:

72.00 Planned developments shall be encouraged as a favored form of residential development as long as social, economic, and environmental savings will accrue to the residents of the development and the city.

Applicant Response:

Plan Policy 72.00 is satisfied as social, economic, and environmental savings will accrue because of this project's approval and construction. Specifically, the project will increase the availability of needed housing (the City has demonstrated that two-family housing is in short supply), provide short term employment for workers involved in the construction of this project, and the allowed increase in density will make efficient use of the City's land supply and therefore reduce the need to expand the City's urban growth boundary to meet identified residential land needs.

73.00 Planned residential developments which offer a variety and mix of housing types and prices shall be encouraged.

Applicant Response:

The two-family housing proposed by this project would offer a housing type that is in short supply within the city, therefore satisfying Plan Policy 73.00.

74.00 Distinctive natural, topographic, and aesthetic features within planned developments shall be retained in all development designs.

Applicant Response:

There are no distinctive natural, topographic, or aesthetic features within the subject site.

75.00 Common open space in residential planned developments shall be designed to directly benefit the future residents of the developments. When the open space is not dedicated to or accepted by the City, a mechanism such as a homeowner's association, assessment district, or escrow fund will be required to maintain the common area.

Applicant Response:

This policy is not applicable as there are no common open spaces proposed as part of this development.

76.00 Parks, recreation facilities, and community centers within planned developments shall be located in areas readily accessible to all occupants.

Applicant Response:

Plan Policy 76.00 is satisfied by this proposal in that private play areas will be provided by the applicant for the future residents of this development, as need is warranted.

77.00 The internal traffic system in planned developments shall be designed to promote safe and efficient traffic flow and give full consideration to providing pedestrian and bicycle pathways.

78.00 Traffic systems within planned developments shall be designed to be compatible with the circulation patterns of adjoining properties.

Applicant Response:

The above two policies are addressed in the traffic analysis conducted by David Evans and Associates and provided to the City as part of this application. In addition, as part of this development, the applicant will dedicate additional right-of-way for the future full improvement of West Second Street, consistent with the City's TSP. Plan Policies 77.00 and 78.00 are therefore satisfied by this proposal.

Residential Design Policies:

79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy.

Applicant Response: Plan Policy 79.00 is met by this proposal in that amendment of the current planned development to allow an increase in residential density is consistent with the property's current R-4 (Multi-Family Residential) zoning. This zone, if not so limited by the current planned development, would allow up to 27 dwelling units (40,500 sq. ft. / 1,500 sq. ft. per two-bed unit = 27 dwelling units). The applicant is requesting fewer units

than permitted by the underlying zone. There are no topographical or public service capacity issues that would limit this density as requested. The increase in density is being requested consistent with the provisions of the planned development process and by Plan Policy 71.01.

90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes. (Ord. 4840, January 11, 2006; Ord. 4796, October 14, 2003)

91.00 Multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off arterials or collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development. (Ord. 4573, November 8, 1994)

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

92.01 High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use. (Ord. 4796, October 14, 2003)

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. (Ord. 4796, October 14, 2003)

Applicant Response: Policies 90.00, 92.00, 92.01 and 92.02 are satisfied by this proposal in that this site would be served by West Second Street and Apperson Street, identified in the McMinnville Transportation System Plan (TSP) as minor arterial street, and local residential street, respectively. As part of this development, the applicant will dedicate an 18-foot wide strip of land adjacent to the West Second Street right-of-way to provide for its future improvement, consistent with the TSP's requirements for such streets. Professional and commercial uses are located within one-quarter mile of the site (Hillsdale commercial center to the west, and a vacant commercial zoned property some 150 feet to the east). Newby Elementary School, Columbus Elementary School, and Duniway Middle School are all located within one-half mile of this site. Also, as noted in the previous finding above, public transit is available to the site and is currently provided by the Yamhill County Transit Route 3 that runs along West Second Street, approximately 150 feet to the north. Additionally, this site is located within walking distance of the Westvale Linear Park and future Quarry Park site.

99.00 *An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:*

1. *Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
2. *Storm sewer and drainage facilities (as required).*
3. *Streets within the development and providing access to the development, improved to city standards (as required).*
4. *Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
5. *Deleted as per Ord. 4796, October 14, 2003.*

Applicant Response: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Required street improvements commensurate with future development shall be required at the time of development.

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.

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

118.00 *The City of McMinnville shall encourage development of roads that include the following design factors:*

1. *Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
2. *Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
3. *Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
4. *Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*
5. *Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

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

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

Applicant Response: Goal VI 1 and Policies 117.00, 118.00, 119.00 and 120.00 are satisfied by this proposal in that the subject site (when combined with the parcel to the north) is currently adjacent to public streets along two sides: West Second Street to the north; and Apperson Street to the south. These streets are already improved to public street standards and no further improvements are anticipated at this time. Additional land adjacent to the West Second Street right-of-way will be dedicated by the applicant as part of this approval, allowing for the street's future improvement to the width required by the McMinnville TSP. Given the narrow width of the subject site, no public street within the site is planned (or is feasible).

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

127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.

Applicant Response: Policies 126.00 and 127.00 are satisfied by this proposal in that off-street parking will be required for all residential development as specified by Chapter 17.60 (Off-Street Parking and Loading) of the McMinnville Zoning Ordinance.

132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

Applicant Response: Policy 132.15 is satisfied by this proposal in that, when a specific development is proposed for this site, public sidewalks commensurate with that proposal will be required as part of the street improvements and will add to the pedestrian connections within and beyond site.

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.

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.

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

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

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

143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

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

145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

- 1. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*
- 2. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 3. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;*
- 4. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

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

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

Applicant Response: Goal VII 1 and Policies 136.00, 139.00, 142.00, 143.00.20, 144.00, 145.00, 147.00 and 151.00 are satisfied by the request as, based on comments received, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

Applicant Response: Goal VII 3 and Policy 163.00 are satisfied in that park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

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

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

177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Applicant Response: Policies 173.00 and 177.00 are satisfied in that no concerns regarding this proposal have been voiced to the applicant in his discussions with McMinnville Water and Light and Northwest Natural Gas.

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

Applicant Response: Policy 178.00 is satisfied in that the applicant is proposing to amend the current planned development that encumbers this R-4 zoned property to permit an increase of up to 15 additional housing units (within the total project site), thereby achieving a more compact form of urban development and energy conservation than would have otherwise been achieved.

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

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 Response: Goal X I 3 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

The subject property is bordered to the east by the Villa West apartment complex, and a single-family home; to the south by Apperson Street, across from which are two-family and single-family homes; to the north by a vacant lot that borders West Second Street

(owned by the applicant and part of his proposed development); and to the west by six single-family homes within the Jandina subdivision, all of which back onto the subject property and are visually obscured by six-foot-tall fencing.

This proposed development provides a reasonable transition between single-family residential housing to the west and mostly higher density housing to the east. In addition, the site's proximity to other multi-family homes (immediately adjacent to the east, northwest on West Second Street), Newby Elementary School (1/4 mile to the east), public parks (Westvale Linear Park is two blocks south; the future Quarry Park is a short distance to the northwest), commercial services (Hillsdale commercial center is less than 1/4 mile to the west; a vacant commercial site is a few hundred feet to the east at Agee and West Second Street); and its location on a transit route makes development of this property at a higher density than currently permitted orderly and timely.

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

Since 1980, when multi-family zoning of the property was found appropriate, and a sanitary sewer capacity related density limit was placed on this property, there have been several changes that support this request. For example:

- A relatively large apartment complex has been constructed (Villa West apartments) along the subject site's eastern perimeter.
- Commercial zoned land has been added to the block within which the subject site is located (southwest corner of Agee and West Second Street).
- Transit service fronts the applicant's property to the north, on West Second Street. Such service benefits by higher density residential development within the corridors it serves.
- Considerable public investment has been directed toward addressing the City's sanitary sewer conveyance and treatment systems. Those improvements have, to a large degree, addressed the capacity issues that drove the need for the westside density policy. The applicant believes that, with these improvements, there exists adequate capacity within the current sanitary sewer conveyance system to accommodate this 15-dwelling unit increase, as proposed. The applicant would also submit that such capacity exists because, overall, residential development within west McMinnville has occurred at densities less than six dwelling units per acre (as documented in the *McMinnville Residential Land Needs Analysis, 2001*, and *McMinnville Urban Growth Management Plan, 2003*).
- In 1985, the City adopted a "westside density" policy (Plan Policy 71.01) that limits residential density to six dwelling units per acre. That policy, however, grants authority to the Planning Director and City Engineer to allow development to exceed that cap, should certain performance standards be met. In this case, the applicant argues that the factors necessary to grant such an exception exist for this property (as described in this section and elsewhere in this narrative) and could therefore be

approved by City staff, but for the presence of the planned development limit placed on this property in 1980.

Although not a physical change in the neighborhood or surrounding area, it is important to note that the City acted in 2003 to amend the westside density policy (Plan Policy 71.01) to exclude lands that are within ¼ mile of a transit corridor (such as the subject property) from the six dwelling units per acre cap. That policy was later revised in 2013 to remove reference to Neighborhood Activity Centers, but it still retains to this day the exemption of lands within transit corridors from this density limit. The action taken to amend this policy in 2003 was driven by requirements of the State's urban growth boundary amendment process to increase housing density and opportunities within the existing urban growth boundary, where possible, and transportation system planning efforts, which sought to increase housing density opportunities along existing and proposed transit corridors. Amendment of this planned development ordinance density limit supports and advances both of those objectives.

Related to this, the City has previously determined that multi-family zoning for this property is appropriate, as evidenced by the approval of Docket ZC 12-80 and McMinnville Planned Development Ordinance No. 4097. Amendment of the existing density limit would allow this property to realize a housing type and density commensurate and typical of that designation.

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

The applicant has discussed his concept plans with representatives of McMinnville Water and Light, Northwest Natural Gas, and City of McMinnville. Based upon those conversations, the applicant believes that sufficient capacity exists to serve the proposed development. Specific to the subject site, sanitary sewer service extends to the site's southern edge (8-inch line in Apperson Street), natural gas service is available from both West Second Street and Apperson Street, water service consists of a 12-inch ductile iron line on the south side of West Second Street and a six-inch ductile iron line within the Apperson Street right-of-way, and electricity services exists at the site's southwest corner (underground) and from West Second Street (overhead). In addition, storm sewer service is available in West Second Street. The onsite storm sewer system will be designed to comply with the City's adopted *Storm Sewer Master Plan*.

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

The applicant has engaged the services of David Evans and Associates to conduct a traffic analysis to determine the proposed multi-family project's impact on the surrounding street network. That analysis, a copy of which is attached to this submittal,

finds that the 15 additional permitted dwelling units would not affect the street network and its safe operation.²

² The total project site's zoning currently permits six dwelling units (five within the larger southern parcel, and one on the R-1 zoned northern parcel).

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NW 1/4 SW 1/4 SEC 20 T4S R4W W.M.
YAMHILL COUNTY
1" = 100'

4 4 20CB
MCMINNVILLE

SEE MAP 4 4 19

SEE MAP 4 4 208C

CANCELLED

200

600

800

1500

1501

1600

1601

1700

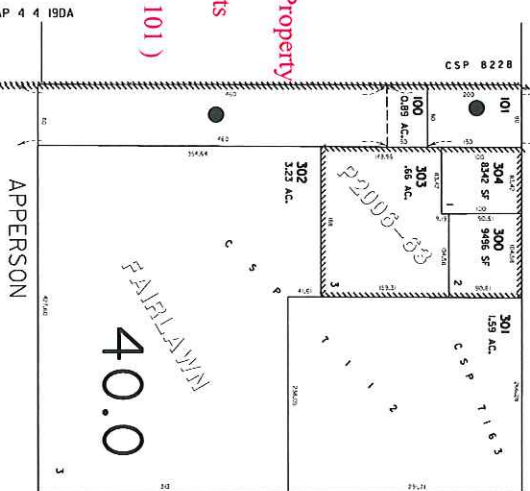
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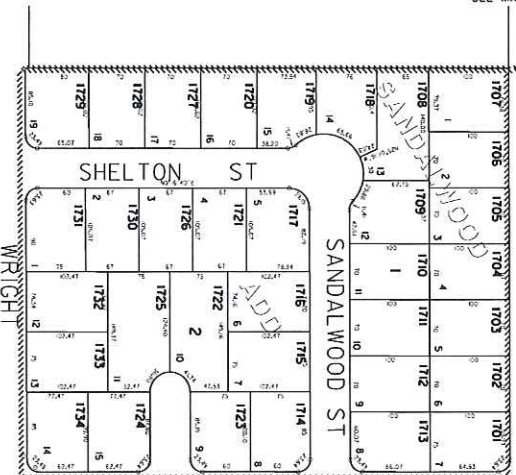
2000

SEE MAP 4 4 20CA



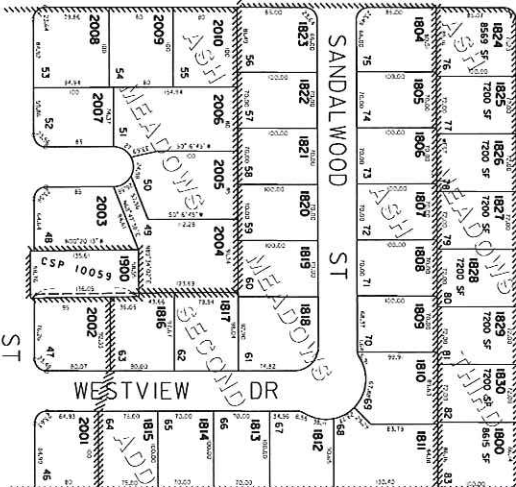
Subject Property
Tax Lots
(100 & 101)

SEE MAP 4 4 19DA



REVISED 12-4-04, 5/8

SEE MAP 4 4 200C



1730 Sw Second St.

4 4 20CB

LEGAL DESCRIPTION

Tax Lot R442OCB-00101:

BEGINNING at the Northwest corner of Lot 3 of FAIRLAWN SUBDIVISION in the County of Yamhill, State of Oregon; thence East 80 feet along the North boundary line of said Lot 3; thence South 150 feet; thence West and parallel to the North boundary line 80 feet; thence North 150 feet along the West boundary line of said Lot 3 to the place of beginning.

Tax Lot R442OCB-00100:

A portion of Lot 3 of FAIRLAWN SUBDIVISION in the County of Yamhill, State of Oregon, said portion being more particularly described as follows:

BEGINNING at a point on the West line of said Lot 3 at a point 150 feet South of the Northwest corner of said lot; thence running South along the West line of said lot a distance of 510 feet, more or less, to the Southwest corner thereof; thence running East along the South line of said Lot 3 a distance of 80 feet; thence running North parallel with the West boundary of Lot 3 a distance of 510 feet, more or less, to the Southeast corner of that tract conveyed to Lester J. Pagh, et ux. by deed recorded April 10, 1972 in Deed and Mortgage Records, Film Volume 88, at 2057; thence running West along the south Pagh tract a distance of 80 feet to the place of beginning.

MEMORANDUM

DATE: June 5, 2017

TO: RB&R Contractors Inc.

FROM: Angela Rogge, PE, David Evans and Associates, Inc.
Jacob Nigro, David Evans and Associates, Inc.

SUBJECT: SW Second Street Development (McMinnville) – Traffic Analysis Findings

This memorandum summarizes traffic analysis and potential impacts of a proposed 21-unit multi-family residential development proposed by RB&R Contractors Inc. This memorandum provides preliminary findings of existing (2017) conditions and opening year (2019).

Study Area

The two parcels considered as part of this analysis are located at approximately 1730 SW Second Street in McMinnville, Oregon. The larger of the parcels (approximately 0.9 acres) is zoned as multi-family residential (R-4) and the traffic analysis reviews a zone change of the smaller parcel (approximately 0.2 acres) from R-1 to R-4.

Site generated trips were analyzed at the study area intersections shown below in Figure 1. A one-way entrance to the site is proposed on SW 2nd Street with a one-way exit on to SW Apperson Street.

FIGURE 1. STUDY AREA



Existing (2017) Conditions

Traffic Volumes

PM peak (4:00 PM to 6:00 PM) traffic counts were collected on Tuesday, May 16, 2017 for the following intersections:

- SW 2nd Street at SW Cypress Street
- SW 2nd Street at SW Agee Street
- SW Agee Street at SW Apperson Street

The PM Peak Hour occurred on SW 2nd Street from 5:00 PM to 6:00 PM. This common peak hour was used for all study area intersections. Traffic volumes for three additional intersections were deduced from adjacent intersections:

- SW 2nd St at Proposed Ingress
- SW Apperson St at S Cypress St
- SW Apperson St at Proposed Egress

Current Operations

Existing traffic operations were analyzed using the Highway Capacity Manual (HCM) 2010 standards for the four existing unsignalized intersections; the proposed ingress and egress are not present during existing conditions. See Table 1 for a summary of current operations. All intersections meet the City's mobility target of a v/c of 0.90.

TABLE 1. SUMMARY OF EXISTING (2017) OPERATIONS

Intersection		Operations	
1	SW 2nd St at SW Cypress St Unsignalized	V/C	0.27
		LOS	C
2	SW 2nd St at Proposed Ingress ¹ Unsignalized	V/C	N/A
		LOS	N/A
3	SW 2nd St at SW Agee St Unsignalized	V/C	0.11
		LOS	B
4	SW Apperson St at S Cypress St ² Unsignalized	V/C	0.01
		LOS	A
5	SW Apperson St at Proposed Egress ¹ Unsignalized	V/C	N/A
		LOS	N/A
6	SW Apperson St at SW Agee St Unsignalized	V/C	0.01
		LOS	A

Notes

¹ Proposed site ingress and egress are not present under existing conditions

² Intersection 4 traffic analysis based on volume estimates from adjacent intersections

Opening Year Conditions

Assumptions and Methodology

Intersection operations were analyzed using Synchro, a microscopic traffic analysis program. The trip generation for the opening year analysis (2019) follows the 9th edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The generated trips were distributed based on local understanding of travel patterns and background trips were increased annually based on observed trends. The analysis assumes the opening of 21 new townhouse units is expected to be completed by 2019.

The City's TSP states that the operational standard of McMinnville streets is a maximum v/c ratio of 0.90.

Trip Generation and Assignment

The study area includes two parcels. The northern parcel is currently zoned R-1 (Single-Family Residential), which would allow a single dwelling unit. The southern parcel, although zoned R-4 (Multi-Family Residential), is currently limited to a maximum of five dwelling units. The zone change would increase the number of dwelling units allowed to be built from six to 21.

The opening year analysis assumes that all 21 residential units are to be built; this was done to ensure that the maximum amount of potential trips are analyzed in this report. The analysis assumes the trip generation rates associated with Luxury Condominium/Townhouse (Code 233) for the weekday PM peak hour; this was a more conservative estimate than other townhouse rates. See Table 2 for a summary of generated trips.

TABLE 2. TRIP GENERATION AND OPENING YEAR (2019) GENERATED TRIPS

Description	Land Use Code	Size	ITE Average Trip Rate	Trips	Entering Percent	Entering Trips	Exiting Percent	Exiting Trips
Luxury Condominium/Townhouse	233	21 units	0.65 / unit	14	60%	8	40%	6

The proposed development is expected to generate 14 trips during the peak hour. Of the total new trips, eight would enter from SW 2nd Street and six would exit on to SW Apperson Street. Trip assignment assumed 75% of the trips enter the study area from the east on SW 2nd Street while the other 25% is split coming from the west and south along SW 2nd Street and SW Cypress Street, respectively. The exiting trips follow the same distribution but in the opposite directions.

Opening Year (2019) Operations

The opening of 21 residential units is expected to be completed by 2019. At that time, there would be the 14 new trips calculated from the development, as well as the 1.13% per year increase in background volumes.¹

Opening year (2019) traffic operations were analyzed using the Highway Capacity Manual (HCM) 2010 standards for the six unsignalized intersections. See Table 3 for a summary of current operations. All intersections currently meet the City's mobility target of a v/c of 0.90.

¹ Calculated from ODOT's Regional Travel Demand Model (RTDM) as part of a March 2017 TIA for the City of McMinnville, prepared by David Evans and Associates, Inc.

TABLE 3. SUMMARY OF OPENING YEAR (2019) OPERATIONS

Intersection		Operations	
1	SW 2nd St at SW Cypress St Unsignalized	V/C	0.29
		LOS	C
2	SW 2nd St at Proposed Ingress Unsignalized	V/C	0.20
		LOS	N/A ¹
3	SW 2nd St at SW Agee St Unsignalized	V/C	0.12
		LOS	B
4	SW Apperson St at S Cypress St ² Unsignalized	V/C	0.01
		LOS	A
5	SW Apperson St at Proposed Egress Unsignalized	V/C	0.01
		LOS	A
6	SW Apperson St at SW Agee St Unsignalized	V/C	0.02
		LOS	B

Notes¹ HCM methodology does not calculate LOS for free-flowing movements² Intersection 4 traffic analysis based on volume estimates from adjacent intersections

Conclusions

The preliminary traffic analysis determined the additional trips generated by the 21-unit development during the PM peak hour are not expected to exceed the City of McMinnville operational standard of a v/c of 0.90. The proposed development is expected to generate 14 total trips in the PM peak hour. The majority of these trips would travel to the development via SW 2nd Street and exit the development onto SW Apperson Street.

It is important to note that the analysis included a conservative assessment for trip generation. As currently zoned, the development site has the potential to serve six dwelling units (equivalent to four total PM peak hour trips). The zone change requests an increase in dwelling units by 15, to build 21 dwelling units. This is approximately a 10-trip net difference from what would be allowed under current zoning.

The operational results suggest the existing transportation network is sufficient to support the proposed development.

file 2C 12-80

ORDINANCE NO. 4097

An Ordinance rezoning certain property from existing County zone of AF-10 (Agricultural Forestry - 10-acre minimum) to a City zone of R-4 PD (Multiple-family Residential) planned development on a parcel of land approximately 36,400 square feet in size located south of West Second Street on "A" Street near its intersection with Cypress Street.

RECITALS:

The Planning Commission received an application for a zone change (ZC 12-80) dated July 7, 1980, on the property described hereinbelow; and

A public hearing was held on August 14, 1980, at 7:00 p.m. before the Planning Commission after due notice had been given in the local newspaper on August 4, 1980, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing the testimony of the applicant and surrounding property owners was received and a staff report was presented; and

The Planning Commission being fully informed about said zone change, and based on the observations and the findings of fact has approved said zone change and has recommended said change to the Council; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by Michael A. Payne.

Section 2. That the property described in Exhibit "A," which is attached hereto and by this reference incorporated herein, shall be rezoned from existing County zone of AF-10 (Agricultural Forestry - 10-acre minimum) to a City zone of R-4 PD (Multiple-family Residential) planned development, subject to the following conditions:

- (a) That the density allowed for development of this property be limited to five units.
- (b) That sewer and water facilities be extended to the property prior to the issuance of building permits.
- (c) That "A" Street be improved to City standards prior to issuance of building permits.
- (d) That a ten-foot easement for utilities be granted to the City along the subject site's "A" Street frontage.

Passed by the Council this 2 day of September, 1980, by the following votes:

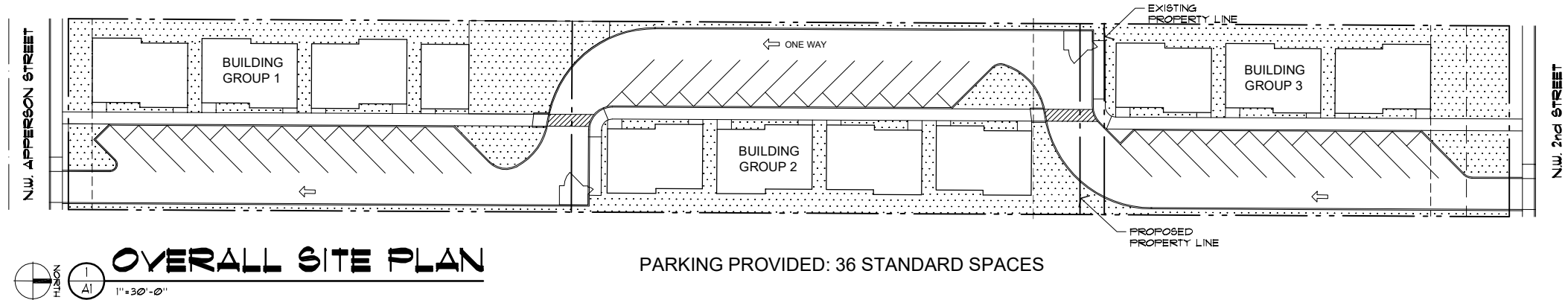
Ayes: Gale, Allen, Springer, Wilson and Hamby

Nays: _____

EXHIBIT A

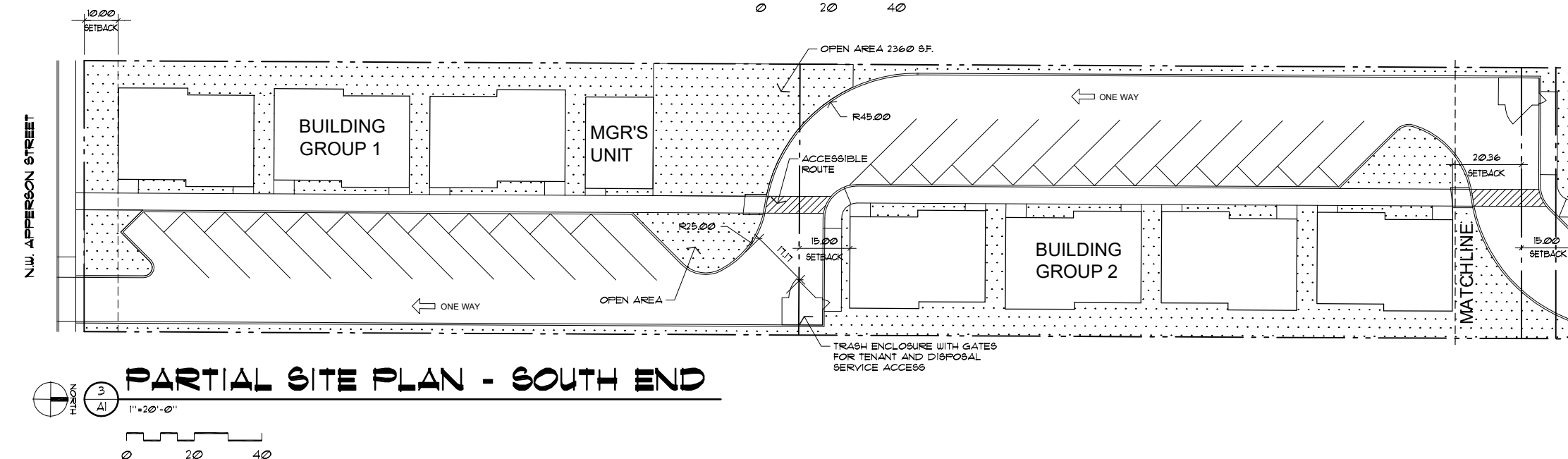
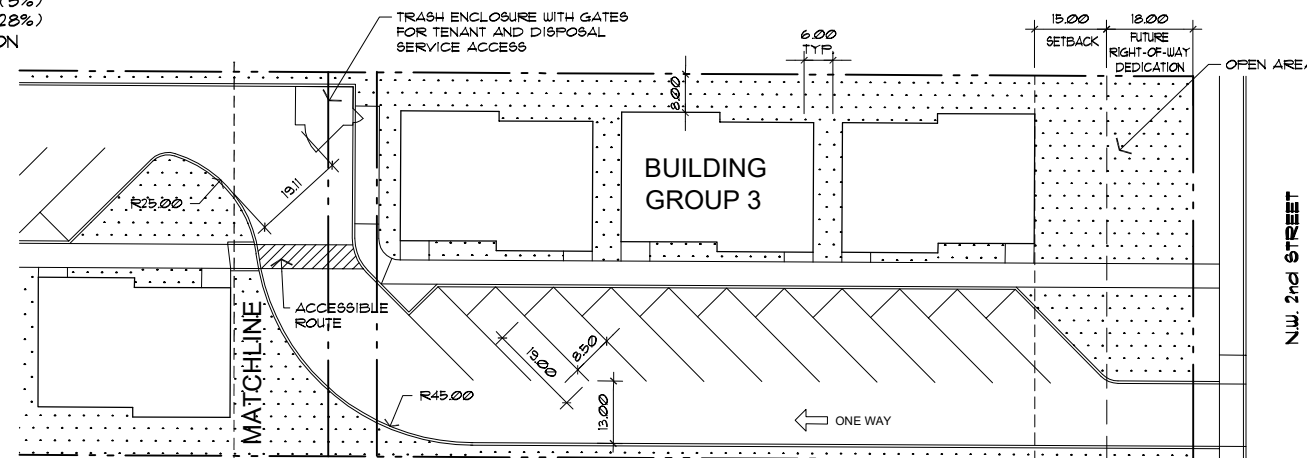
Being a part of Lot 3 Fairlawn Subdivision, S.F. Stagg D.L.C., No. 55, Section 19, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon and being more particularly described as follows:

Beginning at a point on the West line of said D.L.C., 180 feet southerly of the Northwest corner of said D.L.C.; thence southerly along the West line of S.F. Stagg D.L.C., 455 feet, more or less, to the North line of 'A' Street, a dedicated 50 foot street in Fairlawn Subdivision; thence easterly, along the North line of 'A' Street 80 feet; thence northerly parallel with and 80 feet from the Stagg West line 435 feet, to a point 180 feet from the North line of Stagg D.L.C.; thence westerly 80 feet to the place of beginning and containing 36,400 square feet.



LOT INFORMATION
 TAX LOT: 100 & 101,
 SECTION 20, T. 4 S., R. 4 W.,
 WILLAMETTE MERIDIAN,
 CITY OF MC MINNVILLE,
 YAMHILL COUNTY, OREGON

SITE SUMMARY
 SITE AREA: 46,940 S.F.
 OPEN AREA: 2,360 S.F. (5%)
 LANDSCAPED AREA: 13,121 S.F. (28%)
 (NOT INCLUDING FUTURE DEDICATION
 & 21 - 6'x10' PATIOS)



NOT FOR CONST.

BRUCE W. KENNY, ARCHITECT, S.E.
 9318 NORTH MOHAWK AVENUE
 PORTLAND, OREGON 97203
 CELL: 503-435-9133 architect@yahoo.com

APARTMENTS FOR RB&R CONTRACTORS, INC.
 1730 NW 2nd STREET, MC MINNVILLE, OR 97128

CONCEPTUAL SITE PLAN

9 AUGUST 2011

A1

PROJECT NO. 1715

50% SCALE IF 11 x 17
 CONCEPTUAL SITE PLAN

PUBLIC HEARING NOTICE



NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 17th day of August, 2017, at the hour of 6:30 p.m. at the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

ZONE CHANGE FROM R-1 (Single-Family Residential) to R-4 PD (Multiple-Family Residential Planned Development)
and

PLANNED DEVELOPMENT AMENDMENT, at 1730 SW 2nd Street

DOCKET NUMBER: ZC 9-17/ZC 10-17

Ray Kulback is requesting approval of a zone change from R-1 (Single-Family Residential) to R-4 PD (Multiple-Family Residential Planned Development) on an approximately 0.22 acre parcel of land. Concurrently, the applicant is requesting a Planned Development amendment to amend an existing R-4 PD (Multiple-Family Residential Planned Development) zone on an approximately 0.89 acre parcel of land. The two parcels are located immediately adjacent to each other, with the smaller parcel adjacent to 2nd Street and the larger parcel to the south extending down to SW Apperson Street. The rezoning and planned development amendment would result in the ability to develop 21 (twenty-one) multiple-family residential dwelling units on the two parcels. The subject sites are located at 1730 SW 2nd Street, and more specifically described as Tax Lots 101 and 100, Section 20CB, T. 4 S., R. 4 W., W.M., respectively.

The Planning Commission will conduct a hearing and make a decision to recommend or deny the applications to the McMinnville City Council. Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission and City Council in making a decision.

The Planning Commission's recommendation on the above public hearing items must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The requirements of McMinnville Ordinance No. 3380 (the Zoning Ordinance) with particular emphasis on Section 17.03.020 (Purpose), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.51 (Planned Development Overlay), Chapter 17.72 (Applications and Review Process), and Chapter 17.74 (Review Criteria).

17.74.020: Comprehensive Plan Map Amendment and Zone Change - Review Criteria.

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

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
 - B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
 - C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.
- [...]

17.74.070: Planned Development Amendment - Review Criteria. [...]

An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

- A. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
- B. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
- C. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
- D. The plan can be completed within a reasonable period of time;
- E. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
- F. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
- G. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole.

The referenced zoning ordinance criteria is available for review in the Planning Department's portion of the city's website located at: www.mcminnvilleoregon.gov.

Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon, during working hours, and is available for review in the Planning Department's portion of the city's website located at: www.mcminnvilleoregon.gov.

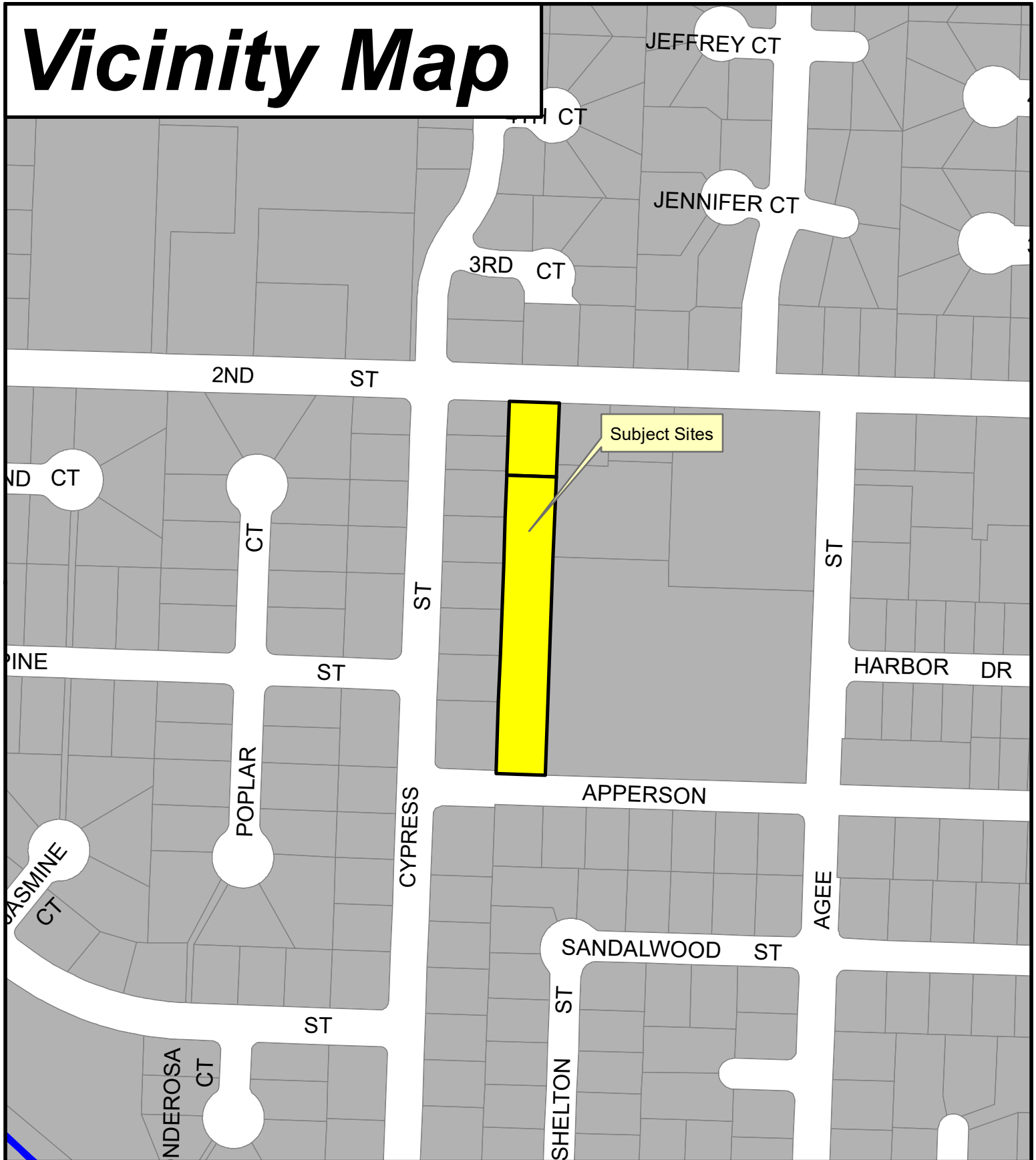
For additional information contact Chuck Darnell, Associate Planner, at the above address, or phone (503) 434-7311.

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.

Heather Richards
Planning Director

(Map of area on back)

Vicinity Map



Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4420CB00304	1720 SW 2ND ST	HENRICKSON LUELLA	HENRICKSON RICHARD B	1710 SW 2ND ST	MCMINNVILLE OR	97128
2	R4420CB01702	1610 SW APPERSON ST	BASSETT ALLEN	BASSETT JENNIFER L	1610 SW APPERSON ST	MCMINNVILLE OR	97128
3	R4420CB01703	1620 SW APPERSON ST	JENKS ROBERT	JENKS REGINA R	1620 SW APPERSON ST	MCMINNVILLE OR	97128
4	R4420CB01704	1632 SW APPERSON ST	NALL MICHAEL	NALL CAROL A	1632 SW APPERSON ST	MCMINNVILLE OR	97128
5	R4420CB01705	1646 SW APPERSON ST	WILLIAMS GLADYS	WILLIAMS GLADYS	1646 SW APPERSON ST	MCMINNVILLE OR	97128
6	R4420CB01706	1660 SW APPERSON ST	LONG HOWARD	LONG VIOLET	1660 SW APPERSON ST	MCMINNVILLE OR	97128
7	R4420CB01707	1672 SW APPERSON ST	PRIDEMORE SHIRLEY	PRIDEMORE SHIRLEY	1672 SW APPERSON ST	MCMINNVILLE OR	97128
8	R4420CB01708	1669 SW SANDALWOOD ST	KNOWLTON ELI	KNOWLTON FALLON L	1669 SW SANDALWOOD ST	MCMINNVILLE OR	97128
9	R4420CB01709	1653 SW SANDALWOOD ST	PHILLIPS ANDREA	PHILLIPS ANDREA L	1653 SW SANDALWOOD ST	MCMINNVILLE OR	97128
10	R4420CB01710	1635 SW SANDALWOOD ST	BLUM STEVEN	BLUM SONDR A	1635 SW SANDALWOOD ST	MCMINNVILLE OR	97128
11	R4420CB01711	1621 SW SANDALWOOD ST	FEDERAL NATIONAL MORTGAGE ASSOC	REVERSE MORTGAGE SOLUTIONS INC	14405 WALTERS RD STE 200	HOUSTON TX	77014
12	R4420CB01718	405 SW SHELTON ST	LUNDEEN JERRY	LUNDEEN JOYCE E	405 SW SHELTON ST	MCMINNVILLE OR	97128
13	R4420CB01719	421 SW SHELTON ST	WEBB CARL	WEBB EDNA L	185 S QUINCE ST	CARLTON OR	97148
14	R4419AD00108	1680 NW JENNIFER CT	DONAHOO RICHARD	DONAHOO LINDA S	1680 NW JENNIFER CT	MCMINNVILLE OR	97128
15	R4419AD00109	1662 NW JENNIFER CT	DONAHOO RICHARD	DONAHOO LINDA S	1680 NW JENNIFER CT	MCMINNVILLE OR	97128
16	R4419AD00110	245 NW DONAHOO ST	WICKS JENNIFER	WICKS BRIAN	245 NW DONAHOO ST	MCMINNVILLE OR	97128
17	R4419AD00111	235 NW DONAHOO ST	ELLIS CARRIE	ELLIS CARRIE	235 NW DONAHOO ST	MCMINNVILLE OR	97128
18	R4419AD00112	1685 NW JENNIFER CT	DONAHOO RICHARD	DONAHOO LINDA S	1680 NW JENNIFER CT	MCMINNVILLE OR	97128
19	R4419AD00400	1724 NW 3RD CT	BORDEAUX WILLIAM	BORDEAUX WILLIAM R	1724 NW 3RD CT	MCMINNVILLE OR	97128
20	R4419AD00500	1746 NW 3RD ST	DAVID VIRGINIA	DAVID VIRGINIA	1746 NW 3RD CT	MCMINNVILLE OR	97128
21	R4419AD00629	1761 NW 3RD CT	CARL TIMOTHY	CARL COLLEEN M	1761 NW 3RD CT	MCMINNVILLE OR	97128
22	R4419AD00630	1745 NW 3RD CT	SVEC ADOLPH	ORR AMY J	1745 NW 3RD ST	MCMINNVILLE OR	97128
23	R4419AD00631	1737 NW 3RD CT	HARGIS JASON	HARGIS JASON	1737 NW 3RD CT	MCMINNVILLE OR	97128
24	R4419AD00632	1731 NW 3RD CT	KLAHN MIRANDA	KLAHN JASON D	1731 NW 3RD CT	MCMINNVILLE OR	97128
25	R4419AD00633	268 NW CYPRESS ST	ALLEN JARED	BELLWOOD ASHLEY WROS	268 NW CYPRESS ST	MCMINNVILLE OR	97128
26	R4419AD00634	240 NW CYPRESS ST	NELSON THERESE	NELSON THERESE	240 NW CYPRESS ST	MCMINNVILLE OR	97128
27	R4419AD00635	325 NW CYPRESS ST	ODOM TYLER	ODOM TYLER W	6325 NE ABBEY RD	CARLTON OR	97111
28	R4419AD01000	1795 NW 2ND ST	PINEWOOD LLC	% COLEMAN ROSS B & MARVINA C	PO BOX 33	AMITY OR	97101
29	R4419AD01100	n/a	PINEWOOD LLC	% COLEMAN ROSS B & MARVINA C	PO BOX 33	AMITY OR	97101
30	R4419DA00100	106 SW CYPRESS ST	HARMON JERRY	HARMON NORA L 1/2	4117 227TH ST EAST	SPANAWAY WA	98387
31	R4419DA00101	102 SW CYPRESS ST	GONZALEZ AMELIA	GONZALEZ AMELIA	102 SW CYPRESS ST	MCMINNVILLE OR	97128
32	R4419DA00200	110 SW CYPRESS ST	ELIAS SANTIAGO	ELIAS ELIZABETH F	110 SW CYPRESS ST	MCMINNVILLE OR	97128
33	R4419DA00300	112 SW CYPRESS ST	MEDINA YOLANDA	ESPINOZA ANTONIO	112 SW CYPRESS ST	MCMINNVILLE OR	97128
34	R4419DA00400	132 SW CYPRESS ST	MAYNARD FRANK	MAYNARD B MABEL	132 SW CYPRESS ST	MCMINNVILLE OR	97128
35	R4419DA00500	152 SW CYPRESS ST	MCNEAL KENNETH	MCNEAL KENNETH	PO BOX 652	YAMHILL OR	97148

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
36	R4419DA00600	212 SW CYPRESS ST	WHITE REBECCA	WHITE REBECCA S N	212 SW CYPRESS ST	MCMINNVILLE OR	97128
37	R4419DA00700	222 SW CYPRESS ST	ELTRICH KACEE	ELTRICH KACEE A	222 SW CYPRESS ST	MCMINNVILLE OR	97128
38	R4419DA00800	103 SW CYPRESS ST	LEE LINDA	LEE LINDA D	103 SW CYPRESS ST	MCMINNVILLE OR	97128
39	R4419DA00900	109 SW CYPRESS ST	PORTER LINDA	PORTER LINDA K	109 SW CYPRESS ST	MCMINNVILLE OR	97128
40	R4419DA01000	113 SW CYPRESS ST	SCHULZ MICHAEL	SCHULZ MICHAEL L	113 SW CYPRESS ST	MCMINNVILLE OR	97128
41	R4419DA01100	117 SW CYPRESS ST	PEREZ CARLOS	FLORES SARA	117 SW CYPRESS ST	MCMINNVILLE OR	97128
42	R4419DA01200	137 SW CYPRESS ST	SMITH DANIEL	SMITH DANIEL D	137 SW CYPRESS ST	MCMINNVILLE OR	97128
43	R4419DA01300	1675 SW PINE ST	DEMOE TODD	DEMOE TODD C	1675 SW PINE ST	MCMINNVILLE OR	97128
44	R4419DA01301	142 SW POPLAR CT	MARTINEZ RAUL	MARTINEZ RAUL	142 SW POPLAR CT	MCMINNVILLE OR	97128
45	R4419DA01400	132 SW POPLAR CT	SILVA ALFREDO	SILVA ALFREDO VALERIANO	132 SW POPLAR CT	MCMINNVILLE OR	97128
46	R4419DA01500	128 SW POPLAR CT	MEJIA ARMANDO	MEJIA MONICA	128 SW POPLAR CT	MCMINNVILLE OR	97128
47	R4419DA01600	122 SW POPLAR CT	TAN EUGENE	WINDERMERE PACIFIC CREST REALTY	835 NW ADAMS ST ATTN: SHAWN DUNN	MCMINNVILLE OR	97128
48	R4419DA05300	412 SW POPLAR CT	RASMUSSEN CHARISSA	RASMUSSEN CHARISSA L	412 SW POPLAR CT	MCMINNVILLE OR	97128
49	R4419DA05400	322 SW POPLAR CT	BROWN KATHLEEN	BROWN KATHLEEN A	19244 CANTATA DR	OREGON CITY OR	97045
50	R4419DA05500	310 SW POPLAR CT	SMITH LORENA	SMITH LORENA L	310 SW POPLAR CT	MCMINNVILLE OR	97128
51	R4419DA05600	230 SW POPLAR CT	GRIMM SUSAN	GRIMM SUSAN H	PO BOX 869	NORTH TRURO MA	2652
52	R4419DA05601	232 SW POPLAR CT	AMUNDSON KIRT	AMUNDSON CHRISTINA M	9551 SE EOLA HILLS RD	AMITY OR	97101
53	R4419DA05700	227 SW CYPRESS ST	WART JANICE	WART JANICE A	PO BOX 571	MCMINNVILLE OR	97128
54	R4419DA05800	317 SW CYPRESS ST	SPENCER RANDY	SPENCER ELIZABETH A	317 SW CYPRESS ST	MCMINNVILLE OR	97128
55	R4419DA05900	337 SW CYPRESS ST	HENKLE THOMAS	HENKLE FAMILY TRUST	4900 NW HILL RD	MCMINNVILLE OR	97128
56	R4419DA06000	405 SW CYPRESS ST	ROBERTS SEAN	ROBERTS KRISTYANA M	405 SW CYPRESS ST	MCMINNVILLE OR	97128
57	R4419DA06100	427 SW CYPRESS ST	DEL RAYO	DEL RAYO HERIBERTO	PO BOX 445	MCMINNVILLE OR	97128
58	R4419DA09800	432 SW CYPRESS ST	SPRINGER RANDAL	SPRINGER RANDAL D	432 SW CYPRESS ST	MCMINNVILLE OR	97128
59	R4419DA09900	412 SW CYPRESS ST	ORTEGA FRANCISCO	DEL RAYO SALDANA IRMA	412 SW CYPRESS ST	MCMINNVILLE OR	97128
60	R4419DA10000	1678 SW APPERSON ST	CONNORS KARLA	CONNORS KARLA J	1678 SW APPERSON ST	MCMINNVILLE OR	97128
61	R4420CB00100	n/a	KULBACK RAYMOND	KULBACK RAYMOND J	PO BOX 568	MCMINNVILLE OR	97128
62	R4420CB00101	1730 SW 2ND ST	KULBACK RAYMOND	KULBACK RAYMOND J	PO BOX 568	MCMINNVILLE OR	97128
63	R4420CB00300	1710 SW 2ND ST	HENRICKSON LUELLA	HENRICKSON RICHARD B	1710 SW 2ND ST	MCMINNVILLE OR	97128
64	R4420CB00301	n/a	THAYER ELTON	THAYER ELTON S II & JANET S	4628 E OCOTILLO RD	PARADISE VALLEY AZ	85253
65	R4420CB00302	201 SW AGEE ST	VILLA WEST APARTMENTS LLC	ATTN: RAQUEL GUGLIELMETTI	210 W MALLARD DR SUITE A	BOISE ID	83706
66	R4420CB00303	1700 SW 2ND ST	GIBBONS LINDA	GIBBONS GARY	1700 SW 2ND ST	MCMINNVILLE OR	97128



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

www.mcminnvilleoregon.gov

EXHIBIT 3 - STAFF REPORT

DATE: August 17, 2017
TO: McMinnville Planning Commissioners
FROM: Ron Pomeroy, Principal Planner
SUBJECT: ZC 11-17 (Zone Change) Land Use Resources, LLC

Report in Brief:

This is a public hearing to consider a zone change request from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site. (The remaining acreage is in the flood plain and as such is zoned FP and will remain zoned FP.) The subject site is located north of NE Cumulus Avenue and east of NE Fircrest Drive and is more specifically described as a portion of Tax Lot 900, Section 23, T. 4 S., R. 4 W., W.M.

Background:

The site is undeveloped with a large stand of trees, and is located east of and across Fircrest Drive from the Fircrest Community development that provides both assisted living and memory care residential opportunities as well as retirement living apartments. Adjacent to and northwest of the site is located the Fircrest Village Condominium development. Further to the west are found the Parkland Village retirement community consisting of single-family attached style residences and the Parkland Village Assisted Care facility. East of the site is land located outside of the McMinnville urban growth boundary and currently in agricultural use.

All adjacent land to the west and northwest is zoned R-4 (Multiple-Family Residential) and R-4 PD (Multiple-Family Residential Planned Development), respectively while adjacent land to the south is zoned AH. The site's southeastern edge is bounded to Oregon Department of Transportation (ODOT) right-of-way providing no access rights to the site.

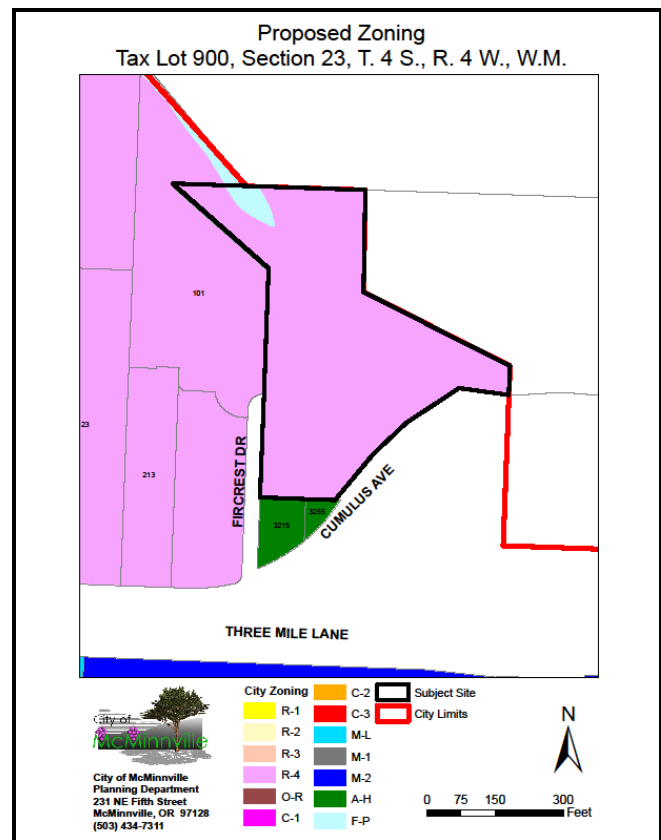
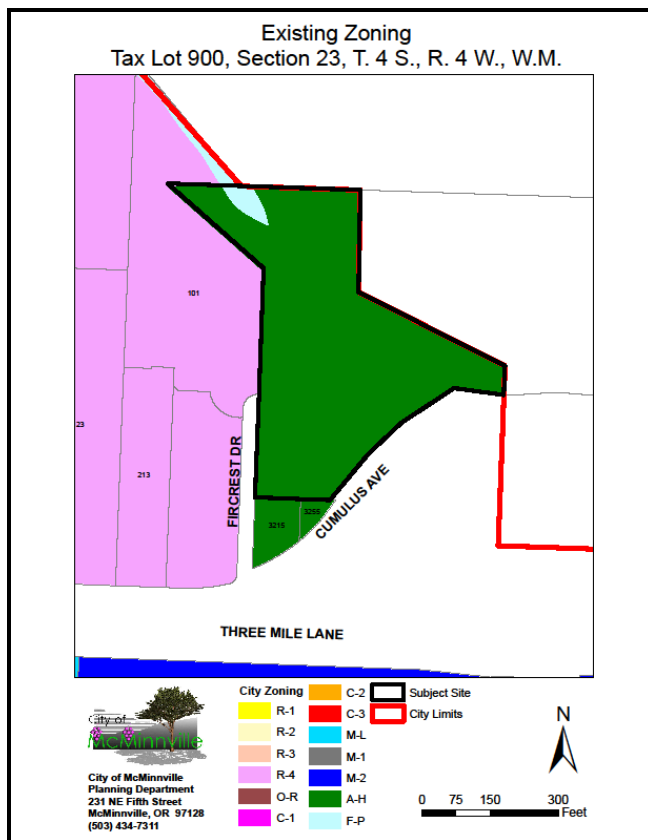
The southern portion of the site is relatively flat and generally covered in native grasses that are periodically mowed. The northern portion of the site is characterized by a downward slope of approximately 15 feet in elevation forming a drainage ravine the flows northwesterly eventually emptying into the South Yamhill River beyond the boundary of this site. This northern portion of the property is also covered in a fairly thick stand of, mostly, evergreen trees.

The site is identified as residential zoning on the McMinnville Comprehensive Plan map.

A graphic identifying the subject parcel has been provided below. While the full parcel is outlined in yellow for identification purposes, approximately 1/10th of an acre located in the northwest corner of the parcel is proposed to retain its current F-P (Flood Plain) zone and is not part of this zone change request.



In addition, the two graphics below provide a depiction of current zoning designations on the subject site and surrounding properties in addition to identifying how the zoning map would appear should these zone change requests be approved.



Discussion:

The Planning Commission's responsibility regarding this type of land-use request is to hold a public hearing and, following public testimony and deliberation, recommend to the City Council that the application be approved, or approved with conditions, or the Commission may act to deny the application. Such actions shall be based upon the City's comprehensive plan policies and the review criteria contained in Section 17.74.020 (Comprehensive Plan Map Amendment and Zone Change – Review Criteria) of the McMinnville Zoning Ordinance.

This request, if approved, would allow the applicant to amend the residential zoning designation from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site to afford the ability to pursue a future multiple-family development project on this site as noted in the submitted application, findings and Traffic Impact Analysis (TIA). Please note that submittal of a conceptual development plan is not a required element of a zone change request and the applicant has not included such as part of this submittal. Additionally, the provision of other site graphics by the applicant are for general illustrative purposes only.

Evaluation of Review Criteria:

An amendment of the zoning map may be authorized provided that the proposal satisfies all applicable review criteria and provided that the applicant demonstrates the following:

Section 17.74.020

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

Comprehensive Plan Policies: There are numerous Comprehensive Plan Goals and Policies that are applicable to this request. Most of those have been well addressed in the applicant's submitted narrative. Some of the more notable guidance is found in Chapter V (Housing and Residential Development) which includes Goals that speak to quality housing for all city residents and achieving a residential development pattern that is land intensive and energy efficient as well as Policies encouraging opportunities for multiple-family development in locations that have sufficient access opportunities and service availability to support such development.

Section 17.74.020

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

Existing Development Pattern: The area to the west of this site is comprised of a mix of residential types including the Fircrest Community development that provides both assisted living opportunities and retirement living apartments. Adjacent to and northwest of the site is located the Fircrest Village Condominium development. Further to the west are found the Parkland Village retirement community consisting of single-family attached style residences and the Parkland Village Assisted Care facility. East of the site is land located outside of the McMinnville urban growth boundary and currently in agricultural use.

Section 17.74.020

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

Utility and Service Provision: This area is well served by existing sanitary and storm sewer systems as well as other public utilities. The Engineering Department notes that there is an existing 15" diameter public sanitary sewer located to the south of the property in the Cumulus Avenue / Highway 18 right-of-way, which is under the jurisdiction of the Oregon Department of Transportation (ODOT). At the time of development, the applicant will need to design a sanitary sewer system that connects to the existing public system (note that a private sanitary sewer pump station may be necessary to serve the proposed

development), and the applicant will need to acquire all permits necessary from ODOT to construct the improvements.

Street System: regarding adjacent public rights-of-way, a portion of the western edge of the site is site is adjacent to NE Fircrest Drive. The other right-of-way that is adjacent to this site is Oregon Department of Transportation (ODOT) right-of-way located along the site's southeasterly edge; as the ODOT right-of-way is intended to serve as portion of a fully constructed future clover-leaf interchange to serve Highway 18, local access to this roadway is not possible. Access to serve future development of this site would be provided from Fircrest Drive.

NE Fircrest Drive has been constructed to a 26-foot wide, curb to curb, paved section within a 30-foot wide public right-of-way. Currently, there is no sidewalk installed along the property's Fircrest Drive frontage. At the time of development, 11-feet of additional right-of-way, to accommodate a planter strip and sidewalk, will need to be dedicated along the site's Fircrest Drive frontage. Additionally, a 10-foot wide public utility easement shall be granted along the Fircrest Drive frontage to enable adequate service to this site.

As noted in comments by the City's Engineering Department, a Traffic Impact Analysis (TIA) of projected vehicular impacts to the surrounding street network resulting from development of a multiple-family project on the subject site has been provided as part of the applicant's submittal with a conclusion that the surrounding network has the capacity to sufficiently accommodate the anticipated traffic; the TIA model assumed the site's maximum development capacity of 95 multiple-family residences (Attachment 2).

Based on the analysis provided in the submitted TIA, the projected maximum residential yield on the 5.2-acre site of this zone change request is 95 multiple-family residential units. The corresponding trip generation from this site then is limited to a maximum total of 48 morning peak hour trips and a maximum total of 59 evening peak hour trips as referenced in the Executive Summary, (page 1) of the TIA. A condition speaking to this maximum trip generation will be recommended as a condition of approval in the associated Decision Document.

Site Hydrology: Due to the presence of the on-site drainage ravine and the approximately one-tenth acre of floodplain located at the parcel's far northwest end, the developer will be required, at the time of development, to acquire any necessary erosion control permits from the Oregon Department of Environmental Quality (DEQ), and any necessary wetlands / waterway permits from the Division of State Lands (DSL) and the US Army Corps of Engineers (COE) to address.

R-4 Multiple-Family Residential Zone:

The applicant's materials submitted to support this zone change application speak to a future intent to development multiple-family residential on this property. While the applicant has not provided a conceptual development plan with this zone change proposal, and is not required to do so at this time, it is instructive to note some of the standards of the R-4 zone that would be applicable to development of this site in the future should this current request be approved. This information is offered only as an additional observation relative to the requested zoning redesignation. If approved, some of those applicable opportunities and development standards incumbent upon future development include:

R-4 Multiple-Family Residential Zone:

17.21.010 Permitted Uses. In an R-4 zone, the following uses [..] are permitted:

- A. Single-family dwelling
- B. Two-family dwelling
- C. Multiple-family dwelling

17.21.030 Lot size. In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family.

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet.

17.21.060 Density requirements. In an R-4 zone, the lot area per family shall not be less than fifteen hundred square feet for each unit with two bedrooms or less, and not less than seventeen hundred fifty square feet for each unit with three bedrooms, and an additional five hundred square feet for each additional bedroom in excess of three in any one unit. [..]

While the above information is presented relative to the requested R-4 zoning designation, it is important to recall that the applicant's traffic impact analysis of a development upon the surrounding street network is limited to the resultant volume of both a.m. and p.m. peak hour trips. Although the density calculation noted above would potentially yield a larger number of developable multiple-family residential units on this site, the applicant's submitted materials and TIA do not justify or warrant it.

Fiscal Impact:

None

Planning Commission Options:

- 1) Close the public hearing and recommend that the City Council **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

The Planning Department recommends that the Commission make the following motion recommending approval of ZC 11-17 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE ZC 11-17 SUBJECT TO THE CONDITIONS OF APPROVAL AS RECOMMENDED BY STAFF.

RP:sjs



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

503-434-7311
www.mcminnvilleoregon.gov

**DECISION, FINDINGS OF FACT AND CONCLUSIONARY
FINDINGS FOR THE APPROVAL OF A ZONE CHANGE REQUEST FOR PROPERTY LOCATED
NORTH OF NE CUMULUS AVENUE AND EAST OF NE FIRCREST DRIVE.**

DOCKET: ZC 11-17 (Zone Change)

REQUEST: The applicant is requesting approval of a zone change from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site.

LOCATION: The subject site is located north of NE Cumulus Avenue and east of NE Fircrest Drive and is more specifically described as a portion of Tax Lot 900, Section 23, T. 4 S., R. 4 W., W.M.

ZONING: The subject site's current zoning is AH (Agricultural Holding) and F-P (Flood Area).

APPLICANT: Land Use Resources, LLC

STAFF: Ron Pomeroy, Principal Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: August 17, 2017. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: September 12, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

Based on the findings and conclusions, the Planning Commission recommends that the City Council **APPROVE** zone change ZC 11-17 **subject to the conditions of approval provided in this document.**

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DECISION: APPROVAL WITH CONDITIONS

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Date: _____

Date: _____

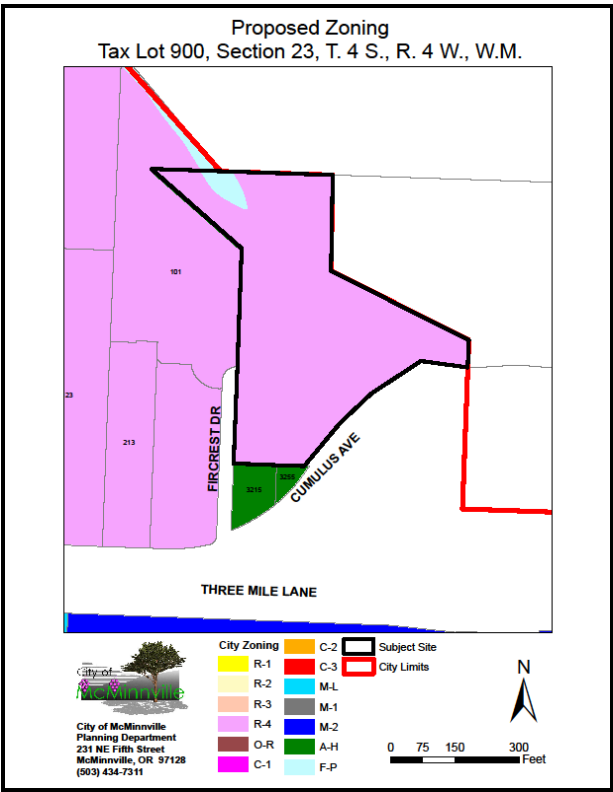
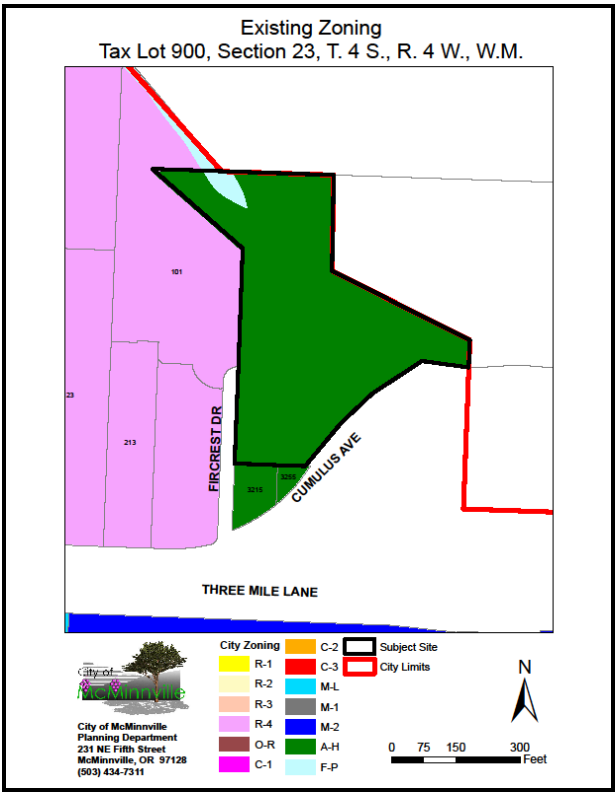
Date: _____

Application Summary:

The applicant is requesting approval of a zone change from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site.



The two graphics below provide depiction of current zoning designations on the subject site and surrounding properties in addition to identifying how the zoning map would appear should this zone change request be approved.



CONDITIONS OF APPROVAL:

The following conditions of approval shall be required to ensure that the proposal is compliant with the City of McMinnville's Comprehensive Plan and Zoning Ordinance:

1. That, prior to development, the applicant shall submit a preservation plan relative to the natural drainage swale and wooded area of the site, as far as practicable, as part of any development proposal. This plan shall be reviewed and approved by the McMinnville Planning Director prior to approval of any development plan for the site.
2. That, based on the analysis provided in the submitted Traffic Impact Analysis (TIA) prepared for the applicant by Lancaster Engineering (June 28, 2017), the residential density allowed on this site of this 5.2-acre zone change request shall be limited to a maximum total of 48 morning peak hour trips and a maximum total of 59 evening peak hour trips as referenced in the Executive Summary (page 1) of the TIA unless a subsequent TIA is submitted by the applicant and the conclusions of which are found to be acceptable to the City.
3. That NE Fircrest Drive has been constructed to be 26' wide in a 30' public right-of-way, and there is not sidewalk along the property's frontage. At the time of development, 11-feet of additional right-of-way, to accommodate a planter strip and sidewalk, will need to be dedicated along the site's Fircrest Drive frontage. Additionally, a 10-foot wide public utility easement shall be granted along the Fircrest Drive frontage.
4. That there is an existing 15" diameter public sanitary sewer located to the south of the property in the Cumulus Avenue / Highway 18 right-of-way, which is under the jurisdiction of the Oregon Department of Transportation (ODOT). At the time of development, the applicant will need to design a sanitary sewer system that connects to the existing public system (note that a private sanitary sewer pump station may be necessary to serve the proposed development), and the applicant will need to acquire all permits necessary from ODOT to construct the improvements.
5. That, at the time of development, the applicant will need to acquire any necessary erosion control permits from the Oregon Department of Environmental Quality (DEQ), and any necessary wetlands / waterway permits from the Division of State Lands (DSL) and the US Army Corps of Engineers (COE).
6. That, at the time development, the applicant shall provide any geotechnical engineering analyses / reports required by the Building Division to accommodate the construction of any proposed structures.

ATTACHMENTS

Attachment 1 - ZC 11-17 Application and Attachments

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Recology Western Oregon; Comcast, Northwest Natural Gas. The following comments had been received:

Engineering Department:

We have completed our review of proposed ZC 11-17. As noted below, we concur with the conclusion in the submitted traffic impact analysis that the zone change will not result in any level of service issues on the adjacent transportation network. Also, based on the City's adopted Conveyance System Master Plan (October 2008), staff can conclude that there is adequate sanitary sewer system capacity to accommodate the proposed zone change. Thus, we have no concerns with the proposed zone change.

At the time of development, the following items/issues will need to be addressed:

- NE Fircrest Drive has been constructed to be 26' wide in a 30' public right-of-way, and there is not sidewalk along the property's frontage. At the time of development, 11-feet of additional right-of-way, to accommodate a planter strip and sidewalk, will need to be dedicated along the site's Fircrest Drive frontage. Additionally, a 10-foot wide public utility easement shall be granted along the Fircrest Drive frontage.
- There is an existing 15" diameter public sanitary sewer located to the south of the property in the Cumulus Avenue / Highway 18 right-of-way, which is under the jurisdiction of the Oregon Department of Transportation (ODOT). At the time of development, the applicant will need to design a sanitary sewer system that connects to the existing public system (note that a private sanitary sewer pump station may be necessary to serve the proposed development), and the applicant will need to acquire all permits necessary from ODOT to construct the improvements.
- At the time of development, the applicant will need to acquire any necessary erosion control permits from the Oregon Department of Environmental Quality (DEQ), and any necessary wetlands / waterway permits from the Division of State Lands (DSL) and the US Army Corps of Engineers (COE).
- At the time development, the applicant shall provide any geotechnical engineering analyses / reports required by the Building Division to accommodate the construction of any proposed structures.

Building Department:

No objections from this end.

Fire Department:

We have no issues with this zone change but please note that all construction will need to meet required Fire Code requirements.

McMinnville Water and Light:

MW&L has no comments on this application.

Yamhill County Public Works:

The subject proposal does not conflict with the interests of Yamhill County Public Works.

Recology Western Oregon:

No concerns here from our end.

FINDINGS OF FACT

1. Land Use Resources, LLC is requesting approval of a zone change from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site. The subject site is located north of NE Cumulus Avenue and east of NE Fircrest Drive and is more specifically described as a portion of Tax Lot 900, Section 23 BC, T. 4 S., R. 4 W., W.M..
2. The site is currently designated as Residential and Flood Plain on the McMinnville Comprehensive Plan Map, 1980.
3. Sanitary sewer and municipal water and power can adequately serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

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

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

Finding: Goal V 1 and Policies 58.00 and 59.00 are met by this proposal in that approval of the zone change request from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) will allow for the opportunity of this land to be developed with a variety of housing types including higher density housing as noted in the applicant's submitted findings. Higher density residential development of this site is commensurate with nearby development in that the site is located east of and across Fircrest Drive from the Fircrest Community development that provides both assisted living opportunities and retirement living apartments. Adjacent to and northwest of the site is located the Fircrest Village Condominium development. Further to the west are found the Parkland Village retirement community consisting of single-family attached style residences and the Parkland Village Assisted Care facility. East of the site is land located outside of the McMinnville urban growth boundary and currently in agricultural use.

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

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

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

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

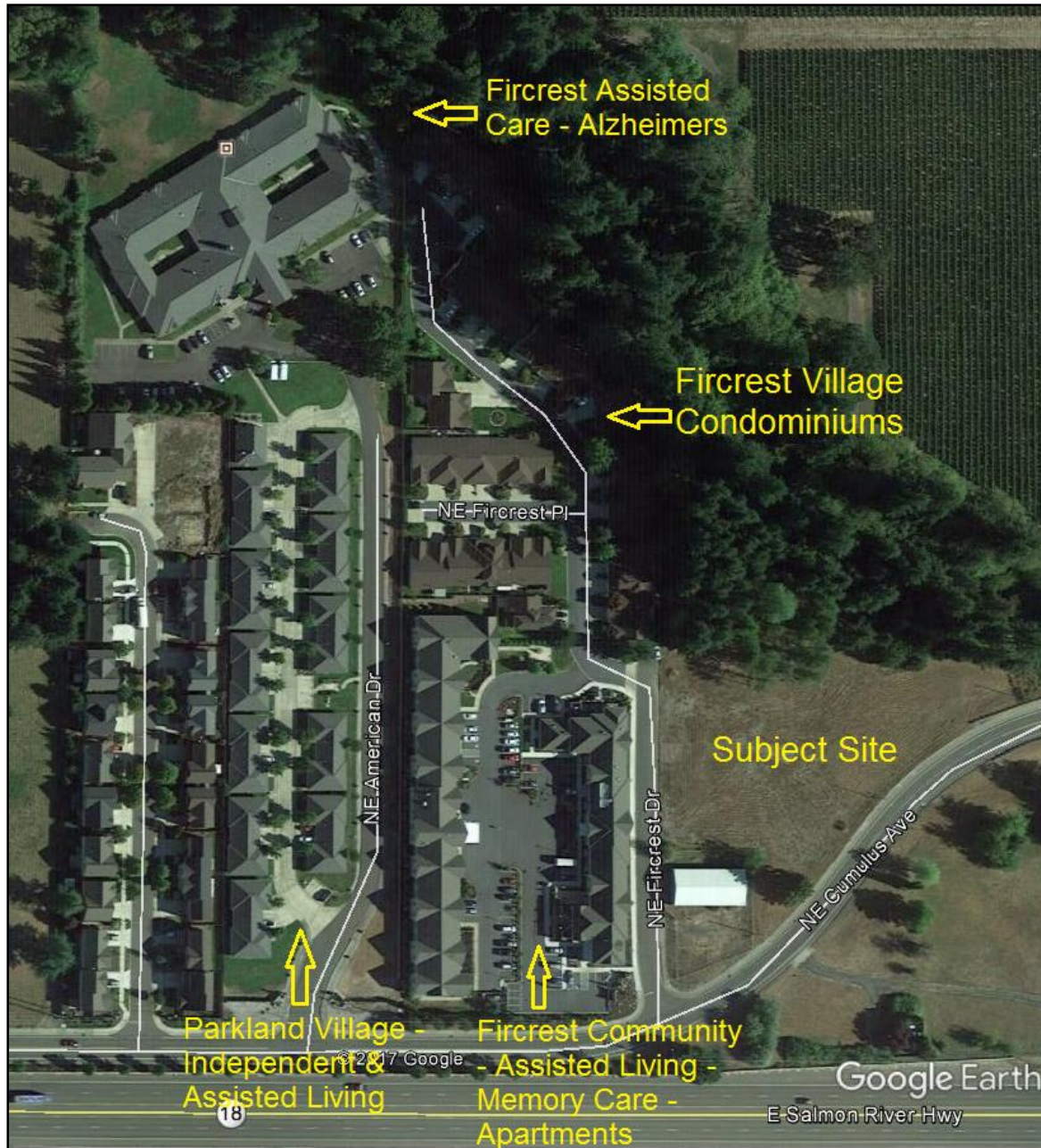
Policy 71.09 *Medium and High-Density Residential (R-3 and R-4) – The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments. The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.*

- 1. Areas that are not committed to low density development;*
- 2. Areas that have direct access from collector or arterial streets;*
- 3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
- 4. Areas where the existing facilities have the capacity for additional development;*
- 5. Areas within one-quarter mile of existing or planned public transportation; and,*
- 6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

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

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

Finding: Goal V 2 and Policies 68.00, 71.00, 71.09 and 71.13 are met by this application in that the proposal to rezone this land as requested is encouraged by the existing Residential designation of the site on the Comprehensive Plan Map. In addition, rezoning of this site to allow higher residential density encourages more efficient residential development in an area where urban services are already available before committing alternate areas to residential development. The adjacent residential neighborhood to the west currently exhibits a range of medium and higher residential densities and housing types including single-family attached dwellings, condominiums, assisted living, apartments, and residential memory care facilities. A graphic has been provided below identifying the locations of these residential opportunities. Additionally, it is instructive to recall that Condition of Approval number 1 of this Decision Document requires preservation of open space within the wooded portion of this site which satisfies Policy 71.13(8) and can also be seen on the aerial graphic below as well as the site identification graphic provided on page 3 of this document.

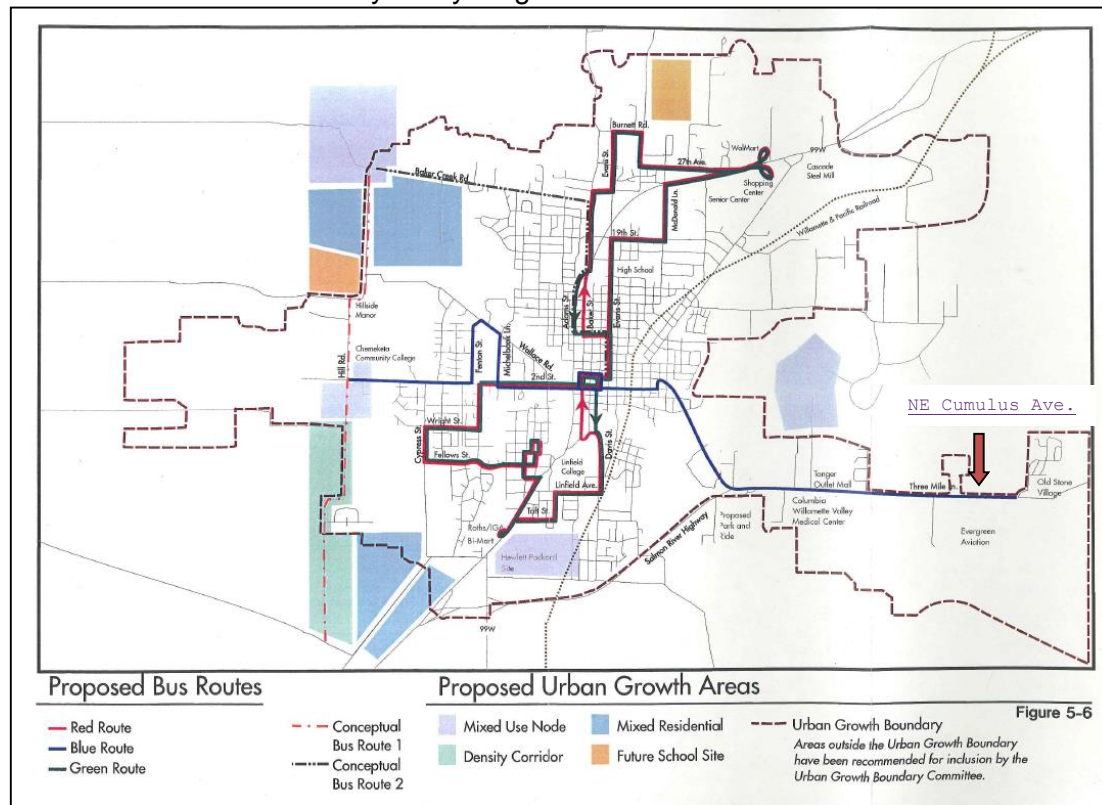


A traffic impact analysis (TIA) of the anticipated vehicular impacts on the surrounding street network from multiple-family residential development of this site was submitted by the applicant. The TIA concluded that the vehicular impact of development of 95 multiple-family dwelling units on this site can be sufficiently accommodated by the surrounding transportation network. While Policy 71.13(3) states that an area identified for high-density residential development *should* have direct access from a major collector or minor arterial, the identified site access is located on a non-through street and only some 200 to 300 feet away from NE Cumulus Avenue which is identified in the McMinnville Transportation System Plan as a Major Collector street (see graphic below). In the context of the applicant's request, while future residential construction may be multiple-family in form, the density limitation placed on this site (Condition of Approval 2) which is governed by maximum trip generation figures, places the maximum buildout of this site in a medium density range where access onto a Collector (major or minor) is suggested by Policy 71.09(2). This vehicular access location and the impacts of potential development on the surrounding street network, based on an analysis of the findings of the submitted

TIA, is found acceptable to the City Engineer. The graphic below demonstrates the designation of NE Cumulus Avenue as a Minor Collector street.

This site is also located within 200 feet of an existing public transit route which is available to serve this site as noted in the adopted McMinnville Transit Feasibility Study as shown below.

McMinnville Transit Feasibility Study - Figure 5-6



While Policy 17.13(7) requires high density residential development to be located within $\frac{1}{4}$ mile of neighborhood and general commercial shopping centers, it is important to recall that, while the form of development may be multiple-family, the overall site density will be limited to the medium residential density range to which this subsection of this policy does not apply. That said, general commercial shopping opportunities do exist within $\frac{1}{4}$ mile of this site at the Wings and Waves Water Park snack and gift shops located just east of the site; other commercial offerings could also develop at that site in the future.

Policy 79.00 *The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations [..].*

Finding: Policy 79.00 is satisfied by this proposal as the requested zoning designation allows multiple-family development as a permitted use which is the type of residential development discussed by the applicant in their proposal. It is important to note that, while the topographic and forested features of the site are graphically represented by the applicant for illustrative purposes only, the applicant's traffic impact analysis (TIA) was based on an assumption of development occurring on only a portion of the site. While not binding on the City, the applicants' TIA is based on a reduced development concept and analyzes the vehicular impact of a maximum of 95 multiple-family dwelling units on the surrounding transportation network. This modeled transportation impact is provided as an important part of the justification for approval of the requested zone change. The analysis and conclusions of the TIA have

been reviewed, and are supported, by the City Engineer. City staff accepts this analysis and proposal and justification for density limitation of 95 multiple-family dwelling units and finds that this Policy is satisfied. Based on the analysis provided in the submitted Traffic Impact Analysis prepared for the applicant by Lancaster Engineering (June 28, 2017), Condition of Approval 2 relates to residential development in that the residential development of this 5.2-acre zone change site is limited to a maximum total of 48 morning peak hour trips and a maximum total of 59 evening peak hour trips as referenced in the page 1 Executive Summary of the TIA unless a subsequent TIA is submitted by the applicant and the conclusions of which are found to be acceptable to the City.

Policy 80.00 In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.

Finding: Policy 80.00 is satisfied by this proposal in that, prior to development, the applicant will be required to provide evidence of preservation methods relative to the natural drainage swale and wooded area, as far as practicable, as part of the development proposal. This plan shall be reviewed and approved by the McMinnville Planning Director prior to approval of any development plan for the site. A condition to require this has been drafted and provided as part of the recommended conditions of approval.

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

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

Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes. (Ord. 4840, January 11, 2006; Ord. 4796, October 14, 2003)

Policy 91.00 Multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development. (Ord. 4573, November 8, 1994)

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

Policy 92.01 High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use. (Ord. 4796, October 14, 2003)

Policy 92.02 High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation. (Ord. 4796, October 14, 2003)

Finding: Policies 84.00, 86.00, 89.00, 91.00 and 92.01 are satisfied by this proposal as follows. While the applicant has indicated intent to construct multiple-family housing on this site, no development plan has been provided as part of this zone change request. However, in light of the possibility that a future multiple-family development project would be designed for this site, should this zone change request be approved, these policies are relevant. With approval of this request, the opportunity for higher density residential development will continue to be supported by the City in a manner that disperses

this type of development throughout the community. While this site, if rezoned to R-4, would be adjacent to other R-4 zoned properties to the west, the existing medium and higher density dwelling opportunities exhibit a wide range of residential living situations as previously described. Provision of general rent market rate, or lower cost multiple-family residences on the subject site would add a type of residential opportunity in this area that is effectively not presently available making this rezoning request compliant with the intent of the City's policy of dispersing the location of new and various types of multiple-family development. Public transit will be available within approximately 200 feet of the site to the site identified as the proposed Blue Route bus line to serve Cumulus Avenue shown on Figure 5-6 shown in the adopted McMinnville Transit Feasibility Study. Additionally, future multiple-family residential development of this site shall be required to provide landscaped grounds commensurate with the requirements of the McMinnville Zoning Ordinance. Further, this site is not located in an undesirable place such as near railroad lines, heavy industrial uses, or other potential nuisance areas. Please see McMinnville Transit Feasibility Study - Figure 5-6 above.

Policy 90.00 encourages the location of professional and commercial uses within one-quarter mile from multiple-family residential development. Additionally, Policy 92.02 requires High-density housing developments to, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation. The reference of proximity to public transportation is also found in Policy 92.00. Professional, educational and commercial uses are currently limited to those found within approximately one-quarter to the east (The Wings and Waves Water Park and the Evergreen Aviation campus) and within approximately one-half mile to the west (including Chemeketa Community College, McDonalds Restaurant, Coming Attractions Theaters, Housing Authority of Yamhill County the adopted McMinnville Transit Feasibility Study identifies a proposed bus route (Blue Route shown on Figure 5-6) that is proposed to operate along Hwy 18 east to the Olde Stone Village Manufactured Home community (approximately one-mile east of the subject site). Additional opportunities for commercial, professional and educational development remain within this corridor. Therefore, Policies 90.00, 92.00 and 92.02 are satisfied by this proposal.

Policy 91.00 is satisfied by this proposal in that a Traffic Impact Analysis (TIA) for this proposal modeling 95 apartment units on this site was submitted by Lancaster Engineering. The results of this analysis show that there are no safety issues that need to be addressed and no safety mitigations recommended at the intersection of NE Cumulus Avenue and Highway 18. The area of vehicular ingress and egress to this site will be from NE Fircrest Drive and between 200 to 300 feet, approximately, north of the intersection of NE Cumulus Avenue and Fircrest Drive. It is also instructive to note that while Policy 91.00 encourages multiple-family development to gain direct access from arterial or collector streets it is not required if an alternative method is found to have sufficient traffic carrying capacities to accommodate the proposed development. The submitted traffic analysis was considered by the McMinnville Engineering Department and it is the determination of the City Engineer that there would be no appreciable loss of functionality at the Fircrest/Cumulus intersection.

Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
- 5. Deleted as per Ord. 4796, October 14, 2003.*

Finding: Policy 99.00 is satisfied by this proposal as adequate levels sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Required street improvements commensurate with future development shall be required at the time of development.

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.

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

Policy 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:

- 1. Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
- 2. Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
- 3. Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
- 4. Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord.4922, February 23, 2010)*
- 5. Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist*

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

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

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

- 2. Local streets.*
 - a. Designs should minimize through-traffic and serve local areas only.*

Finding: Goal VI 1 and Policies 117.00, 118.00, 119.00, 120.00 and 122.00 are satisfied by this proposal in that the subject site is currently adjacent to NE Fircrest Drive, a public local street, that serves only the local area and does not connect to other public streets due to the proximity of limiting geographic features and other existing development. Fircrest Drive will be required to be improved commensurate with the future development of this site as per the requirements of the adopted McMinnville Transportation System Plan (TSP) to ensure safe and efficient transportation opportunities for all citizens.

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

Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.

Finding: Policies 126.00 and 127.00 are satisfied by this proposal in that off-street parking will be required for all residential development as specified by Chapter 17.60 (Off-Street Parking and Loading) of the McMinnville Zoning Ordinance.

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

Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.

Finding: Policies 130.00 and 132.15 are satisfied by this proposal in that, when a specific development is proposed for this site, public sidewalks commensurate with that proposal will be required as part of the street improvements and will provide pedestrian connections from this site to the surrounding area. Provision of safe, accessible bicycle routes continue to be provided throughout the city as directed by the McMinnville TSP.

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

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

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

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

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

Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

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

Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

1. *Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*
2. *Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
3. *For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;*
4. *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

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

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

Finding: Goal VII 1 and Policies 136.00, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00 and 151.00 are satisfied by the request as, based on comments received, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to sufficiently serve the site. Additionally, the municipal Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

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

Finding: Policies 153.00 and 155.00 are satisfied in that emergency services departments have reviewed this request and raise no concerns.

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

Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

Finding: Goal VII 3 and Policy 163.00 are satisfied in that park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

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

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

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.

Finding: Goal VIII 1 and Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal and no concerns were raised.

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

Finding: Policy 178.00 is satisfied in that the applicant is proposing to amend the current zoning designation of 5.2 acres of this 5.3 acre site to R-4 to allow for the possibility of providing multiple-family type housing thereby achieving a more compact form of urban development and energy conservation than would have otherwise been achieved.

GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

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

Finding: Goal X1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertized public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

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

Finding: Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.

17.57.010 Landscaping – Purpose and intent. The purpose and intent of this chapter is to enhance the appearance of the city by encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs. The landscaping provisions in Section 17.57.050 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimensions, setback, vehicle access points, parking provisions and traffic patterns. [..]

17.57.050 Area Determination—Planning factors.

A. Landscaping shall be accomplished within the following ranges:

1. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the [landscape] review committee. (The gross area to be landscaped may only be reduced by the review committee if there is a showing by the applicant that the intent and purpose of this chapter and subsection B of this section are met).

B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscape Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.
2. Screen the proposed use by sight-obscurating, evergreen plantings, shade trees, fences, or combinations of plantings and screens.
3. The retention of existing trees and natural areas that may be incorporated in the development of the project. The existing grade should be preserved to the maximum practical degree. Existing trees shall be provided with a watering area equal to at least one-half the crown area.

Finding: Sections 17.57.010 and 17.57.050(B)(1-3) are satisfied by the request in that any future proposal to develop this site as a multiple-family development will be required to comply with these standards as per the review authority of the McMinnville Landscape Review Committee. Additionally, staff recommends adoption of a condition of approval of this application that would require sufficient buffering and screening along the site's western edge for the benefit of established senior and assisted care facilities that border the site along that edge. This buffering and screening shall utilize methods for the express purpose of mitigating noise, headlight glare, and visual intrusion from the site's development onto adjacent land west of the site and shall include a mix of vertical and horizontal vegetation, fencing and/or berms as may be approved by the Landscape Review Committee at the time of development. The existence of the 1.4 acre natural greenway along the northern portion of the site will further add to the buffering of existing residences to the northwest.

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

- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to service the proposed uses or other potential uses in the proposed zoning district.

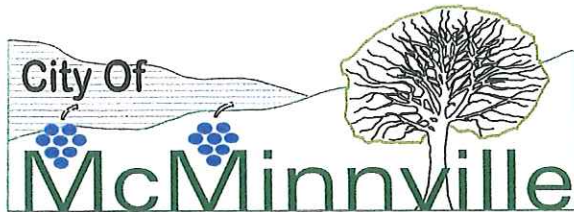
When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statutes), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

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: Criterion "B" of this review standard does not apply when the proposed amendment concerns needed housing. Table B-11 of Appendix B of the 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan demonstrates that McMinnville had a deficit of 162 R-4 zoned acres needed to meet future projected housing needs; the year 2020 was the identified planning horizon for this projection. Since 2001, approximately 51 acres have been rezoned to R-4 leaving a residual deficit of approximately 111 R-4 zoned acres still needed to meet projected needs. Approval of this zone change request would reduce that deficit to approximately 105.8 acres.

Section 17.74.020 is satisfied in that the proposed R-4 zoning designation for this site is consistent with the goals and policies of the McMinnville Comprehensive Plan, and is orderly and timely given considering existing nearby residential development and the site's proximity to public streets, transit facility options, the ability to be adequately served by required utilities and services, and the local need for additional higher density and/or affordable housing options. While this site is located within approximately one-half mile from Airport Park, the park's location on the south side of Highway 18 makes it rather difficult to reach by means of pedestrian or bicycle travel. However, the applicant proposes, as shown on the submitted conceptual site plan, the provision of an approximately 1.4 acre area to be retained as an onsite nature reserve. While not an active park, this area would potentially provide similar opportunities to Tice Park for the benefit of the site's residents. Chemeketa Community College is located approximately one-half mile to the west of the subject site which provides a wide range of educational opportunities. While commercial opportunities are not readily available within a reasonable distance to this site, the alleviation of meeting Criterion "B" above allows recognition of the current development character of this area as meeting the needs of a diverse residential population by numerous means. This current proposal to rezone the subject to R-4 would allow the continuation of this established development pattern in recognition of its unique location along Highway 18 and adjacent to the urban growth boundary (UGB). In addition, there are no policies contained in the Comprehensive Plan that are being utilized to unnecessarily decrease densities or discourage any form of housing.

RP:sjs

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128
 (503) 434-7311 Office • (503) 474-4955 Fax

www.mcminnvilleoregon.gov

Office Use Only:

File No. 2C 11-17
 Date Received 6-30-17
 Fee 1595.00
 Receipt No. 17M0135
 Received by 8/8

Comprehensive Plan Map Amendment/ Zone Change Application

Applicant Information

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

Applicant Name Land Use Resources LLC Phone _____

Contact Name Denny Elmer Phone 971 237 6752
(If different than above)

Address PO Box 237

City, State, Zip McMinnville OR 97128

Contact Email dennyelmer@gmail.com raepolivka@gmail.com

Property Owner Information

Property Owner Name Fredricks Motor Company Phone _____
(If different than above)

Contact Name Christina Turner Phone 503 925 9955

Address 14237 SW McKinley drive

City, State, Zip Sherwood, OR 97140

Contact Email HawaiiWW@msn.com

Site Location and Description

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

Property Address 5.3 acres Fircrest

Assessor Map No. R4 42300900 Total Site Area _____

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Ag Holding Zoning Designation Ag Holding

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.

We are asking for zoning change from Ag Holding to R4. The reason for this is to conform with existing zones that border this property. We have plans to develop this property for residential use.

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).

We understand that the current zoning does not match the long term goals of the city of McMinnville, through various conversations with the Planning Department. By changing the zoning, we are hoping to help the city of McMinnville achieve these goals by using the property in a way that is similar to surrounding properties in residential use.

***SEE ATTACHED FOR SPECIFIC GOALS & POLICIES.**

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.

N/A

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. _____

N/A

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 property to our west is currently zoned R-4. We believe the best and most valuable use for our property is to have it zoned R4 as well. With the lack of available lots to build upon, as well as the need for housing during this time, we feel the addition of another residential property ~~is~~ would be beneficial and valuable to the city of McMinnville, Especially affordable housing.

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

Our bordering neighbor is R4 at this time. The proposed R-4 residential use is consistent with the city's desire to achieve higher density.

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 maps from city engineering shows all utilities in the street that borders this property.


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

Traffic will be impacted minimally seeing that streets and traffic lights are already in use. *see Traffic analysis*

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.
- ☐ Payment of the applicable review fee, which can be found on the Planning Department web page.

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


Applicant's Signature

3-8-17
Date

Christina M. Nusslee
Property Owner's Signature
President

3-9-17
Date

The requested zone change is consistent with the following applicable goals and policies:

Goal V1: TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

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

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

Goal VI and Policies 58.00 and 59.00 are satisfied. Our adjacent neighbors are R-4, a senior living facility. Making this zone change to R-4 will give access to high-density housing to the community which will help lower the cost of housing for McMinnville renters.

Goal V2: TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

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

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

Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – The majority of residential lands in McMinnville are planned to develop at medium density range (4-8 units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes, and triplexes, and townhouses. High density residential development (8-30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments. The City of McMinnville shall encourage a compact form of urban development by direct residential growth close to the city center and those areas where urban services are already available before committing alternate areas to residential use.

1. *Areas that are not committed to low density development;*
2. *Areas that have direct access from collector or arterial streets;*
3. *Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
4. *Areas where the existing facilities have the capacity for additional development;*
5. *Areas within one-quarter miles of existing or planned public transportation; and,*
6. *Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

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

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

Goal V 2 and Policies 68.00, 71.00, 71.09, and 71.13 are satisfied: The proposed zone change from Ag Holding to R-4 is allowed and encouraged within the Residential designation in the Comprehensive Plan. Rezoning this site will allow higher residential density which encourages a more efficient residential development in an area where urban services are already available. An analysis of vehicular impacts to the surrounding street network from development of a multiple-family development on this site has been provided as part of this submittal with a conclusion that this development is not designated as high traffic and will be able to accommodate the anticipated traffic. Public transit is available near the site, running near Cumulus Ave, adjacent to the southern edge of the site.

Policy 84.00 Multiple-family, low-cost housing (subsidized) shall be dispersed throughout the community by appropriate zoning to avoid inundating any one area with a concentration of this type of housing.

Policy 86.00 Dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the City to avoid a concentration

of people, traffic congestion, and noise. The dispersal policy will not apply to areas on the fringes of the downtown “core,” and surrounding Linfield College where multiple-family developments shall still be allowed in properly designated areas.

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

Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes. (Ord. 4840, January 11, 2006; Ord. 4796, October 14, 2003)

Policy 91.00 Multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses by 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. (Ord. 4573, November 8, 1994)

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

Policy 92.01 High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factor are included to buffer the development from the incompatible use. (Ord. 4796, October 14, 2003)

Policy 92.02 High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation. (Ord. 4796, October 14, 2003)

Policies 84.00, 86.00, 89.00, 90.00, 92.00, 92.01, and 92.02 are satisfied: The opportunity for lower cost, higher density residential development is something the City supports, especially in areas that disperse this type of residence throughout the community. Landscaping standards will be complied with upon requirements of an R-4 zone. As stated previously, public transit is available near the development site. The site is not near railroad lines or any industrial facilities. This property will also have a large portion of open, green area and is steps from Evergreen.

Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*

3. *Streets within the development and providing access to the development, improved to city standards (as required).*
4. *Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
5. *Deleted as per Ord. 4796, October 14, 2003.*

Policy 99.00 is satisfied: Urban services can be provided concurrently with the proposed urban development. Water and power are available to serve the subject property. Storm Drainage and Sewer can be accessed.

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.

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

Policy 118.00 The City of McMinnville shall encourage development of roads that include the following design factors:

1. *Minimal adverse effects on, and advantageous utilization of, natural features of the land.*
2. *Reduction in the amount of land necessary for streets with continuance of safety, maintenance, and convenience standards.*
3. *Emphasis placed on existing and future needs of the area to be serviced. The function of the street and expected traffic volumes are important factors.*
4. *Consideration given to Complete Streets, in consideration of all modes of transportation (public transit, private vehicle, bike, and foot paths). (Ord. 4922, February 23, 2010)*
5. *Connectivity of local residential streets shall be encouraged. Residential cul-de-sac streets shall be discouraged where opportunities for through streets exist.*

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

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

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

1. *Major, Minor arterials.*
 - a. *Access should be controlled, especially on heavy traffic-generating developments.*

Goal VI 1 and Policies 117.00, 118.00, 119.00, 120.00 and 122.00 are satisfied by this proposal in that the site abuts a public minor collector street developed to City standards and adequate capacity to safely accommodate the expected trip generation from this site. ***See Traffic Analysis.*** Access to the site for parcel delivery to be permitted off Fircrest St. No known adverse effects on the natural features of the land.

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

Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.

Policies 126.00 and 127.00 are satisfied: Off-Street parking for the multi-family dwelling shall be accommodated for on site, as required and specified by Chapter 17.60 (Off-Street Parking and Loading) of the McMinnville Zoning Ordinance.

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

Policy 130.00 is satisfied: For the proposed development for this site, there will be public sidewalks, as required as part of the street improvements and will add to the pedestrian connections with and beyond the site. Provision of safe, accessible bicycle routes will be provided as well.

Policy 132.27.00 is satisfied: The zone change proposal supports the land use designation of the site and urban development patterns within the surrounding area.

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

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

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

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

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

Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

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

Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:

1. *Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*
2. *Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
3. *For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized.*
4. *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in Making land use decisions.

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

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

Goal VII 1 and Policies 136.00, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00, and 151.00 are satisfied: Adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from the development of the site.

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

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

Policies 153.00 and 155.00 are satisfied: Subject property will meet requirements for any and all Emergency Services.

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

Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.

Goal VII 3 and Policy 163.00 is satisfied: Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

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

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

Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this every resource.

Policies 173.00 and 177.00 are satisfied: Upon any future development, requirements from McMinnville Water and Light and Northwest Natural Gas will be satisfied.

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

Policy 178.00 is satisfied: Proposing to amend the current zoning designations of this site to R-4 will allow for the possibility of providing multiple-family type housing thereby achieving a more compact form of urban development and energy conservation than would have otherwise been achieved.

Goal X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF MCMINNVILLE.

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

Goal X1 and Policy 188.00 are satisfied: McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearings. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

17.03.020 Purpose: The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each

other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

Section 17.03.020 is satisfied: Intention to provide open spaces as well as bicycle and pedestrian connections to city streets.

17.57.010 Landscaping – Purpose and Intent: The purpose and intent of this chapter is the enhance the appearance of the city of encouraging quality landscaping which will benefit and protect the health, safety, and welfare of the general public. By relating all the requirements of the zoning ordinance to the project in one review procedure, the review will assist the developer in integrating the uses of the property with the landscaping, will relate the project to surrounding property uses in existence or projected, and will attempt to minimize project costs. The landscaping provisions in Section 17.57.050 are in addition to all other provisions of the zoning ordinance which relate to property boundaries, dimension, setback, vehicle access points, parking provisions and traffic patterns. [..]

17.57.050 Area Determination-Planning Factors:

B. The following factors shall be considered by the applicant when planning the landscaping in order to accomplish the purpose set out in Section 17.57.010. The Landscaper Review Committee shall have the authority to deny an application for failure to comply with any or all of these conditions:

1. Compatibility with the proposed project and the surrounding and abutting properties and the uses occurring thereon.

2. Screening the proposed use by sight-obscuring, evergreen plantings, shade trees, fences, or combinations of plantings and screens. [..]

Sections 17.57.010 and 17.57.050 are satisfied: The proposed development meets the condition of requiring sufficient buffering and screening. This site has natural buffering on the north and east boundaries that we will utilize in design to buffer noise, light, and visual intrusion into the neighborhood. The west side is a developed elderly care facility that appears to have minimal traffic. The south side that borders Cumulus Ave. will be designed to utilize methods for the express purpose of mitigating noise, headlight glare, and visual intrusion from the site. li

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

A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;

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

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

Criterion “B” of this review standard does not apply when the proposed amendment concerns needed housing. Table B-11 of Appendix B of the 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan demonstrates that McMinnville had a deficit of R-4 zoned acres needed to meet future projected housing needs; the year 2020 was the identified planning horizon for this projection. Since 2001, approximately 50 acres have been rezoned to R-4 still leaving a residual deficit of R-4 zoned acres still needed to meet projected needs. Approval of this zone change request would reduce that deficit.

Section 17.74.020 is satisfied: This site is consistent with the goals and policies of the McMinnville Comprehensive Plan, is orderly and timely considering existing nearby residential development and the site’s proximity to commercial opportunities and adjacency to public streets and transit facilities in addition to having the ability to be adequately served by required utilities and services. In addition, there are no policies contained in the Comprehensive Plan that are being utilized to unnecessarily decrease densities or discourage any form of housing.

Exhibit "A"

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

Being a part of the Reuben Harris Donation Land Claim #80, Notification #1232 and the I. M. Johns Donation Land Claim #81, Notification #1238 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, and being more particularly described as follows, to-wit:

PARCEL 1:

Beginning at a point on the North right-of-way line of Oregon State Secondary Highway No. 152, as it is now located and constructed, which said beginning point is reached by running South 89°45' West 400.7 feet and North 0°15' West 30.0 feet from the Southwest corner of the said Harris Claim #80, and running thence North 0°15' West 543.1 feet; thence North 65°36' West 360.7 feet; thence North 0°15' West 231.9 feet to a point on the North line of the grantor's property; thence following said North line of grantor's property South 89°47' West 419.7 feet to a point on the line between said Harris and Johns Claims; thence South 50°30' East on division line between said Claims, 878.6 feet to an angle point in grantor's property; thence South 0°15' East 363.7 feet to a point on the North right-of-way line of said State Highway; thence North 89°45' East 72.5 feet to the place of beginning.

PARCEL 2:

Beginning at a point in the center of the McMinnville-Dayton Secondary State Highway #152 at a point 12.28 chains West from the most Easterly Northeast corner of said Johns Claim; thence North 5.86 chains to the Northeasterly line of said Claim; thence North 51°00' West with line of Johns and Harris Claim 7.065 chains; thence South 10.306 chains more or less to center of said Highway; thence East along center of said Highway 5.49 chains to the beginning and containing 4.44 acres more or less.

ALSO: Beginning in the center of the State Highway #152 running from McMinnville to Dayton, 17.77 chains West of the most Easterly NE corner of said Claim, which point of beginning is also the SW corner of that certain tract conveyed by deed recorded July 24, 1947, in Book 144, Page 69, Deed Records of Yamhill County, thence Westerly along the center of said Highway 103 feet and 7 inches; thence Northerly, parallel to the West line of said Fredricks tract above referred to, to the Northeasterly line of the I.M. Johns Donation Land Claim #81, thence South 51° East along the Northeasterly line of said Donation Land Claim; to the Northwest corner of said Fredricks tract above referred to; thence South along the West line of said Fredricks tract to the point of beginning.

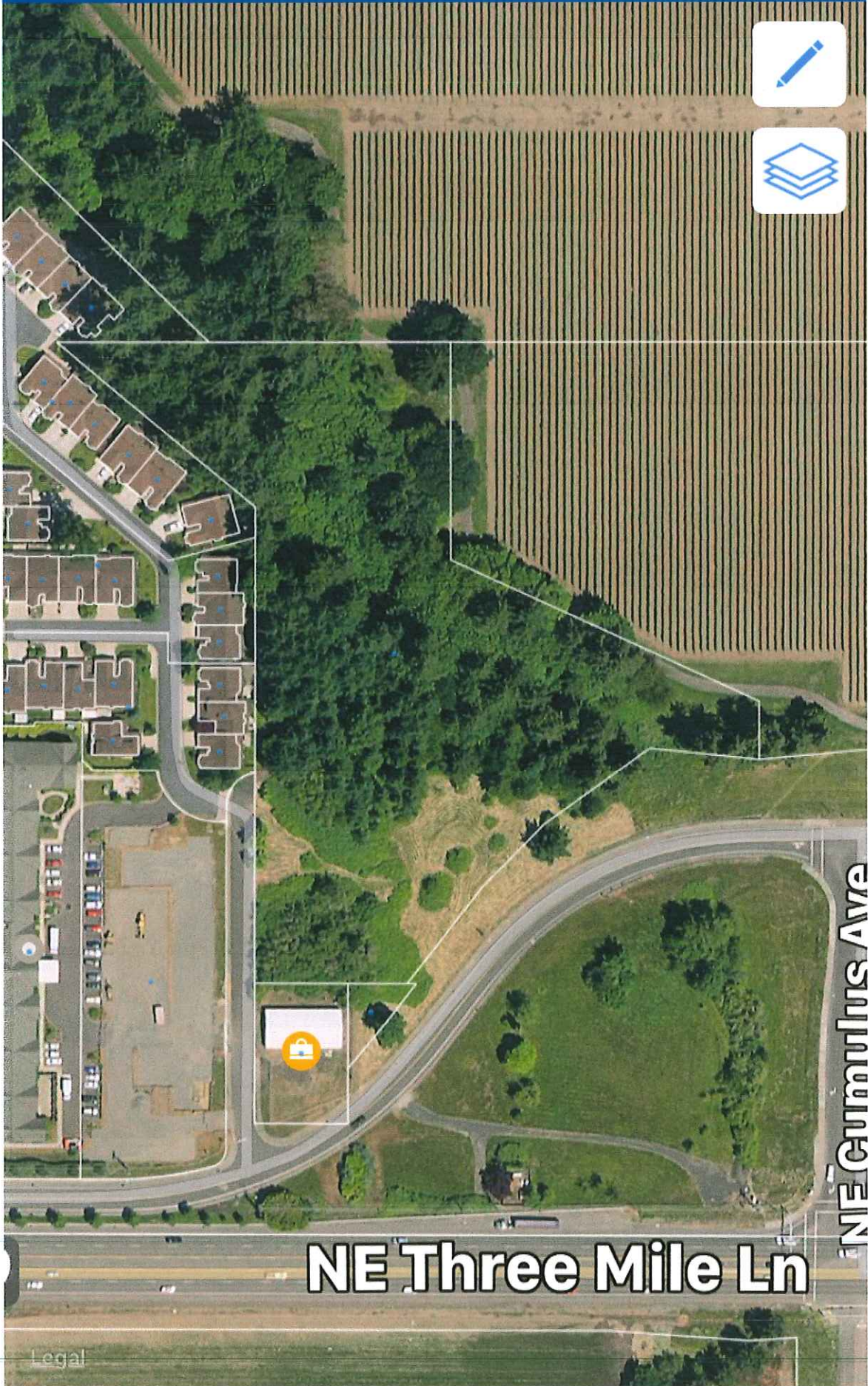
SAVE AND EXCEPT that portion of the above-described premises beginning at a point on the North side of the right-of-way line of Oregon State Secondary Highway #152, which said beginning point South 89°45' West, 648.75 feet and North 0°15', 30 feet from the Southwest corner of said Harris Donation Land Claim; thence North 00°15' West, 232.9 feet; thence South 89°45' West along the North line of that certain parcel described in Deed recorded in Volume 184, Page 473, Yamhill County Deed Records and the extension thereof, 290.4 feet more or less to the East line of that certain parcel described in Film Volume 18, Page 851, Yamhill County Deed Records; thence Southerly along the East boundary line of said parcels to the North boundary line of said State Highway #152; thence Easterly along the North boundary line of said State Highway to the point of beginning.

SAVE AND EXCEPT from Parcels 1 and 2, those portions conveyed to the State of Oregon, Department of Transportation in Deed recorded January 19, 1989 in Film Volume 229, Page 452 and in Stipulated Final Judgment entered June 12, 2003 and recorded June 30, 2003 as Instrument No. 200315555, Deed and Mortgage Records, Yamhill County, Oregon.

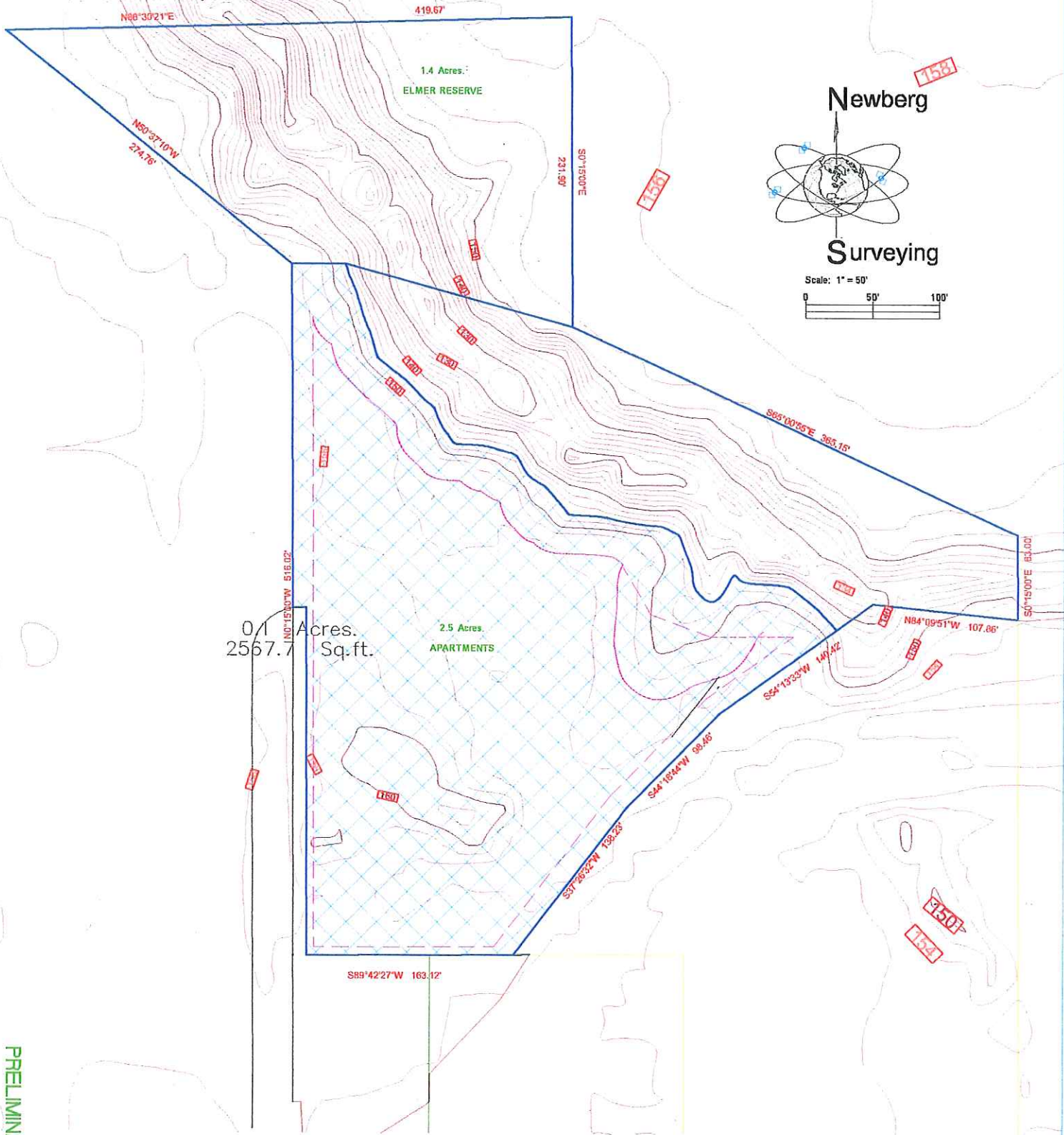
NOTE: This legal description was created prior to January 1, 2008




🔍 Address or Intersection



NE Three Mile Ln



Newberg



Surveying

Scale: 1" = 50'

0 50' 100'

PRELIMINARY

PROJECT NO. 1218	13 FEBRUARY 2017	SLEEPY HOLLOW N.E. CUMULUS AVENUE & N.E. FIRCREST DRIVE, McMinnville, OREGON 97128	bruce w. kenny, architect, s.e. 9318 north mohawk avenue portland, oregon 97203 cell: 503-435-9496 bilker@yahoo.com	PRELIMINARY

Cumulus Avenue Zone Change & Apartments

Traffic Impact Analysis
McMinnville, Oregon

Date:

June 28, 2017

Prepared for:

Denny Elmer

Prepared by:

William R. Farley, PE



LANCASTER
ENGINEERING

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Executive Summary

1. A zone change in conformance with the Comprehensive Plan is proposed for a 5.3-acre property located northeast of the intersection of NE Cumulus Avenue at NE Fircrest Drive in McMinnville, Oregon. Following a change in zoning designation from *Agricultural Holding* (AH) to *Multiple Family Residential* (R-4), an apartment complex with up to 95 dwelling units is planned for construction.
2. Under the proposed R-4 zoning and accounting for environmental constraints restricting development to approximately 3.8 acres, a maximum of 95 apartment units can be accommodated. The development of up to 95 apartment units will generate a total of 48 trips during the morning peak and 59 trips during the evening peak hours.
3. A detailed analysis of the crash history at the study intersections shows no trends that are indicative of safety issues that need to be addressed. No safety mitigations are recommended.
4. Traffic signal warrants were not projected to be met for the intersection of NE Cumulus Avenue at the Salmon River Highway connection road under any of the analysis scenarios.
5. The study intersections are projected to operate within the performance standards established by the Oregon Department of Transportation and the City of McMinnville, regardless of the zone change or additional trips from the development of up to 95 apartment units. No operational mitigations are recommended.
6. Full development under the proposed zoning will not significantly affect existing or planned transportation facilities as defined under Oregon's Transportation Planning Rule.

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Introduction

A zone change in conformance with the Comprehensive Plan is proposed for a property located northeast of the intersection of NE Cumulus Avenue at NE Fircrest Drive in McMinnville, Oregon. Subsequent to the approval of the zone change, an apartment complex is proposed for development on the subject site.

This report analyzes and addresses the potential traffic impacts of the proposed zone change as well as traffic impacts associated with the development of up to 95 apartment units. The purpose of this report is to provide both a short-term and long-term analysis that addresses the operation of the nearby transportation system in order to ensure safe and efficient performance.

Based on the location of the property and conversations with Mike Bisset with the City, the following intersection were identified for analysis of impacts related to the proposed zone change and subsequent development:

- Oregon Highway 18 at Cumulus Avenue (Salmon River Highway connection road)
- NE Cumulus Avenue at Cumulus Avenue (Salmon River Highway connection road)

All supporting data including traffic counts and detailed traffic analysis calculations are included in the appendix to this report.

Location Description

The subject property is identified as Tax Lot R442300900 and is located northeast of the intersection of NE Cumulus Avenue at NE Fircrest Drive. The 5.3-acre property is currently zoned *Agricultural Holding* (AH) by the City of McMinnville and is designated as Residential on the City's 2014 Comprehensive Plan Map. Due to environmental constraints on the property, only 3.8 acres of the property are identified as developable.

Vicinity Streets

Oregon Highway 18, also known as the Salmon River Highway, is under the jurisdiction of the Oregon Department of Transportation (ODOT) and is classified as a Statewide Expressway. The highway is a freight route and a federally designated truck route on the National Highway System. It has a five-lane cross section that includes a center two-way left-turn lane and has a speed limit of 55 mph. Curbs and sidewalks are not installed on either side of the facility in the vicinity of the site.

NE Cumulus Avenue is classified by the City of McMinnville as a Minor Collector and serves as a frontage road for homes and businesses located on the north side of Oregon Highway 18, including the Evergreen Air and Space Museums. It has a two-lane cross-section and has a posted speed limit of 35 mph. Curbs are installed on both sides of the roadway and sidewalks are installed on the north side west of the Salmon River Highway connection road. Bike lanes are provided on both sides of the roadway west of the Salmon River Highway connection road.

The Salmon River connection road spans approximately 370 feet between NE Cumulus Avenue to Oregon Highway 18. The roadway's cross-section is between three and four lanes to serve intersections on both ends. Curbs and sidewalks are installed on the western side of the roadway.

Study Intersections

The intersection of Oregon Highway 18 at Cumulus Avenue (Salmon River Highway connection road) is a four-legged intersection operating under the control of a traffic signal. The eastbound approach on Oregon Highway 18 has a dedicated left-turn lane served by protected phasing, a through lane, and a shared through/left-turn lane, while the westbound approach has a dedicated left-turn lane served by protected phasing, two through lanes, and a dedicated right-turn lane. The southbound approach at the intersection has a dedicated left-turn lane, a through lane, and a dedicated right-turn lane operating concurrently with the northbound single-lane approach. Crosswalks are provided along each leg of the intersection and are served by pedestrian pushbuttons and signals.

The intersection of NE Cumulus Avenue at the Salmon River Highway connection road is a three-legged intersection operating under all-way stop control. The eastbound and westbound approaches on NE Cumulus Avenue each have a single, shared lane serving all turning movements. The northbound approach has dedicated left- and right-turn lanes with the channelized right-turn lane operating under yield control. A crosswalk is provided along the western leg of the intersection.

Figure 1 on page four provides a vicinity map showing the existing lane configurations and traffic control devices at the study intersections.

Traffic Counts

Traffic movement counts were collected at each of the study intersections on Tuesday, June 6th, 2017, from 4:00 PM to 6:00 PM to capture the evening peak hour and on Wednesday, June 7th, 2017, from 7:00 AM to 9:00 AM to capture the morning peak hour. Data corresponding to a system peak hour from 7:25 AM to 8:25 AM for the morning peak and from 4:25 PM to 5:25 PM for the evening peak were used for analysis.

Figure 2 on page five shows the existing traffic volumes occurring at each of the study intersections for both the morning and evening peak hours.

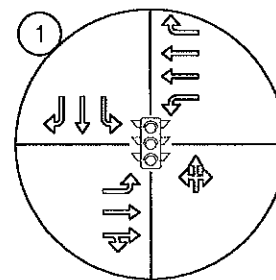
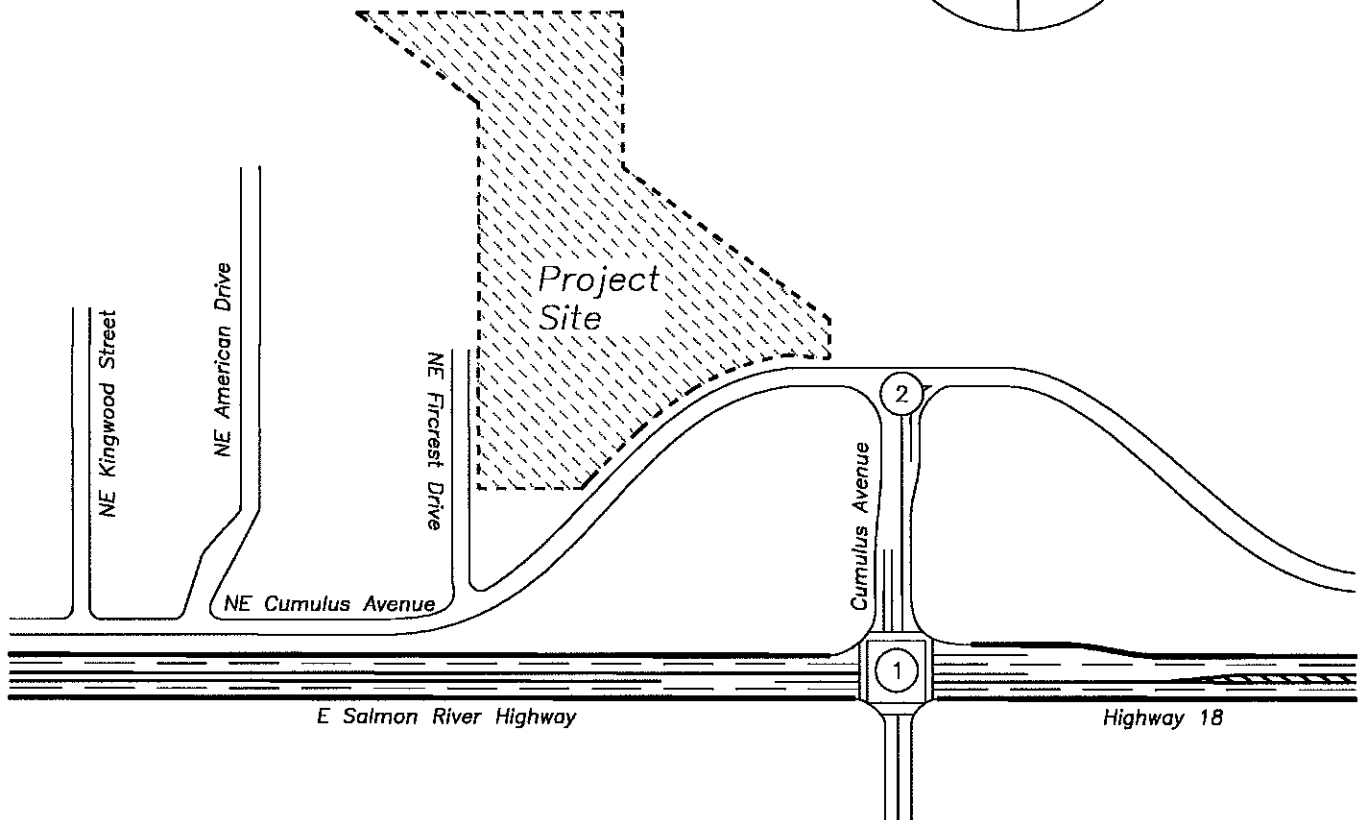
LEGEND

○ STUDY INTERSECTION

⏹ STOP SIGN

🚦 TRAFFIC SIGNAL

▨ PROJECT SITE



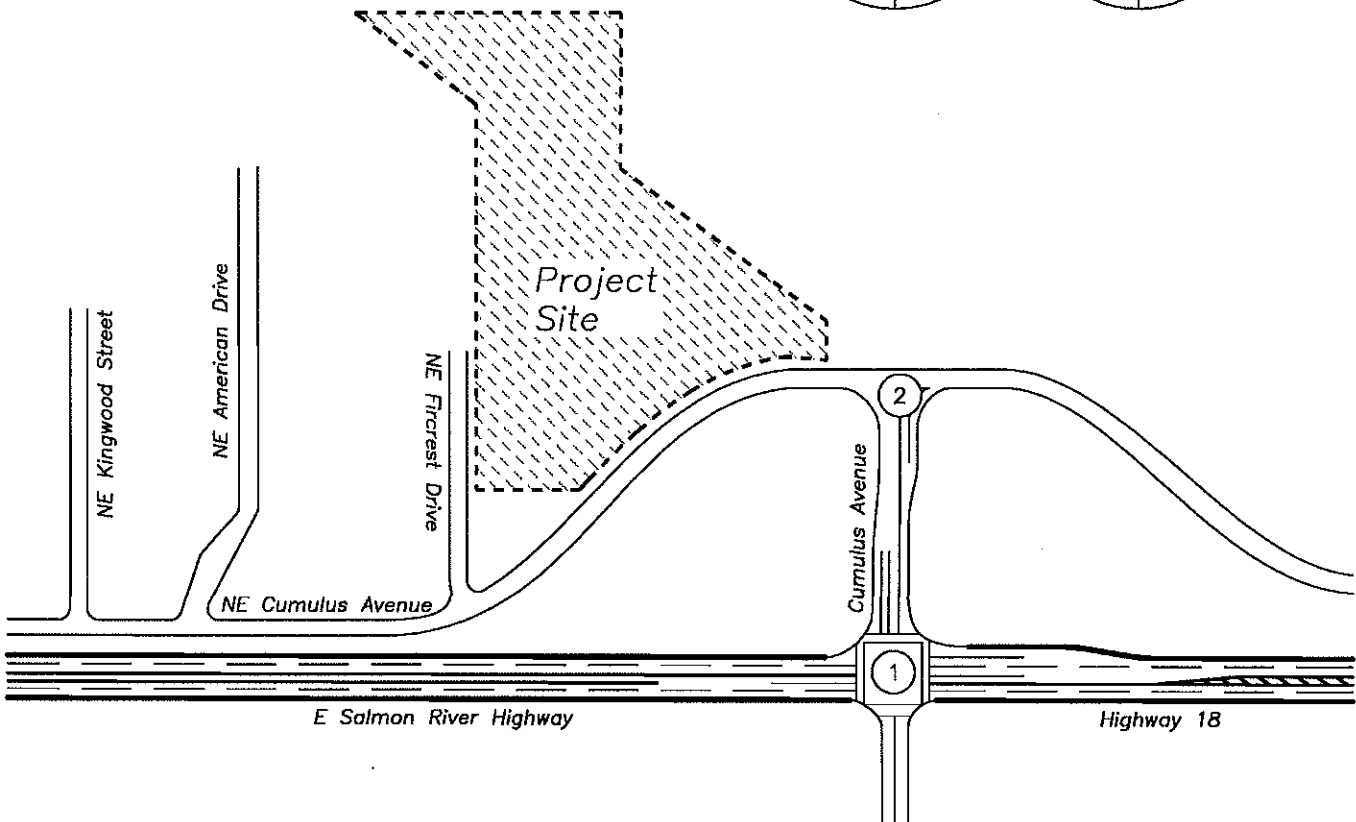
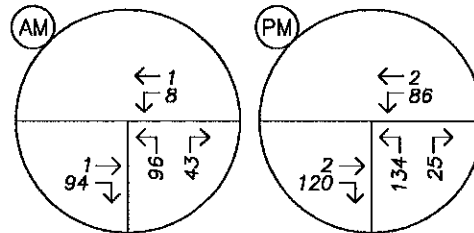
VICINITY MAP

no scale

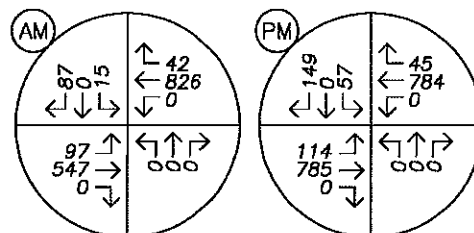
FIGURE 1

PAGE 4

INTERSECTION #2



INTERSECTION #1



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TRAFFIC VOLUMES
Existing Conditions
AM & PM Peak Hour



FIGURE
2

PAGE
5

1e

Site Trips

Trip Generation

A change in zoning designation from *Agricultural Holding* (AH) to *Multiple Family Residential* (R-4), in conformance with the City's Comprehensive Plan, is proposed for the 5.3-acre property. To evaluate the traffic impacts resulting from the proposed zone change, the reasonable worst-case development scenario for the existing and proposed zoning was evaluated. Under the current AH zoning, only one single-family dwelling would be permitted. The proposed zone change to R-4 would permit the property to accommodate residential uses at densities no less than 1,500 square feet per family. Based on the developable area of 3.8 acres, and assuming a 20 percent reduction to developable area for transportation and circulation facilities, the property could accommodate up to 95 apartment units.

To estimate the trip generation of the property, trip rates from the *TRIP GENERATION MANUAL*¹ were used. To project traffic for full build-out of the property under the proposed zoning, as well as the subsequent development of an apartment complex, data corresponding to land-use code 220, *Apartment*, was referenced based on the number of dwelling units.

The trip generation calculations show that the reasonable worst-case development scenario of 95 apartment units under the proposed R-4 zoning will generate 48 trips during the morning peak hour with 10 trips entering the site and 38 exiting. During the evening peak hour, the site is projected to generate 59 trips with 38 entering and 21 exiting the site. A total of 632 daily trips are projected with half entering and half exiting the site. Detailed trip generation calculations are included in the appendix to this report.

Trip Distribution

The subject property is located northeast of the intersection of NE Cumulus Avenue at NE Fircrest Drive. NE Cumulus Avenue does not provide any connections to areas outside the surrounding residential area and the Evergreen Air and Space Museum to the east. To reach employment and commercial destinations, people would need to use Oregon Highway 18 and travel to/from the west to the City of McMinnville or to/from the east towards Oregon Highway 99W and the cities of Newberg, Sherwood, and the Portland Metropolitan Area.

Based on the location of the property in addition to current travel trends, it is anticipated that majority of the trips associated with the property (70 percent) would arrive and depart in the direction of the City of McMinnville, with the remaining trips (30 percent) traveling to/from the east to other destinations.

Figure 3 on page seven provides the morning and evening peak hour trip assignment for both the reasonable worst-case development scenario and the subsequent development of up to 95 apartment units.

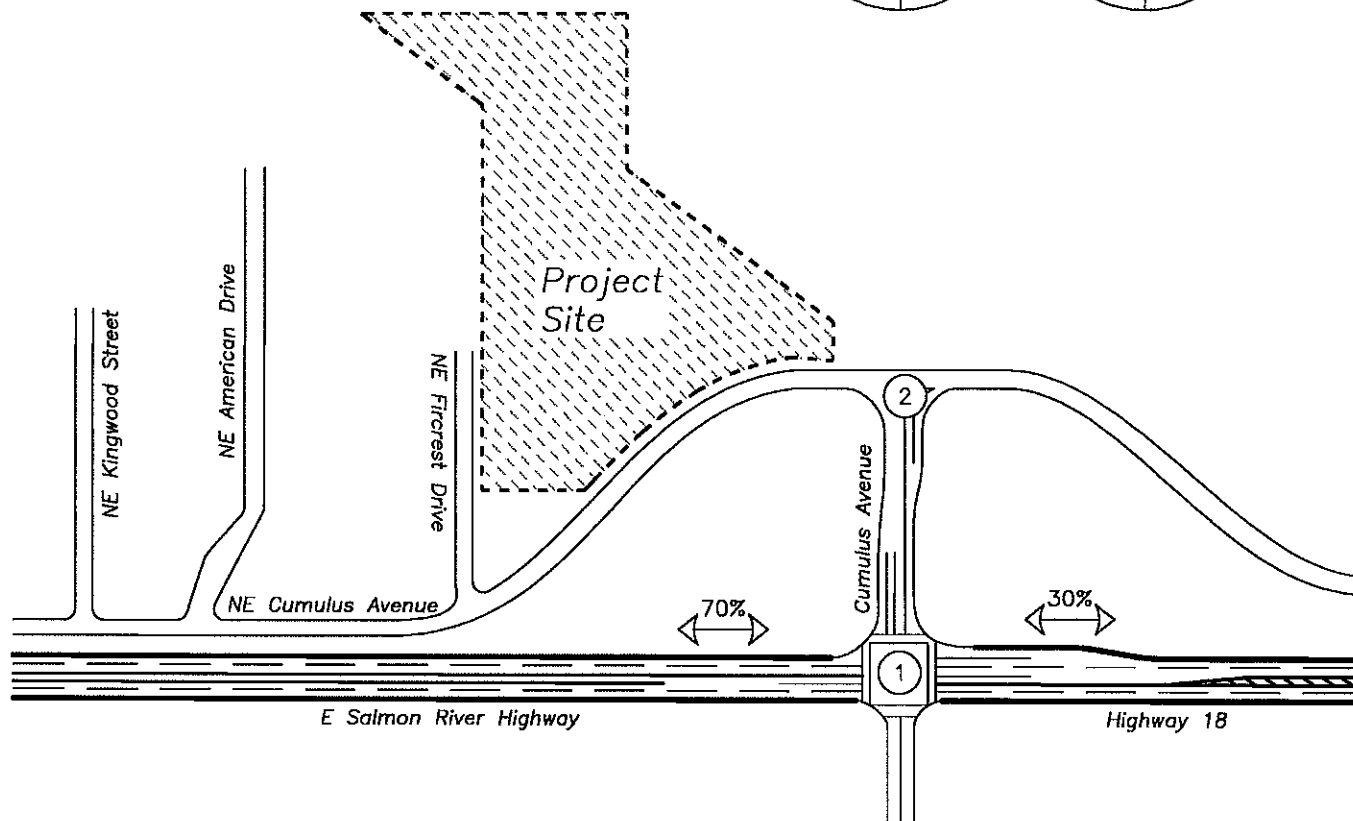
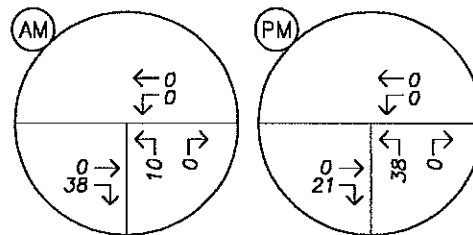
¹ Institute of Transportation Engineers (ITE), *TRIP GENERATION MANUAL 9th Edition*, 2012.

LEGEND

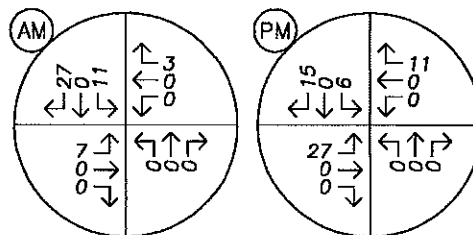
XX% PERCENT OF PROJECT TRIPS

TRIP GENERATION			
	IN	OUT	TOTAL
AM	10	38	48
PM	38	21	59

INTERSECTION #2



INTERSECTION #1



SITE TRIP DISTRIBUTION & ASSIGNMENT
Proposed Zone Change – Site Trips (R-4 Zoning)
AM & PM Peak Hours

no scale

FIGURE 3

PAGE 7

Safety Analysis

Crash Data Review

Using data obtained from the Oregon Department of Transportation's Crash Analysis and Reporting Unit, a review of crashes was performed using the most recent five years of crash data (January of 2011 to December of 2015) at available study intersections. The crash data and existing traffic counts were used to determine a crash rate for the study intersections with the common assumption that traffic counted during the evening peak hour represents ten percent of the average daily traffic (ADT) at the intersection. The crash rate was reported as the number of crashes per million entering vehicles (CMEV). Calculated intersection crash rates for each study intersection were compared against the average and 90th percentile crash rates for intersections with similar settings, approach configurations, and traffic control types in order to determine whether safety mitigation is necessary or appropriate.

The intersection of Oregon Highway 18 at Cumulus Avenue had eight reported crashes during the five-year analysis period. The crashes consisted of six rear-end collisions (including one involving a bicyclist) and two involving a turning maneuver. Of these, one crash resulted in a non-incapacitating injury (*Injury-B*), five resulted in possible injuries or complaints of pain (*Injury-C*), and two resulted in only property damage (*PDO*). The crash rate at the intersection was calculated to be 0.227 CMEV. The average crash rate for a rural four-legged intersection operating under signal control in Oregon was 0.324 CMEV with a 90th percentile crash rate of 0.579 CMEV.

No crashes were found to be reported at the intersection of NE Cumulus Avenue at the Salmon River Highway connection road during the analysis period.

Crash reports for the study intersections are included in the appendix to this report.

Warrant Analysis

Traffic signal warrants were examined for the intersection of NE Cumulus Avenue at the Salmon River Highway connection road to determine whether the installation of a new traffic signal will be warranted at any point through the planning horizon.

Low volumes are projected for both the minor and major street approaches at the intersection of NE Cumulus Avenue at the Salmon River Highway connection road. By examination, traffic signal warrants are not projected to be met under any of the analysis scenarios. No new installation of a traffic signal is recommended.

Operational Analysis

Background Traffic

To provide analysis of the impact of the proposed zone change in conformance with the Comprehensive Plan as well as the development of up to 95 apartment units, an estimate of future traffic volumes is required. In order to calculate the future volumes, a compounded growth rate of two percent per year was applied to the measured existing volumes on local streets to approximate future traffic volumes at the year 2037 planning horizon as well as year 2019 when the apartments are assumed to be constructed and occupied.

Future traffic volumes for through traffic on Oregon Highway 18 were projected in conformance with the requirements established in ODOT's Analysis Procedures Manual. This included the determination of the 30th-highest hour volumes based on seasonal trend variations of highways with commuter trends.

In addition to the seasonal adjustments, annual growth factors for the through traffic on Oregon Highway 18 were determined based on data from ODOT's Future Volumes Tables.

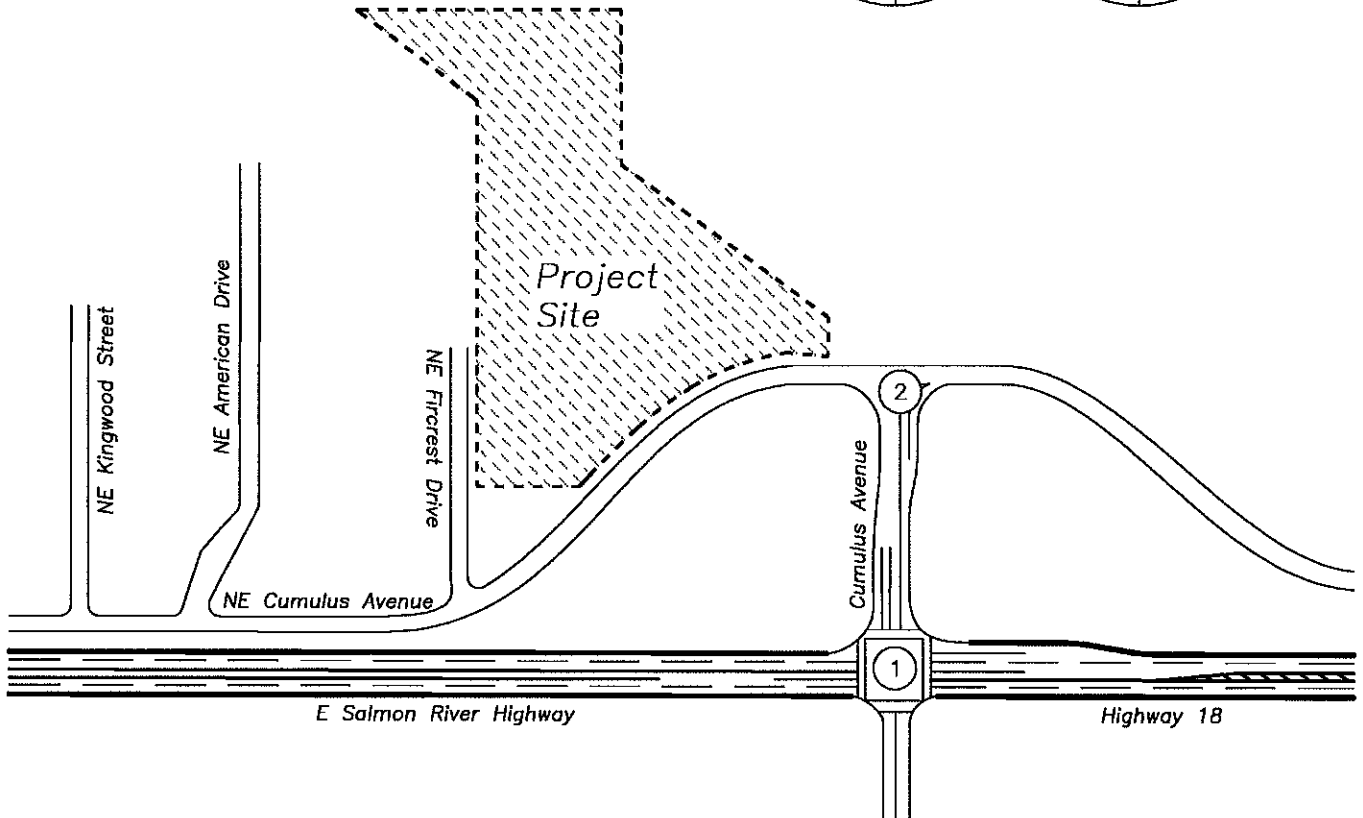
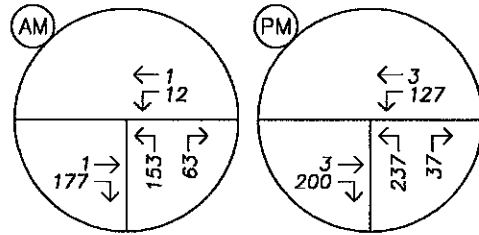
Background Plus Site Trip Volumes

Peak hour trips calculated to be generated by the assumed reasonable worst-case development scenario under the proposed R-4 zoning designation, as described earlier within the Site Trips section, were added to the calculated 2037 volumes to obtain the expected traffic conditions at the planning horizon with the proposed zone change.

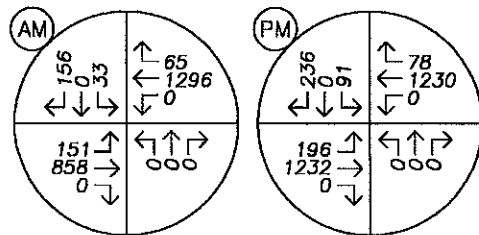
Additionally, site trips from the development of up to 95 apartments were added to year 2019 background volumes to obtain the expected traffic conditions with the completion and occupancy of the site.

Figure 4 on page 10 shows the projected year 2037 planning horizon volumes during the morning and evening peak hours with the proposed zone change on the subject property from AH to R-4. Figure 5 on page 11 shows year 2019 background volumes during both the morning and evening peak hours and Figure 6 on page 12 shows year 2019 background volumes with the addition of trips associated with the development of up to 95 apartment units.

INTERSECTION #2



INTERSECTION #1



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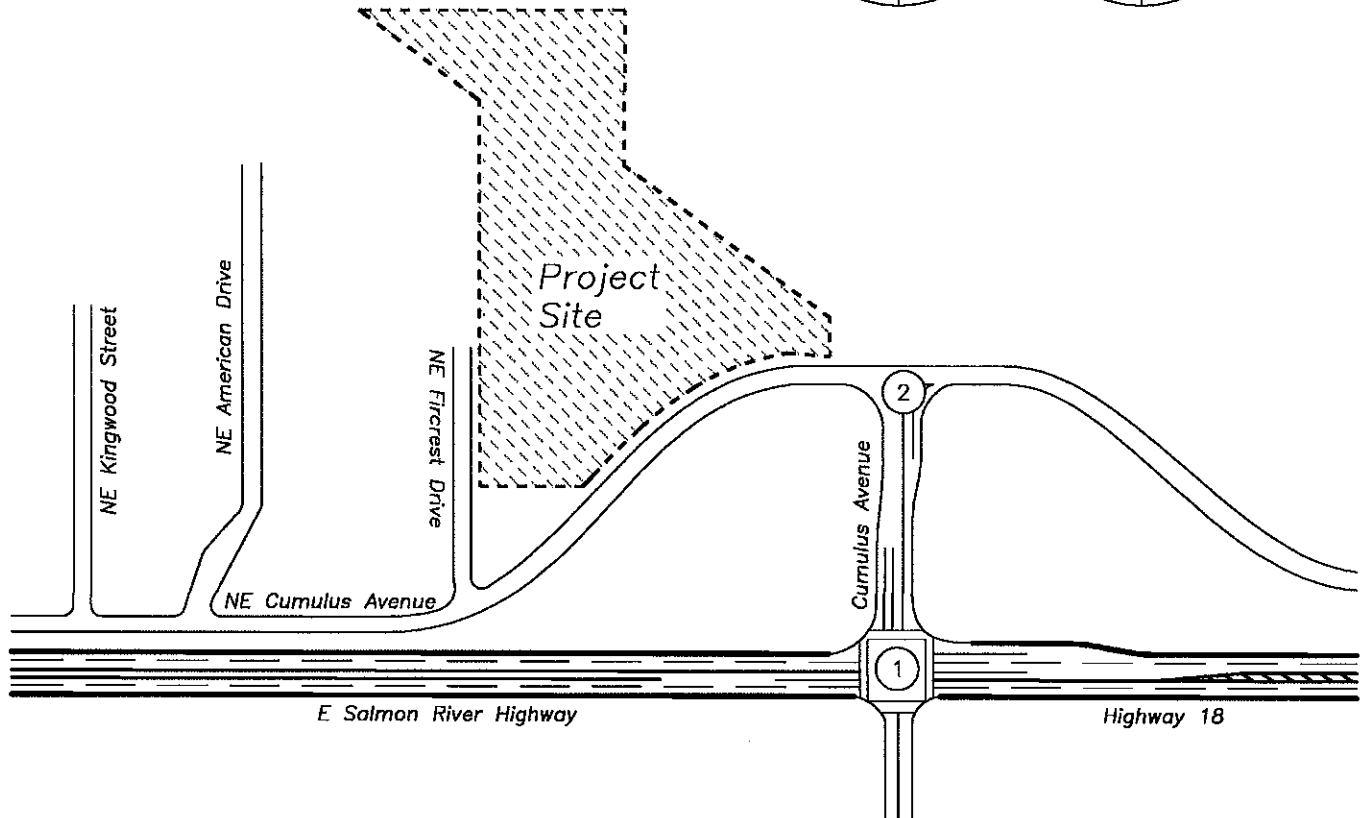
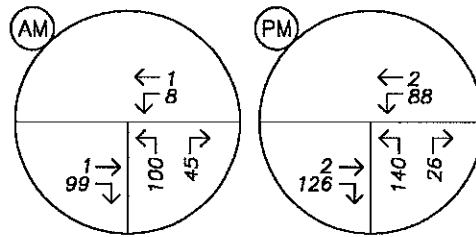
TRAFFIC VOLUMES
Year 2037 Planning Horizon w/ Proposed Zone Change
AM & PM Peak Hours



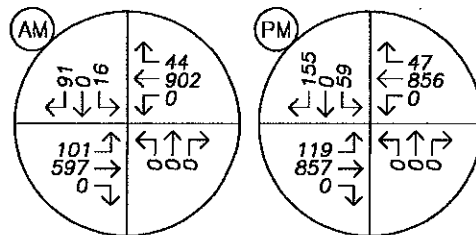
FIGURE
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INTERSECTION #2



INTERSECTION #1



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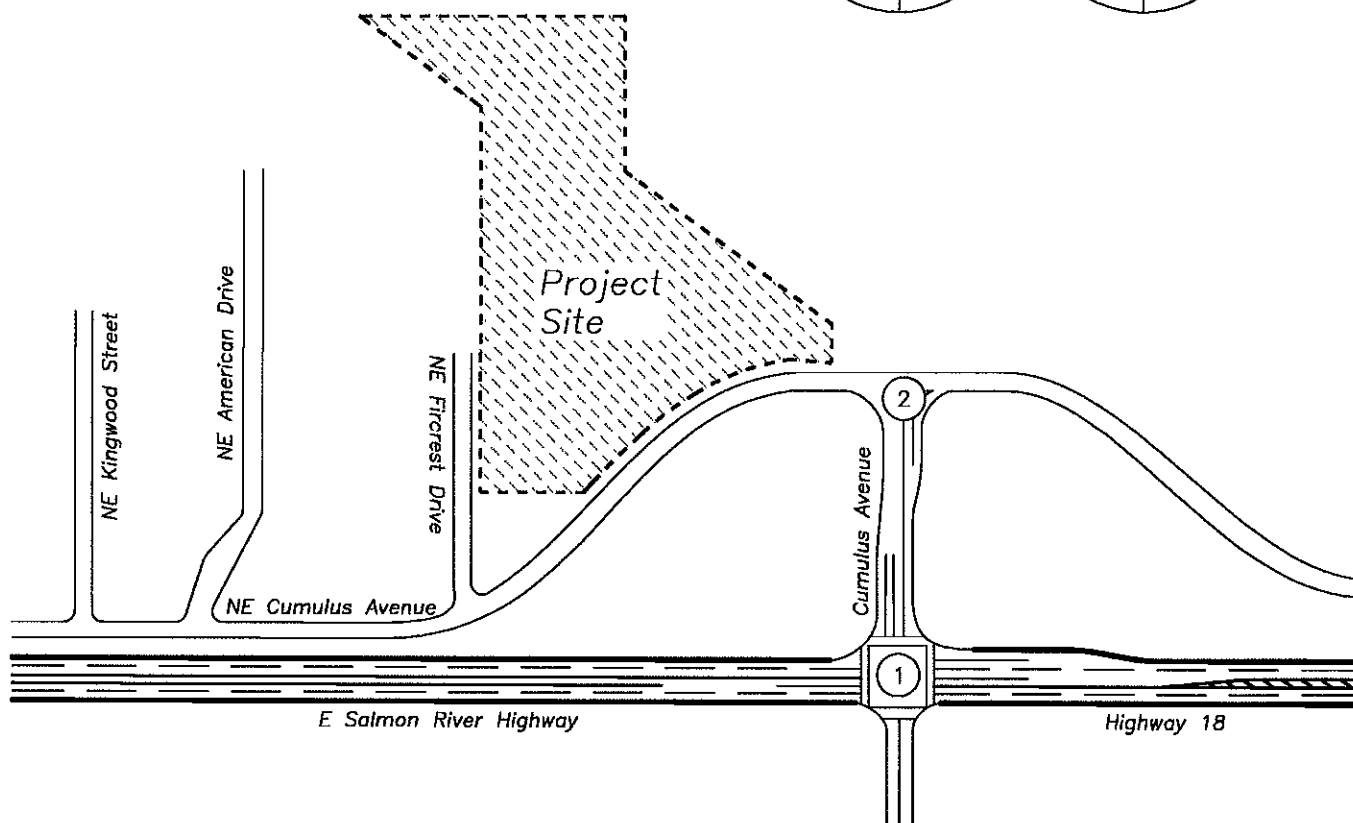
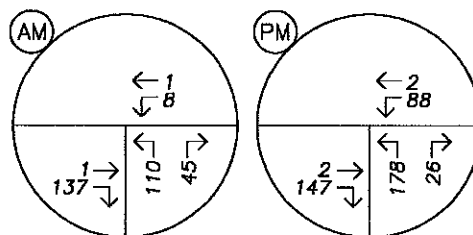
TRAFFIC VOLUMES
Year 2019 Background Conditions
AM & PM Peak Hours



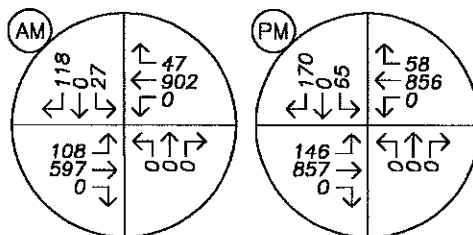
FIGURE
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PAGE
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INTERSECTION #2



INTERSECTION #1



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TRAFFIC VOLUMES
Year 2019 Background Conditions plus Site Trips
AM & PM Peak Hours



FIGURE
6

PAGE
12

Intersection Capacity Analysis

A capacity and delay analysis was conducted for each of the study intersections during the morning and evening peak hours under existing conditions and year 2037 planning horizon conditions with the reasonable worst-case development scenario for the proposed change in zoning from AH to R-4 on the subject property. Additional analysis was conducted for year 2019 to compare background volumes to projected volumes that would be expected with the development of up to 95 apartment units.

The analysis was conducted according to the signalized and unsignalized intersection analysis methodologies in the *Highway Capacity Manual* (HCM). To evaluate an intersection, it is generally graded based on the average delay experienced by vehicles and is assigned a level of service (LOS). The level of service of an intersection can range from LOS A, which indicates very little or no delay experienced by vehicles, to LOS F, which indicates a high degree of congestion and delay.

Both the City of McMinnville and the Oregon Department of Transportation evaluate intersection performance using volume-to-capacity (v/c) ratios instead of average vehicle delay and level of service. The v/c ratio compares the potential capacity to the actual (or demand) volumes to determine the portion of the intersection's capacity that is utilized. A v/c ratio of 1.0 would indicate the intersection is operating at capacity.

The intersection of Oregon Highway 18 at Cumulus Avenue (Salmon River Highway connection road) is within the City of McMinnville's urban growth boundary and is classified by ODOT as a Statewide Expressway with a posted speed limit greater than 45 mph. According to the 1999 Oregon Highway Plan, the intersection is required to operate with a v/c ratio of 0.80 or less.

The City of McMinnville requires intersections to operate with a v/c ratio of 0.90 or less.

The intersection of Oregon Highway 18 at Cumulus Avenue is currently operating at LOS A during the morning peak hour and LOS B during the evening peak hour with a v/c ratio of 0.54. Under the reasonable worst-case development scenario for the proposed zoning, the intersection would be projected to operate at LOS B with a v/c ratio of 0.79 or less during both peak periods under 2037 planning year conditions. The intersection is also projected to meet ODOT and City standards under year 2019 traffic conditions with the development of up to 95 apartment units.

The intersection of NE Cumulus Avenue at the Salmon River Highway connection road is currently operating at LOS A during both peak periods. The intersection is projected to operate at LOS B or better under all future year analysis scenarios.

The results of the capacity analysis, along with the levels of service, delay, and v/c ratios are shown in Table 1 on the following page. Detailed calculations, as well as tables showing the relationships between delay and level of service, are included in the appendix to this report.

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Table 1 - Intersection Capacity Analysis

Intersection	AM Peak Hour			PM Peak Hour		
	Delay (s)	LOS	v/c	Delay (s)	LOS	v/c
<i>OR Hwy 18 at Cumulus Ave</i>						
2017 Existing	10	A	0.54	11	B	0.54
2019 Background	10	B	0.58	11	B	0.57
2019 Site	11	B	0.59	12	B	0.58
2037 R-4 Zoning	15	B	0.79	16	B	0.77
<i>NE Cumulus Ave at Cumulus Ave</i>						
2017 Existing	8	A	--	9	A	--
2019 Background	8	A	--	9	A	--
2019 Site	9	A	--	9	A	--
2037 R-4 Zoning	10	A	--	11	B	--

Based on the detailed capacity analysis, each of the study intersections will be projected to operate within the performance standards set by ODOT and the City of McMinnville through the year 2037 with the addition of trips from the reasonable worst-case development scenario under the proposed zoning as well as the proposed development of up to 95 apartment units. No mitigations are necessary or recommended.

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Transportation Planning Rule

Oregon's Transportation Planning Rule (TPR) is contained in Section 660-012-0060 of the Oregon Administrative Rules. The TPR is in place to ensure that when an adopted plan or land use regulation is amended, provisions are made to ensure that the transportation system is capable of supporting any potential increase in trip intensity resulting from the amendment. The applicable portions of the TPR are quoted in italics below, with responses directly following.

660-012-0060 Plan and Land Use Regulation Amendments

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

Response:

The proposed change in zoning will not change any standards to the functional classification of existing or planned transportation facilities. Accordingly, this section is not triggered.

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

Response:

No changes are proposed to any standards implementing the functional classification system. Accordingly, this section is also not triggered.

- (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
- (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

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Response:

In the case of this report, subsections (A) and (B) are not triggered, since the proposed zone change will not impact or alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standards. Subsection (C) is also not triggered since each of the study intersections will meet applicable performance standards identified in the City of McMinnville's Transportation System Plan through the planning horizon.

Based on the detailed analysis, the proposed zone change of the subject property from *Agricultural Holding* (AH) to *Multiple Family Residential* (R-4) will not degrade the performance of any existing or planned transportation facility. Accordingly, the Transportation Planning Rule is satisfied.

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Conclusions

Full development under the proposed zoning of *Multiple Family Residential* (R-4) will not significantly affect existing or planned transportation facilities as defined under Oregon's Transportation Planning Rule.

The study intersections are projected to operate within the performance standards established by the Oregon Department of Transportation and the City of McMinnville, regardless of the zone change or additional trips from the development of up to 95 apartment units. No operational mitigations are recommended.

Traffic signal warrants were not projected to be met for the intersection of NE Cumulus Avenue at the Salmon River Highway connection road under any of the analysis scenarios.

A detailed analysis of the crash history at the study intersections shows no trends that are indicative of safety issues that need to be addressed. No safety mitigations are recommended.

Based on the detailed analysis, no mitigations are required or recommended for the proposed zone change from *Agricultural Holding* (AH) to *Multiple Family Residential* (R-4) or the subsequent development of up to 95 apartment units.

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Appendix

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PUBLIC HEARING NOTICE



NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 17th day of August, 2017, at the hour of 6:30 p.m. at the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

ZONE CHANGE FROM AH (Agricultural Holding) to R-4 (Multiple-Family Residential)

DOCKET NUMBER: ZC 11-17

Land Use Resources, LLC, is requesting approval of a zone change from AH (Agricultural Holding) to R-4 (Multiple-Family Residential) on approximately 5.2 acres of a 5.3 acre site. The subject site is located north of NE Cumulus Avenue and east of NE Fircrest Drive and is more specifically described as Tax Lot 900, Section 23, T. 4 S., R. 4 W., W.M.

The Planning Commission will conduct a hearing, take testimony and make a decision to recommend approval of the application to the McMinnville City Council or deny the application. Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission and City Council in making a decision.

The Planning Commission's recommendation on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The requirements of McMinnville Ordinance No. 3380 (the Zoning Ordinance) with particular emphasis on Section 17.03.020 (Purpose), Chapter 17.21 (R-4 Multiple-Family Residential Zone), Chapter 17.72 (Applications and Review Process), and Chapter 17.74 (Review Criteria).

17.74.020: Comprehensive Plan Map Amendment and Zone Change - Review Criteria.

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

- A. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.

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

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

The referenced zoning ordinance criteria is available for review in the Planning Department's portion of the city's website located at: www.mcminnvilleoregon.gov.

Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon, during working hours, and is available for review in the Planning Department's portion of the city's website located at: www.mcminnvilleoregon.gov.

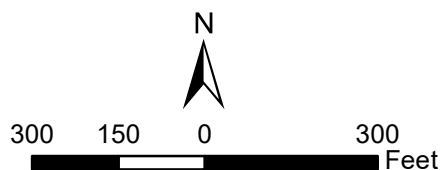
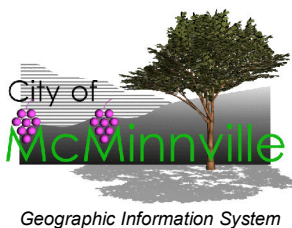
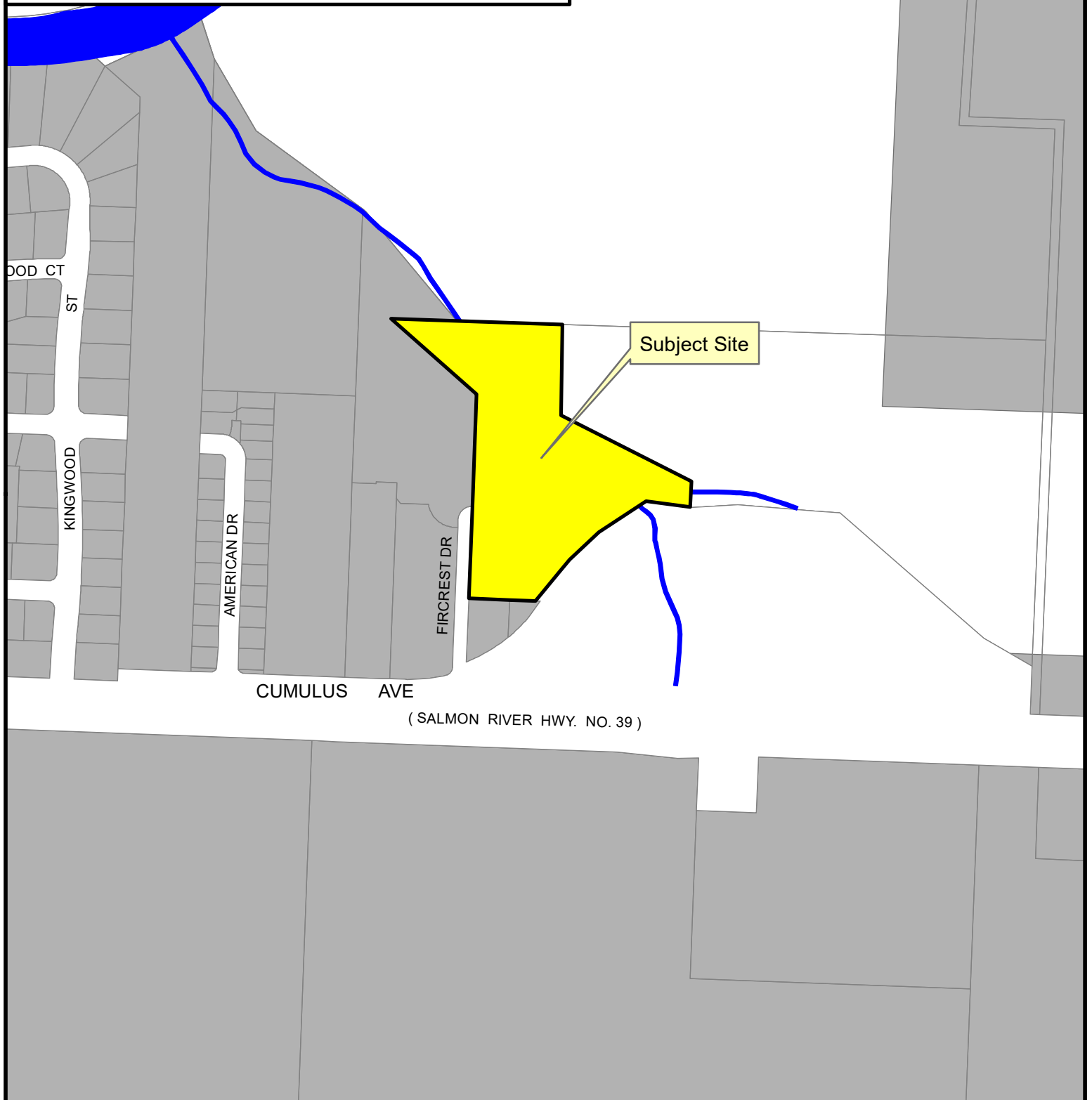
For additional information contact Ron Pomeroy, Principal Planner, at the above address, or phone (503) 434-7311.

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.


Heather Richards
Planning Director

(Map of area on back)

Vicinity Map



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

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4422DD00100	3121 NE CUMULUS AVE	HEALTH CARE	HEALTH CARE REIT INC	4500 DORR ST	TOLEDO OH	43615
2	R4422DD00101	3123 NE CUMULUS AVE	HEALTH CARE	HEALTH CARE REIT INC	4500 DORR ST	TOLEDO OH	43615
3	R4423 00800	3425 NE THREE MILE LN	FALLS AT	FALLS AT MICMINNVILLE THE LLC	9076 SOUTH 1300 WEST STE 301	WEST JORDAN UT	84088
5	R4423 01000	3255 NE CUMULUS AVE	WORLD FUEL SERVICES INC	ATTN TAX DEPT	9800 NW 41ST ST	MIAMI FL	33178
6	R4423 01100	3215 NE CUMULUS AVE	WITTROCK BONNIE	WITTROCK BONNIE L	13655 NW BERRY CREEK RD	MCMINNVILLE OR	97128
7	R4423 01200	101 NE FIRCREST DR	LINDELL STEPHEN	LINDELL STEPHEN &	735 NW ADAMS ST	MCMINNVILLE OR	97128
8	R4423 01201	213 NE FIRCREST DR	NHI-REIT OF	NHI-REIT OF OREGON LLC	222 ROBERT ROSE DR	MURFREESBORO TN	37129
9	R4423 01203	219 NE FIRCREST DR	NHI-REIT OF	NHI-REIT OF OREGON LLC	222 ROBERT ROSE DR	MURFREESBORO TN	37129
10	R4423 01300	460 NE CAPTAIN MICHAEL KING SMITH WAY	FALLS AT	FALLS AT MICMINNVILLE THE LLC	9076 SOUTH 1300 WEST STE 301	WEST JORDAN UT	84088
Applicant			DENNY ELMER	LAND USE RESOURCES LLC	PO BOX 237	MCMINNVILLE OR	97128
Owner	R4423 00900	n/a	FREDRICKS MOTOR	FREDRICKS MOTOR CO INC	14237 SW MCKINLEY DR	SHERWOOD OR	97140
	R4423 90006	300 NE Fircrest Pl	Ted Denton	Jeannie Denton	300 NE Fircrest Pl	McMinnville OR	97128
	R4423 90005	305 NE Fircrest Pl	Perry Goodrum	Gioia Danesi-Goodrum	305 NE Fircrest Pl	McMinnville OR	97128
	R4423 90004	311 NE Fircrest Pl	Benton Gordon	Gordon Family Trust	311 NE Fircrest Pl	McMinnville OR	97128
	R4423 90007	318 NE Fircrest Pl	Marianne Barker	Janice Gray	318 NE Fircrest Pl	McMinnville OR	97128
	R4423 90003	323 NE Fircrest Pl	Lorna Gosson		323 NE Fircrest Pl	McMinnville OR	97128
	R4423 90008	330 NE Fircrest Pl	Lawrence Bennett		330 NE Fircrest Pl	McMinnville OR	97128
	R4423 90002	335 NE Fircrest Pl	Michael O'Brien	Frances O'Brien	335 NE Fircrest Pl	McMinnville OR	97128
	R4423 90001	347 NE Fircrest Pl	Victoria Wilbanks		347 NE Fircrest Pl	McMinnville OR	97128
	R4423 90009	352 NE Fircrest Pl	Roger Duchemin	Lucy Duchemin	352 NE Fircrest Pl	McMinnville OR	97128
	R4423 90015	359 NE Fircrest Pl	Wayne Elliot	Ella Elliot	359 NE Fircrest Pl	McMinnville OR	97128
	R4423 90014	371 NE Fircrest Pl	Thomas Wollam	Linda Wollam	371 NE Fircrest Pl	McMinnville OR	97128
	R4423 90010	378 NE Fircrest Pl	Tom Murtiashaw	Kathy Murtiashaw	378 NE Fircrest Pl	McMinnville OR	97128
	R4423 90013	383 NE Fircrest Pl	Ellen Ewing		383 NE Fircrest Pl	McMinnville OR	97128
	R4423 90012	395 NE Fircrest Pl	Laverne Rickard		395 NE Fircrest Pl	McMinnville OR	97128
	R4423 90011	396 NE Fircrest Pl	Darrell Vittone	Vittone Family Trust	19492 SW TV Tower Rd	Sheridan OR	97378
	R4423 90020	406 NE Fircrest Pl	Donald Yeaman	Yeaman Living Trust	406 NE Fircrest Pl	McMinnville OR	97128

Date Sent7/28/17

Sent BySJS

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
	R4423 90016	411 NE Fircrest Pl	Gregory Werner		16236 W Scarlet Canyon Dr	Surprise AZ	85374
	R4423 90021	412 NE Fircrest Pl	Virginia Hepburn	Virginian Hepburn Family Trust	412 NE Fircrest Pl	McMinnville OR	97128
	R4423 90022	424 NE Fircrest Pl	Thomas Wolf	Jayne Wolf	424 NE Fircrest Pl	McMinnville OR	97128
	R4423 90017	431 NE Fircrest Pl	Gloria Carter	Gloria Carter Living Trust	431 NE Fircrest Pl	McMinnville OR	97128
	R4423 90023	436 NE Fircrest Pl	Anne Chapman	Anne Chapman Revocable Trust	436 NE Fircrest Pl	McMinnville OR	97128
	R4423 90024	448 NE Fircrest Pl	Partricia Parker	Pamela Magines	448 NE Fircrest Pl	McMinnville OR	97128
	R4423 90025	460 NE Fircrest Pl	Robert Allen	Vicki Allen	460 NE Fircrest Pl	McMinnville OR	97128
	R4423 90026	468 NE Fircrest Pl	Michael Cowan		468 NE Fircrest Pl	McMinnville OR	97128
	R4423 90027	478 NE Fircrest Pl	John Baker	Kristine Baker	478 NE Fircrest Pl	McMinnville OR	97128
	R4423 90028	488 NE Fircrest Pl	Gwen Johnston		488 NE Fircrest Pl	McMinnville OR	97128
	R4423 90029	498 NE Fircrest Pl	Leroy Eggers	Eggers Living Trust	498 NE Fircrest Pl	McMinnville OR	97128

Date Sent 7/28/17
Sent By SA



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

www.mcminnvilleoregon.gov

EXHIBIT 4 - STAFF REPORT

DATE: August 17 2017
TO: Planning Commissioners
FROM: Chuck Darnell, Associate Planner
SUBJECT: CU 4-17 – 1045 SE Brooks Street

Report in Brief:

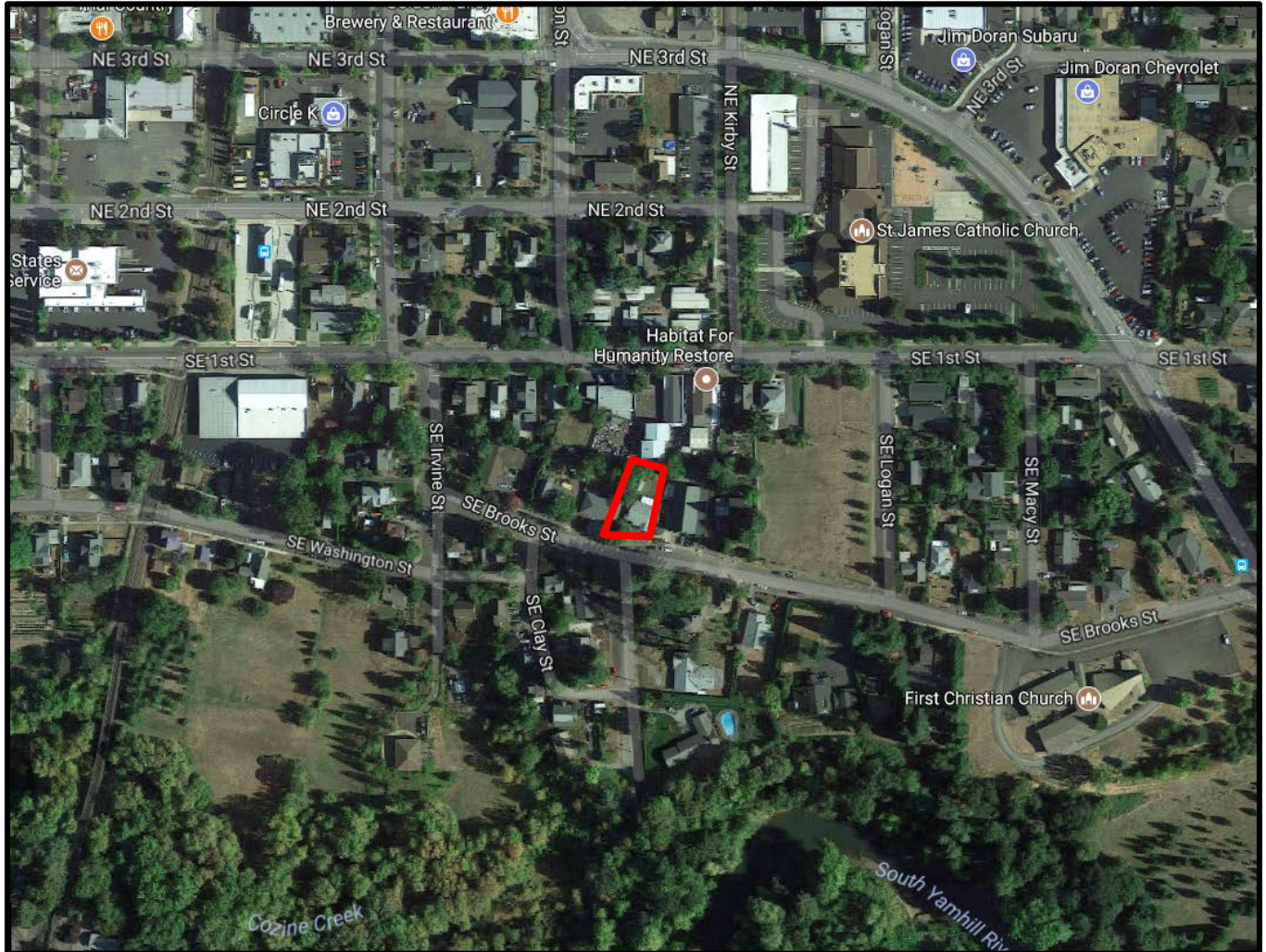
This is a public hearing to consider an application for a conditional use permit to allow for the expansion of the existing McMinnville Montessori School (MMS) campus. The school has purchased the property next to the existing MMS building, and intends to renovate the existing building on the property to operate as the elementary school classroom. The existing MMS building would continue to operate as school classrooms and facilities. The rear of the existing school and the new property would be combined to operate as one open play yard in the backyard areas. The property is located at 1045 SE Brooks Street, and is more specifically described as Tax Lot 1202, Section 21CA, T. 4 S., R. 4 W., W.M.

Background:

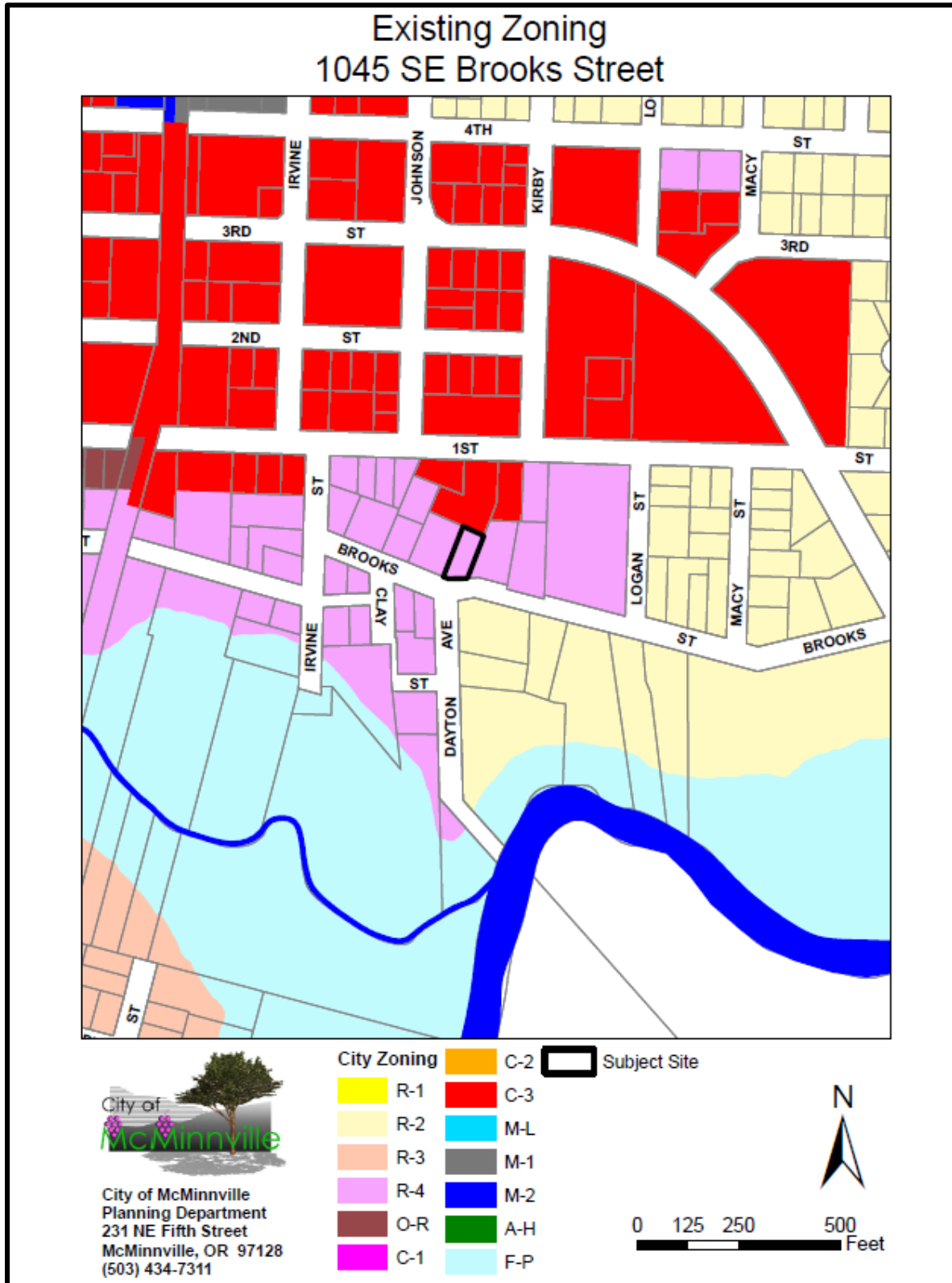
The subject site is an existing residential property with a single family dwelling on the property. The site is located immediately adjacent to the existing McMinnville Montessori School (MMS) building at 1101 SE Brooks Street. The site is located on SE Brooks Street between Irving Street and Logan Street, and south of 1st Street.

The subject site is zoned R-4 (Multiple-Family Residential) and is designated on the comprehensive plan map as Residential.

Properties immediately adjacent to the subject site to the west and east are also zoned R-4 (Multiple-Family Residential). Properties further east along Brooks Street are zoned R-2 (Single Family Residential). Immediately to the north of the subject site is a C-3 PD (General Commercial Planned Development) zoned property that is the site of the Habitat for Humanity Restore business and offices. A visual of the subject site and reference maps showing the zoning designations of the subject site and the surrounding properties are provided below:

Site Reference Map

Existing Zoning



Discussion:

The McMinnville Montessori School (MMS) purchased the subject site, which is immediately adjacent to the existing MMS building at 1101 SE Brooks Street. The MMS is proposing to convert the existing structure on the subject site from a single family dwelling to an elementary school classroom and associated facilities. The MMS will continue to operate out of the existing building, with the primary school classroom in the existing building. The elementary school classroom would be relocated to the renovated building on the subject site at 1045 SE Brooks Street. Per Section 17.21.020(M) of the McMinnville Zoning Ordinance, a school (private or public) in the R4 zone is a conditional land use and needs a conditional use permit to operate.

The Planning Commission's responsibility regarding this type of land use request is to conduct a public hearing and, at its conclusion, render a decision to approve, approve with conditions, or deny the conditional use request. The Planning Commission should rely upon the criteria of Section 17.74.030, "Authorization to Grant or Deny Conditional Use" of the McMinnville Zoning Ordinance to review the proposal and render a decision.

Evaluation of Review Criteria:

The potential impacts of a proposed conditional use on the abutting properties and surrounding neighborhood should be minimized through the design, location, and operating characteristics of the proposed development. In order to ensure that the proposed use and development is appropriate and has minimal impacts on the surrounding neighborhood, the Planning Commission must find that the following criteria are being met:

Section 17.74.030:

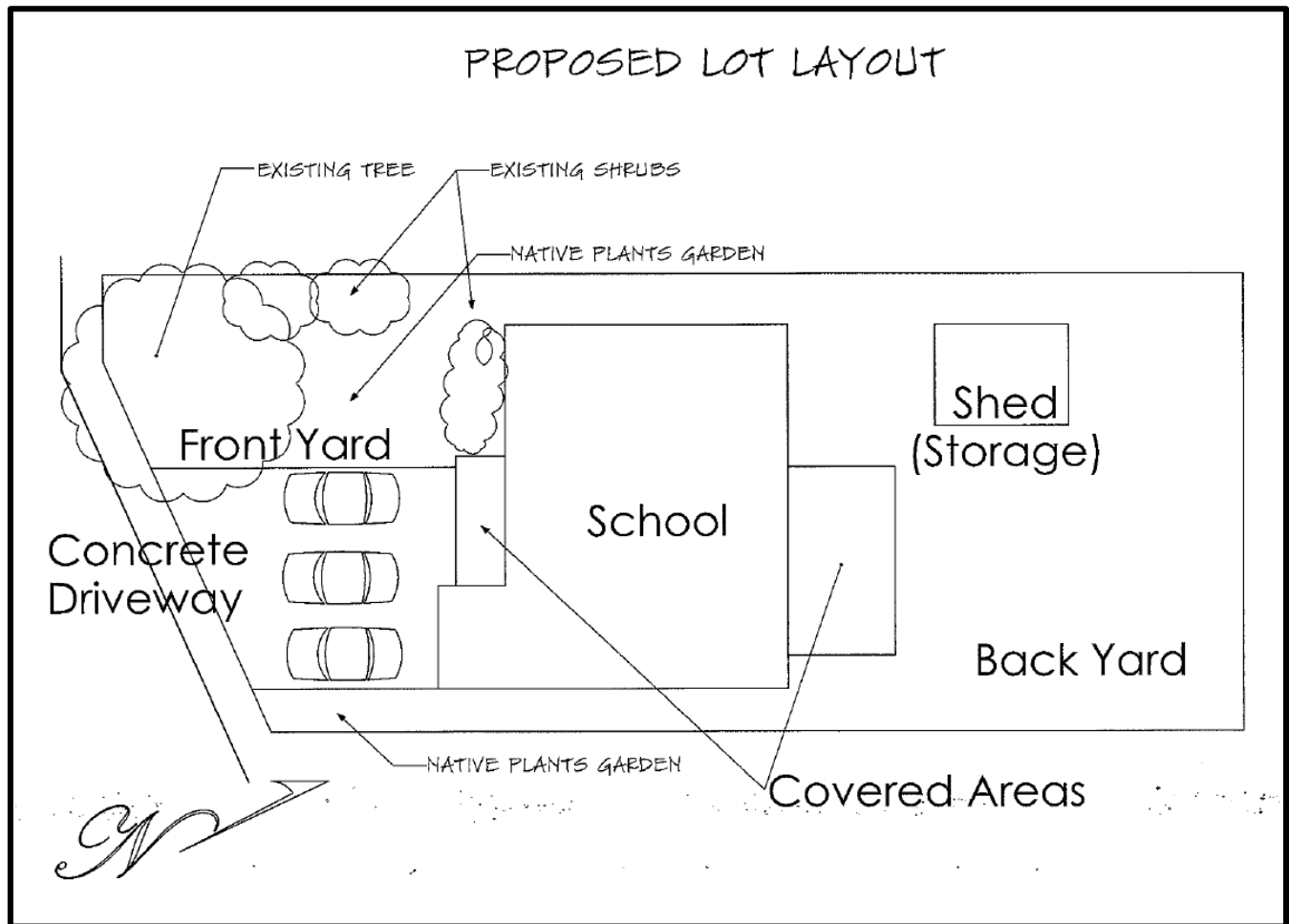
- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;

Comprehensive Plan Policies: A number of Comprehensive Plan goals and policies relate to the proposed development. In particular, Comprehensive Plan Chapter III (Cultural, Historical, and Educational Resources) includes goals and policies applicable to this request. One of the more applicable goals, which is also identified and explained in greater detail in the Findings of Fact in the attached Decision Document, states that the City should provide cultural and social services and facilities commensurate with the needs of the City's expanding population. A policy to support this goal is that the City shall allow future community center type facilities, both public and private, to locate in appropriate areas based on impacts on the surrounding land uses and community. The applicant has stated that the MMS has a continually long wait list for community members that wish to enroll their children in the Montessori School. The expansion will allow the school to increase overall enrollment, therefore providing educational resources and facilities that are in need to McMinnville's expanding population.

Zoning District Requirements: The property in question is zoned R-4 (Multiple-Family Residential). The proposed use as a private school is allowed as a conditional use in the R-4 zone

The applicant is proposing to retain the existing single family home that is located on the subject property, but will renovate the interior to allow for the structure to operate as the elementary school classroom. The exterior of the existing structure will not change structurally and no additions are proposed. The existing structure meets all required setbacks for the R-4 zone.

The proposed site plan is provided below:



Parking and Off-Street Loading Requirements: Parking on the site will be located south of the existing building, and the applicant is proposing to utilize the existing concrete driveway for parking space. The driveway will be expanded to provide adequate parking space for three (3) vehicles. The McMinnville Zoning Ordinance requires that elementary schools provide one (1) parking space per classroom plus one (1) parking space per administrative employee. The proposed use of the existing building will be one (1) elementary classroom, and the applicant has stated that up to two (2) employees may work in the classroom at a time. Therefore, the three (3) parking spaces provided meets the minimum number of required parking spaces.

Section 17.74.030:

- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;

Harmony in Scale, Bulk, Coverage, and Density: The subject site is located within an area of the city that is predominately residential uses. However, other uses exist in the immediate vicinity of the subject site, including a commercial use immediately north and two churches within a quarter mile of the site. Also, the subject site is located immediately adjacent to the McMinnville Montessori School's (MMS) existing building. This existing MMS building has been operating in its current location for approximately 20 years, and has not caused any impacts on the livability or appropriate development of abutting properties or the

surrounding neighborhood. The Planning Department has never received any complaint on the existing MMS operations in their existing building.

Operating Characteristics: The operating characteristics of the proposed expansion will be consistent with the existing MMS building. Students will be dropped off by parents in the morning and picked up again in the afternoon, and the regular schedule during the school year is from 8:30 AM to 3:00 PM. The applicant has described that traffic impacts are very minimal, as parents are advised to pull up to the property at scheduled times for pick-up, and a staff person then helps the student out to their parents' car. This reduces parking needs on site. The scheduled and coordinated pick-up and drop-off times also distributes the traffic that usually occurs during pick-up and drop-off over a longer period of time, which ensures that the streets in the surrounding area are not overwhelmed. Therefore, the operations of the expanded assisted living facility will not negatively impact the surrounding neighborhood.

The applicant is not proposing to make any significant exterior alteration to the existing building on the subject site. Their goal is to maintain the general exterior appearance of the structure as a single family home to better blend in and be more compatible with the surrounding neighborhood. The existing structure, which the MMS recently acquired, has been in a state of disrepair. As part of the overall renovations, the MMS intends to improve the appearance of the structure and therefore enhance the overall quality of the built environment in the neighborhood.

Photos of the existing building on the subject site and its relationship to the existing MMS building are provided below:





Based on the descriptions above, staff believes that the expansion will be compatible with the surrounding neighborhood and will not impact the livability or appropriate development of abutting properties.

Availability of Public Facilities and Utilities: Adequate public facilities serve the existing site, including water, sewer, and streets. The Engineering Department has reviewed the plans and has no concerns with the ability for public facilities to serve the site.

Traffic, Circulation, and Parking: As described above, the existing driveway will be expanded in order to provide the required number of parking spaces on site. The MMS practice of scheduled and coordinated pick-up and drop-off times will ensure that traffic and circulation around the site is not overly impactful on the surrounding street network. The Engineering Department reviewed the plans, and does not have any concerns with traffic from the expansion of the MMS properties.

Section 17.74.030:

- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;

The type of development proposed is consistent with the development pattern of the surrounding area. Other school and church uses exist within a quarter mile of the subject site. Also, the structure to be used for the elementary school classroom will retain the exterior appearance of a single family home. The applicant intends to improve the structure on the site, which will upgrade the structure from its current state of disrepair and should have a positive impact on the value and livability of the surrounding area. Also, a permitted use in the R-4 (Multiple Family Residential) zone is a day care facility for up to twelve (12) people, and the applicant is arguing that the proposed use as a school is not much more impactful than the permitted use of a day care facility.

Section 17.74.030:

- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;

The site and the proposed building will be designed in such a way as to blend in with the surrounding area. As stated above, the applicant intends to renovate the interior of the existing building to operate as a classroom, but retain the appearance on the exterior of the building as a single family dwelling. The applicant will be removing the garage door and adding another door on the east side of the building, but the primary building elements and structure of the building will remain unchanged. The new door on the east side of the building will be the main entry into the building, with a small lobby inside. The new door and main entry will face the existing MMS building on the adjacent property, which will create a common entry area to both buildings. The existing building has a concrete pedestrian walkway from the street and sidewalk to the main entry. While it is not shown on the site plan, the applicant does intend to construct a similar walkway to the new main entry on the new MMS building. Staff is recommending a condition of approval to require that this pedestrian walkway be shown on the building permit plans for the renovation of the existing building.

The existing site does contain some landscape material, with a lawn, two (2) trees, and some shrubs that exist in the front yard. There are some taller shrubs that exist between the existing MMS building and the subject site. Also, the MMS has begun to maintain a native garden in the front and side yard of the existing MMS property. The applicant intends to expand the native garden onto the new MMS building's property. In the back yard of the subject site, a larger open green area exists that will serve as outdoor play space for students.

The McMinnville Zoning Ordinance does require that landscaping be provided on all R-4 (Multiple Family Residential) zoned properties that are not used as single family or two-family dwellings. Therefore, staff is recommending a condition of approval to require that a landscape plan be submitted for the site for review and approval by the Landscape Review Committee. The existing landscaping on the site can be identified on the landscape plan, and retained if healthy. The proposed native garden and open play space in the rear yard would all count towards overall landscaped space.

Section 17.74.030:

- E. The proposal will preserve environmental assets of particular interest to the community;

The subject site does not contain any significant environmental assets that would be of any particular interest to the community. The site has been developed as a single family home, is flat, and does not contain any significant trees or other natural features. Therefore, the proposed conditional use satisfies this review criteria.

Section 17.74.030:

- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

The applicant intends to renovate the existing building and site as proposed, and has the intent and capability to develop and use the land as proposed. The applicant has purchased and now has full control of the property in question. Also, the applicant has successfully operated the existing McMinnville Montessori School for approximately 20 years on the property immediately adjacent to the subject site, and has a long wait list of prospective students. The demand for this type of educational facility in the City of McMinnville is evident and the applicant believes the expansion will allow them to continue to meet this community need.

Fiscal Impact:

None.

Commission Options:

- 1) Close the public hearing and **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

The Planning Department recommends approval of CU 4-17, subject to the following conditions:

1. That the applicant shall include, in the building permit construction plan set, plans for a pedestrian walkway from the existing public sidewalk and private parking spaces to the proposed main entry on the east side of the building.
2. That prior to the release of building permits for the proposed renovations, the applicant shall submit a landscape plan for the site for review and approval by the McMinnville Landscape Review Committee. All landscaping, as approved by the Landscape Review Committee, shall be installed prior to occupancy of the building. Alternatively, a landscape bond for 120-percent of the landscaping cost of the uninstalled portion shall be placed on deposit with the City prior to occupancy.
3. That this conditional use permit approval shall be terminated if the proposed improvements do not commence within one year of the effective date of this approval, or if the use once commenced lapses for any single period of time that exceeds one year in duration.

The Planning Department recommends that the Commission make the following motion approving of CU 4-17:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES CU 4-17 SUBJECT TO THE STAFF RECOMMENDED CONDITIONS OF APPROVAL.

CD:sjs



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

503-434-7311
www.mcminnvilleoregon.gov

**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS
FOR THE APPROVAL OF A CONDITIONAL USE PERMIT FOR AN EXPANSION OF THE
McMINNVILLE MONTESSORI SCHOOL AT 1045 SE BROOKS STREET.**

DOCKET: CU 4-17 (Conditional Use)

REQUEST: The applicant is requesting a conditional use permit to allow for the expansion of the existing McMinnville Montessori School (MMS) campus. The school has purchased the property next to the existing MMS building, and intends to renovate the existing building on the property to operate as the elementary school classroom. The existing MMS building would continue to operate as school classrooms and facilities. The rear of the existing school and the new property would be combined to operate as one open play yard in the backyard areas.

LOCATION: The property is located at 1045 SE Brooks Street, and is more specifically described as Tax Lot 1202, Section 21CA, T. 4 S., R. 4 W., W.M.

ZONING: The subject site's current zoning is R-4 (Multiple-Family Residential).

APPLICANT: McMinnville Montessori School

STAFF: Chuck Darnell, Associate Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: August 17, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; Northwest Natural Gas; and Recology. Their comments are provided in this decision document.

DECISION

Based on the findings and conclusions, the Planning Commission **APPROVES** the conditional use permit (CU 4-17) **subject to the conditions of approval provided in this document.**

DECISION: APPROVAL WITH CONDITIONS

Planning Commission: _____
 Roger Hall, Chair of the McMinnville Planning Commission

Date: _____

Planning Department: _____
Heather Richards, Planning Director

Date: _____

Application Summary:

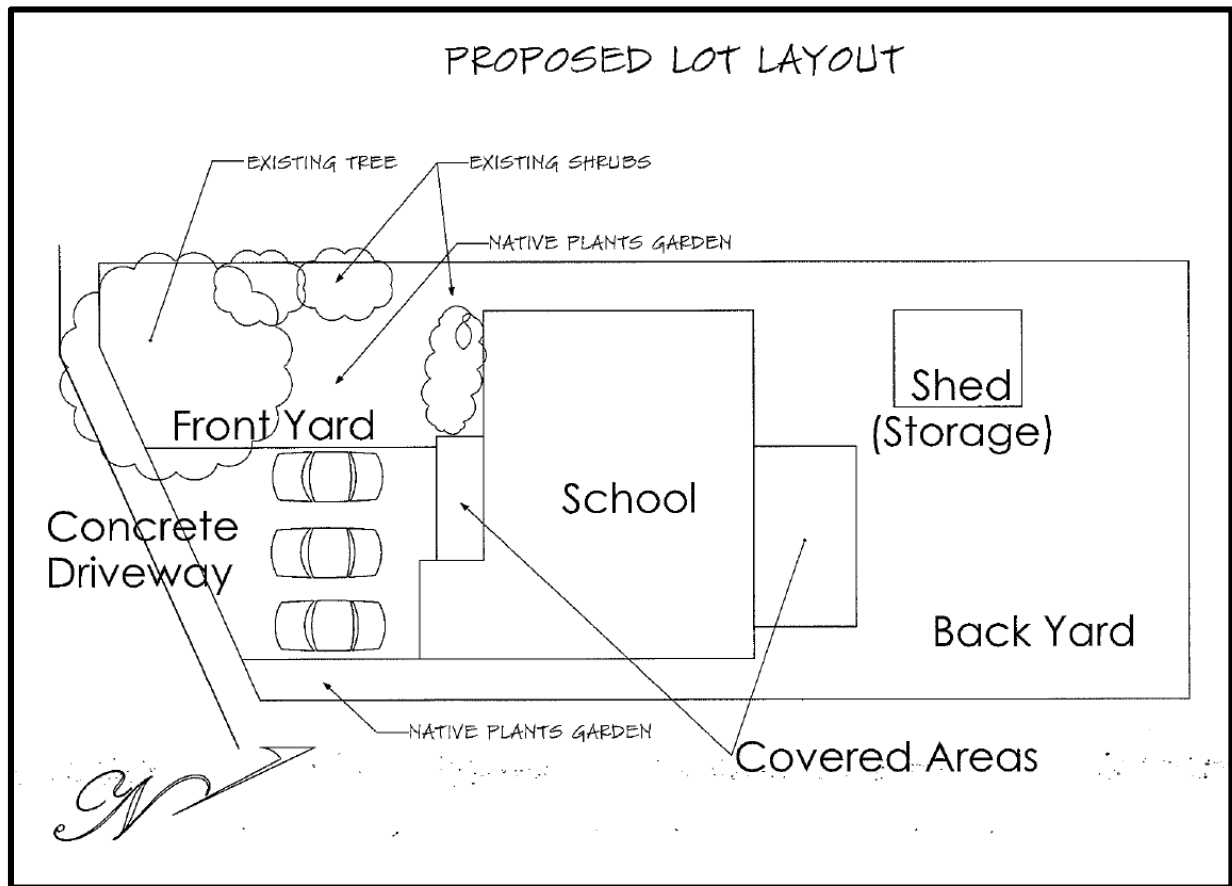
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A map of the subject site, the proposed site plan, and photos of the existing structure are provided below:

Site Reference Map



Proposed Site Plan



Existing Structure



CONDITIONS OF APPROVAL

The following conditions of approval shall be required:

CU 4-17 is **approved** subject to the following conditions:

1. That the applicant shall include, in the building permit construction plan set, plans for a pedestrian walkway from the existing public sidewalk and private parking spaces to the proposed main entry on the east side of the building.
2. That prior to the release of building permits for the proposed renovations, the applicant shall submit a landscape plan for the site for review and approval by the McMinnville Landscape Review Committee. All landscaping, as approved by the Landscape Review Committee, shall be installed prior to occupancy of the building. Alternatively, a landscape bond for 120-percent of the landscaping cost of the uninstalled portion shall be placed on deposit with the City prior to occupancy.
3. That this conditional use permit approval shall be terminated if the proposed improvements do not commence within one year of the effective date of this approval, or if the use once commenced lapses for any single period of time that exceeds one year in duration.

ATTACHMENTS

1. CU 4-17 Application and Attachments
2. Planning Commission Staff Report, August 17, 2017

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, and Recology. The following comments have been received:

McMinnville Engineering Department:

We have reviewed proposed CU 4-17, and do not have any concerns or suggested conditions of approval.

Note that at the time of building permits for the project, the applicant will need to upgrade the site driveway and sidewalk to meet current public right-of-way accessibility guidelines (PROWAG) standards.

McMinnville Water and Light:

MW&L has no comments on this application.

McMinnville Building Department:

Went through this with Applicants as pre-app – NO issues other than discussed at the meeting.

Note – The Building Official provided comments at the building permit pre-application meeting referenced above, and informed the applicant that a seismic analysis will be required for the existing building, and that any items identified as non-compliant in the seismic analysis will be

required to be updated. The applicant was also informed that both proposed bathrooms would need to be ADA accessible.

McMinnville Fire Department:

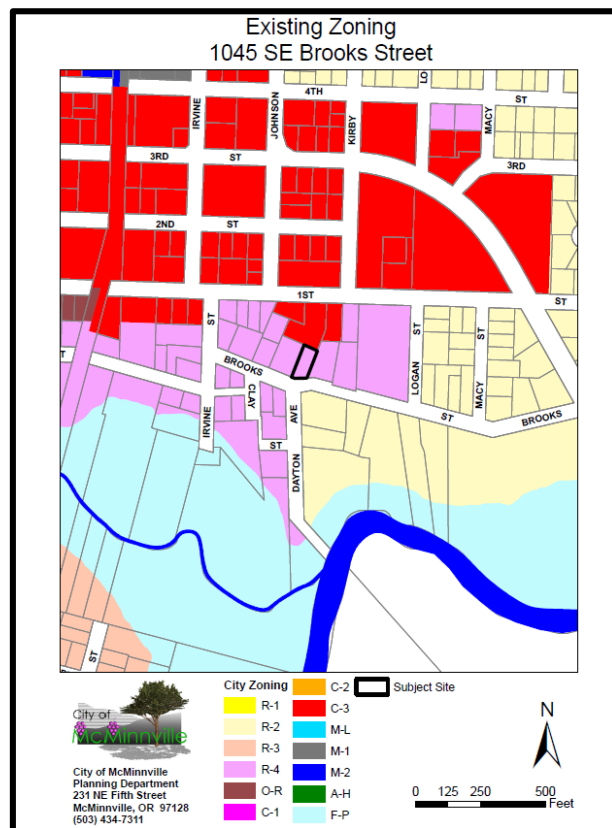
We don't have any issues with this request. They would need to provide fire extinguishers as required by the 2014 Oregon Fire Code.

FINDINGS OF FACT

1. McMinnville Montessori School is requesting a conditional use permit to allow for the expansion of the existing McMinnville Montessori School (MMS) campus. The school has purchased the property next to the existing MMS building, and intends to renovate the existing building on the property to operate as the elementary school classroom. The existing MMS building would continue to operate as school classrooms and facilities. The property is located at 1045 SE Brooks Street, and is more specifically described as Tax Lot 1202, Section 21CA, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned R-4 (Multiple-Family Residential), and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.

Properties immediately adjacent to the subject site to the west and east are also zoned R-4 (Multiple-Family Residential). Properties further east along Brooks Street are zoned R-2 (Single Family Residential). Immediately to the north of the subject site is a C-3 PD (General Commercial Planned Development) zoned property that is the site of the Habitat for Humanity Restore business and offices.

Existing Zoning



3. Sanitary sewer and municipal water and power can serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation, Oregon Division of State Lands, and Oregon Department of Fish and Wildlife. No comments in opposition were provided to the Planning Department.
5. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS

The applicant provided findings for a wide range of Comprehensive Plan goals and policies, many of which were found to not apply to the request. However, those findings are incorporated herein as they were provided in the application. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

GOAL III 1: TO PROVIDE CULTURAL AND SOCIAL SERVICES AND FACILITIES COMMENSURATE WITH THE NEEDS OF OUR EXPANDING POPULATION, PROPERLY LOCATED TO SERVICE THE COMMUNITY AND TO PROVIDE POSITIVE IMPACTS ON SURROUNDING AREAS.

Policy 13.00: The City of McMinnville shall allow future community center type facilities, both public and private, to locate in appropriate areas based on impacts on the surrounding land uses and the community as a whole, and the functions, land needs, and service area of the proposed facility.

GOAL III 3: TO PROVIDE FOR THE EDUCATIONAL NEEDS OF McMINNVILLE THROUGH THE PROPER PLANNING, LOCATION, AND ACQUISITION OF SCHOOL SITES AND FACILITIES.

Finding: Goal III 1, Policy 13.00, and Goal III 3 are satisfied in that the McMinnville Montessori School provides for an educational facility in need in the community. The applicant has stated that the McMinnville Montessori School has a continually long wait list for community members that wish to enroll their children in the Montessori School. The expansion will allow the school to increase overall enrollment slightly, therefore providing educational resources and facilities that are in need to McMinnville's expanding population. The expansion will also allow for the school to operate more efficiently, with the primary school classrooms staying in the existing building and the newly acquired building being renovated solely for the elementary school classroom. The proposed facility will meet a demonstrated need in the community and will provide for variety and choice in the educational system in McMinnville. Also, the proximity to the existing McMinnville Montessori School and the minimal changes that will occur to the exterior of the subject site ensure that this facility is appropriately sited to service the community, with little impact on the surrounding area.

Policy 99.00: An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:

1. *Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
2. *Storm sewer and drainage facilities (as required).*
3. *Streets within the development and providing access to the development, improved to city standards (as required).*
4. *Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*

Finding: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site.

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

Policy 127.00: The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.

Finding: Policies 126.00 and 127.00 are satisfied by this proposal in that three (3) parking spaces will be provided on the subject site. The McMinnville Zoning Ordinance requires that elementary schools provide one (1) parking space per classroom plus one (1) parking space per administrative employee. The proposed use of the existing building will be one (1) elementary classroom, and the applicant has stated that up to two (2) employees may work in the classroom at a time. Therefore, the three (3) parking spaces provided meets the minimum number of required parking spaces.

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

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

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

Policy 143.00: The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.

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

Policy 147.00: The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.

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

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

Finding: Goal VII 1 and Policies 136.00, 142.00, 143.00, 144.00, 147.00 and 151.00 are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

Finding: Policy 155.00 is satisfied in that emergency services departments have reviewed this request and have provided no comments in opposition.

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.

Finding: Goal X 1 and Policy 188.00 are satisfied in that 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 Commission and/or McMinnville City Council review of the request and recommendation at an advertised public hearing. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

R-4 Multiple-Family Residential Zone:

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

- M. Public or private school or college

Finding: The subject site is zoned R-4 (Multiple-Family Residential) which allows the proposed use of a private school as a conditional use.

17.21.040 Yard requirements. In an R-4 zone, each lot shall have yards of the following size unless otherwise provided for in Section 17.54.050:

- A. A front yard shall not be less than fifteen feet;
- B. A side yard shall not be less than six feet, except an exterior side yard shall not be less than fifteen feet;
- C. A rear yard shall not be less than twenty feet;
- D. Whether attached to a residence or as a separate building, a covered storage facility for a vehicle on which the main opening is toward a street shall be located not less than twenty feet to the property line bordering the street;
- E. All yards shall be increased, over the requirements of this section, one foot for each two feet of building height over thirty-five feet.

Finding: The existing building meets all required yard setbacks, and is not proposed to be altered or expanded in any way.

17.21.050 Building height. In an R-4 zone, a building shall not exceed sixty feet in height.

Finding: The height of the existing building is not proposed to be increased, and the existing building is well under sixty feet in height.

Landscaping:

17.57.050 Area Determination—Planning factors.

- A. Landscaping shall be accomplished within the following ranges: [...]
 - 3. Multiple-family, twenty-five percent of the gross area. This may be reduced to not less than fifteen percent upon approval of the review committee [...]

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

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

Finding: Landscaping will be required as a condition of approval, and the Landscape Review Committee will ensure that the landscaping meets all necessary guidelines and criteria.

Review Criteria:

17.74.030 Authorization to Grant or Deny Conditional Use. A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform to the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall

find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

Finding: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as is described in greater detail above.

The property in question is zoned R-4 (Multiple-Family Residential). The proposed use as a private school is allowed as a conditional use in the R-4 zone (Section 17.21.020(M)). The applicant is proposing to retain the existing single family home that is located on the subject property, but will renovate the interior to allow for the structure to operate as the elementary school classroom. The exterior of the existing structure will not change structurally and no additions are proposed. The existing structure meets all required setbacks for the R-4 zone.

Parking on the site will be located south of the existing building, and the applicant is proposing to utilize the existing concrete driveway for parking space. The driveway will be expanded to provide adequate parking space for three (3) vehicles. The McMinnville Zoning Ordinance requires that elementary schools provide one (1) parking space per classroom plus one (1) parking space per administrative employee. The proposed use of the existing building will be one (1) elementary classroom, and the applicant has stated that up to two (2) employees may work in the classroom at a time. Therefore, the three (3) parking spaces provided meets the minimum number of required parking spaces.

The subject site is located within an area of the city that is predominately residential uses. However, other uses exist in the immediate vicinity of the subject site, including a commercial use immediately north and two churches within a quarter mile of the site. Also, the subject site is located immediately adjacent to the McMinnville Montessori School's (MMS) existing building. This existing MMS building has been operating in its current location for approximately 20 years, and has not caused any impacts on the livability or appropriate development of abutting properties or the surrounding neighborhood. The Planning Department has never received any complaint on the existing MMS operations in their existing building.

The operating characteristics of the proposed expansion will be consistent with the existing MMS building. Students will be dropped off by parents in the morning and picked up again in the afternoon, and the regular schedule during the school year is from 8:30 AM to 3:00 PM. The applicant has described that traffic impacts are very minimal, as parents are advised to pull up to the property at scheduled times for pick-up, and a staff person then helps the student out to their parents' car. This reduces parking needs on site. The scheduled and coordinated pick-up and drop-off times also distributes the traffic that usually occurs during pick-up and drop-off over a longer period of time, which

ensures that the streets in the surrounding area are not overwhelmed. Therefore, the operations of the expanded assisted living facility will not negatively impact the surrounding neighborhood.

The applicant is not proposing to make any significant exterior alteration to the existing building on the subject site. Their goal is to maintain the general exterior appearance of the structure as a single family home to better blend in and be more compatible with the surrounding neighborhood. The existing structure, which the MMS recently acquired, has been in a state of disrepair. As part of the overall renovations, the MMS intends to improve the appearance of the structure and therefore enhance the overall quality of the built environment in the neighborhood.

Adequate public facilities serve the existing site, including water, sewer, and streets. The Engineering Department has reviewed the plans and has no concerns with the ability for public facilities to serve the site. As described above, the existing driveway will be expanded in order to provide the required number of parking spaces on site. The MMS practice of scheduled and coordinated pick-up and drop-off times will ensure that traffic and circulation around the site is not overly impactful on the surrounding street network. The Engineering Department reviewed the plans, and does not have any concerns with traffic from the expansion of the MMS properties.

The type of development proposed is consistent with the development pattern of the surrounding area. Other school and church uses exist within a quarter mile of the subject site. Also, the structure to be used for the elementary school classroom will retain the exterior appearance of a single family home. The applicant intends to improve the structure on the site, which will upgrade the structure from its current state of disrepair and should have a positive impact on the value and livability of the surrounding area. Also, a permitted use in the R-4 (Multiple Family Residential) zone is a day care facility for up to twelve (12) people, and the applicant is arguing that the proposed use as a school is not much more impactful than the permitted use of a day care facility.

The site and the proposed building will be designed in such a way as to blend in with the surrounding area. As stated above, the applicant intends to renovate the interior of the existing building to operate as a classroom, but retain the appearance on the exterior of the building as a single family dwelling. The applicant will be removing the garage door and adding another door on the east side of the building, but the primary building elements and structure of the building will remain unchanged. The new door on the east side of the building will be the main entry into the building, with a small lobby inside. The new door and main entry will face the existing MMS building on the adjacent property, which will create a common entry area to both buildings. The existing building has a concrete pedestrian walkway from the street and sidewalk to the main entry. While it is not shown on the site plan, the applicant does intend to construct a similar walkway to the new main entry on the new MMS building. A condition of approval is included to require that this pedestrian walkway be shown on the building permit plans for the renovation of the existing building.

The existing site does contain some landscape material, with a lawn, two (2) trees, and some shrubs that exist in the front yard. There are some taller shrubs that exist between the existing MMS building and the subject site. Also, the MMS has begun to maintain a native garden in the front and side yard of the existing MMS property. The applicant intends to expand the native garden onto the new MMS building's property. In the back yard of the subject site, a larger open green area exists that will serve as outdoor play space for students.

The McMinnville Zoning Ordinance does require that landscaping be provided on all R-4 (Multiple Family Residential) zoned properties that are not used as single family or two-family dwellings. Therefore, a condition of approval is included to require that a landscape plan be submitted for the site for review and approval by the Landscape Review Committee. The existing landscaping on the site can be identified on the landscape plan, and retained if healthy. The proposed native garden and open play space in the rear yard would all count towards overall landscaped space.

The applicant intends to renovate the existing building and site as proposed, and has the intent and capability to develop and use the land as proposed. The applicant has purchased and now has full control of the property in question. Also, the applicant has successfully operated the existing McMinnville Montessori School for approximately 20 years on the property immediately adjacent to the subject site, and has a long wait list of prospective students. The demand for this type of educational facility in the City of McMinnville is evident and the applicant believes the expansion will allow them to continue to meet this community need.

17.74.040 Placing Conditions on a Conditional Use Permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions may include, but need not be limited to, the following:

- A. Limiting the manner in which the use is conducted including restrictions on the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor;
- B. Establishing a special yard or other open space, lot area, or dimension;
- C. Limiting the height, size, or location of a building or other structure;
- D. Designating the size, number, location and nature of vehicle access points;
- E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;
- F. Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area;
- G. Limiting or otherwise designating the number, size, location, height and lighting of signs;
- H. Limiting the location and intensity of outdoor lighting and requiring its shielding;
- I. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance;
- J. Designating the size, height, location, and materials for a fence;
- K. Protecting and preserving existing trees, vegetation, water resource, wildlife habitat, or other significant natural resource;
- L. Such other conditions as will make possible the development of the City in an orderly and efficient manner in conformity with the intent and purposes set forth in this ordinance.

Finding: The conditions of approval included in this document are included to ensure that the development does not have a detrimental impact on the surrounding area, and to protect the best interest of the surrounding area.

CD:sjs

**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128
 (503) 434-7311 Office • (503) 474-4955 Fax
www.ci.mcminnville.or.us

Office Use Only:

File No. CV 4-17
 Date Received 7-13-17
 Fee \$ 1075.00
 Receipt No. 17M0140
 Received by CD

Conditional Use Application

Applicant Information

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

Applicant Name McMinnville Montessori School Phone 503 434-5081

Contact Name Lisa Neal Phone 503 550-8296
(If different than above)

Address 1101 SE Brooks St.

City, State, Zip McMinnville OR 97128

Contact Email lisa@cdt vineyard.com

Property Owner Information

Property Owner Name McMinnville Montessori School Phone 503 434-5081
(If different than above)

Contact Name Lisa Neal Phone 503 550 8296

Address 1101 SE Brooks St.

City, State, Zip McMinnville OR 97128

Contact Email lisa@cdt vineyard.com

Site Location and Description

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

Property Address 1045 SE Brooks St.

Assessor Map No. R4 4 - 21 - CAØ12Ø2 Total Site Area .17 Acre

Subdivision _____ Block _____ Lot _____

Comprehensive Plan Designation Residential Zoning Designation R-4

1. State nature of the request in detail: _____

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

3. Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development: _____

- [illegible]

- [illegible]

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

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

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

- ☒ A site plan (drawn to scale, legible, and of a reproducible size), clearly showing existing and proposed features within, and adjacent to, the subject site, such as: Access; lot and street lines with dimensions; distances from property lines to structures; structures and other proposed and existing improvements; north direction arrow; and significant features (slope, vegetation, adjacent development, drainage, etc.).
- ☒ A legal description of the property, preferably taken from deed.
- ☒ Payment of the applicable review fee, which can be found on the Planning Department web page.

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


Applicant's Signature

7/13/17
Date


Property Owner's Signature

7/13/17
Date

On Behalf of
MMS

LEGAL DESCRIPTION

EXHIBIT "A"

ALL THAT CERTAIN PARCEL OF LAND SITUATED IN THE COUNTY OF YAMHILL AND STATE OF OREGON BEING KNOWN AND DESIGNATED AS FOLLOWS:

A TRACT OF LAND IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 21, TOWNSHIP 4 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, COUNTY OF YAMHILL, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS DESCRIBED AS BEING 2.47 CHAINS SOUTH 45" WEST OF THE SOUTHEAST COMER OF KIRBY AND FIRST STREETS IN THE CITY OF MCMINNVILLE, SAID POINT BEING LOCATED BY COUNTY SURVEY CSP-6044; THENCE SOUTH 20°43' WEST, 74.6 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHEAST COMER OF THAT TRACT OF LAND CONVEYED TO LORNA LINDA UNIVERSITY BY DEED RECORDED AUGUST 15, 1983 IN FILM VOLUME 179, PAGE 1060, DEED AND MORTGAGE RECORDS; THENCE ALONG THE EAST LINE OF THE SAID LORNA LINDA TRACT, SOUTH 20°43' WEST, 118.98 FEET TO THE NORTH LINE OF BROOKS STREET; THENCE SOUTH 89°15' WEST ALONG THE NORTH LINE OF BROOKS STREET, 46.62 FEET; THENCE NORTH 68°45' WEST ALONG THE NORTH LINE OF BROOKS STREET, 13 FEET TO AN IRON ROD; THENCE NORTH 20°43' EAST, PARALLEL WITH THE EAST LINE OF THE LORNA LINDA TRACT, 136.36 FEET; THENCE SOUTH 68°50' EAST, 56.4 FEET TO THE POINT OF BEGINNING.

PIN #: R4421CA 01202

SERVICELINK TITLE COMPANY OF OREGON, LLC

1. **State the nature of the request in detail:** McMinnville Montessori School (MMS) - A Not For Profit School, is requesting a conditional use permit to expand its current elementary classroom into the adjacent property located at 1045 SE Brooks St., McMinnville Or - Zoned R-4 which was recently purchased in June 2017. MMS has been a member of the McMinnville community for almost 30 years. Twenty years ago MMS was able to purchase the property where the existing school is located at 1101 SE Brooks St, McMinnville, OR 97128 . The Montessori Philosophy teaches children to be independent thinkers while collaborating with their peers to support and participate in their community. This philosophy supports a One Classroom environment where the children of Elementary ages 1st through 6th grades participate in the same learning space and learning experience. This allows for the older children to assist the younger children as needed along with assistance from the Guide or Teacher. Over the past several years, MMS has consistently had a lengthy waiting list to attend the school which has led the current and past board members to entertain the idea of expanding the school to accommodate the needs of our community. MMS is tuition based with financial assistance provided on an "as needed" basis. We pride ourselves in welcoming diversity into the school and being good stewards of our community. Recently the school was awarded a grant for a Native Garden, which the children worked tirelessly to install, maintain and create educational materials for visitors to better understand Native Gardens in Oregon. MMS also has participated in bringing musical performances to the local Farmer's Market as well as bringing the joy of song into the different assisted living centers. There is great pride taken in our neighborhood where the children walk to the park and pick up trash as a lesson learned about taking care of our environment. With the approval of the Conditional Use Permit, MMS will move the existing Elementary Classroom into the new space and extend the play yard into the adjacent backyard area of the new property. MMS will also extend the Native Garden onto the new adjacent property allowing for the beautification of the neighborhood and continuity of the school.

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

17.74.030 ***Authorization to Grant or Deny Conditional Use.** A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform with the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are*

not applicable:

Why the proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;

Applicable Comprehensive Plan Policies

In 2007, the staff report identified the following McMinnville Comprehensive Plan goals and policies as applicable to McMinnville Montessori School's expansion. Applicable plan goals and policies are addressed below.

***CHAPTER III CULTURAL, HISTORICAL, AND EDUCATIONAL RESOURCES
GOAL III 1: TO PROVIDE CULTURAL AND SOCIAL SERVICES AND FACILITIES
COMMENSURATE WITH THE NEEDS OF OUR EXPANDING POPULATION,
PROPERLY LOCATED TO SERVICE THE COMMUNITY AND TO PROVIDE
POSITIVE IMPACTS ON SURROUNDING AREAS.***

Policy 13.00 The City of McMinnville shall allow future community center type facilities, both public and private, to locate in appropriate areas based on impacts on the surrounding land uses and the community as a whole, and the functions, land needs, and service area of the proposed facility.

Response: The decision by McMinnville Montessori School to expand is the response to our community's demonstrated need for more spaces for children in our school. As mentioned above, for several years we have had to create a waiting list for families that desire the Mindful approach to education that McMinnville Montessori School offers. This expansion will provide the ability for families from 1st through 6th grade to reap the benefits of this student centric learning method that has provided a strong educational basis to millions of children throughout the world. The strategic design and minimal external modifications to the current structure, along with the minimal change to the current parking and circulation in this area ensures that neighborhood impacts from the expansion of McMinnville Montessori School will be minimized.

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

Response: The sewer impact of this facility will be minimal as there is no regular cooking, no shower facilities, no laundry facilities and the only sewer usage is for restroom facilities for the current 28 children and 2 adult teachers. This usage is very consistent with permitted facilities for this zoning such as a daycare facility.

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

Response: As we are not modifying the external structure in any way, the storm water handling will be no different from the current permitted use.

Water System Policies

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

147.00 The City of McMinnville shall continue to support coordination between City departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with the City Water and Light Department in making land use decisions.

Response: This building is currently hooked up to city water, and there is a minimal need for water as mentioned above. There are no shower facilities, no laundry facilities, there is minimal water usage and with the expansion of the native garden there will be minimal water usage for landscape.

Police and Fire Protection:

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

Response: The building will meet and/or exceed all current fire codes which will be an upgrade from its current status.

Energy Conservation:

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

Response: As part of the renovation of the structure, all attempts for energy conservation and improvement of the facility will be addressed. This will include improving the insulation in the building, all updated windows will meet building codes, and all lighting will be low watt bulbs such as CFL and LED technologies.

- 3. Describe how the location size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development:**

Response: The following narrative explains why the proposed McMinnville Montessori expansion, as designed, will have a minimal impact on the livability of the surrounding neighborhood when compared with existing conditions.

Location

This building is located adjacent to the existing McMinnville Montessori School building on Brooks Street which has been at this location for approximately 20 years. This expansion will offer a needed resource for parents looking for an alternative educational experience for children aged 5-12 years of age. This location has been a valuable asset to the community through the good stewardship of the MMS Community through trash pick up in the local neighborhood and parks, development and maintenance of the Native Garden, the overall upkeep and care given to the existing building which contrasts with the building the school is looking to expand into.

Size and Design - Scale, Bulk, Coverage and Density

There will be no major modification to the exterior of the building except to greatly enhance the property which is currently in a state of disrepair. The only

modification required will be the addition of 1 extra parking space to meet the parking requirements for the proposed use referencing Chapter 17.60.060 Spaces - Number Required B6. Elementary or Junior High School - One space per classroom plus one space per administrative employee. With the entire building being converted into One classroom (1 space) with the need for One Lead Guide (1 Space) and One Assistant (1 space), we are planning to add one parking space to supplement the two existing parking spaces currently in place. As you can see from the attached site plan, the goal is to maintain the look of a single family dwelling with parking minimally impacting the front of the property. The large tree and buffer landscaping along the side of the property will be improved upon by expansion of the Native Garden. The exterior will remain very consistent with the current surrounding mixed use apartments, duplexes and single family homes.

Operating Characteristics

With regard to operating characteristics, the elementary class will continue to operate on its regular schedule, approximately 8:30 to 3:00 as has been the case for the school for the past 20 years. This additional space will not incur any changes from the current use of the existing school.

Adequate public facilities and utilities serve the proposed school including water and sewer. Storm drainage is not altered in any way from the existing permitted use . The traffic impacts of the proposed addition will be relatively benign and can be supported by existing facilities and the addition of the 1 parking space. As parents are able to drop and pick up children without leaving their vehicle, there will be no change to the impact of the parking requirements of the neighborhood.

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

Response: This building is currently located in R-4 zoning which allows for single and multiple family dwellings, condominiums and day care facilities. As you can reference in the attached site plan and drawings, the plan is to fix the building's current state of disrepair and keep the external finishes to the standard of a high-quality single family home which is very consistent with the permitted single family unit and a vast upgrade from its current status. Furthermore, the actual use of the building will be consistent

with that of a permitted day care facility as there are several children that will be in the building during the day and parents will pick up and deliver their children at a set schedule. The pickup and drop off are scheduled in such a way to not require any parking needs as children are escorted to their parent's cars. This is the practice of the existing school and works very well to lessen any impact on the surrounding neighborhood.

5. **Describe how the location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants:**

Response: McMinnville Montessori is committed to creating a learning environment that nurtures our students. Among other aspects of this commitment, it is our mission to create a site that is both aesthetically appealing as well as blending with the existing environment. To this end, our proposal will include an expansion of our native Oregon garden which was recently completed at the existing school along with a rock path and arbor. Additionally, part of the renovation project plan for this facility is to address the disrepair that this building has faced over the past few years as it has sat vacant and has been used as a transient rental. As owners of this building, we will ensure that the exterior of the property enhances the overall quality of the neighborhood and is maintained at a standard worthy of a Montessori School

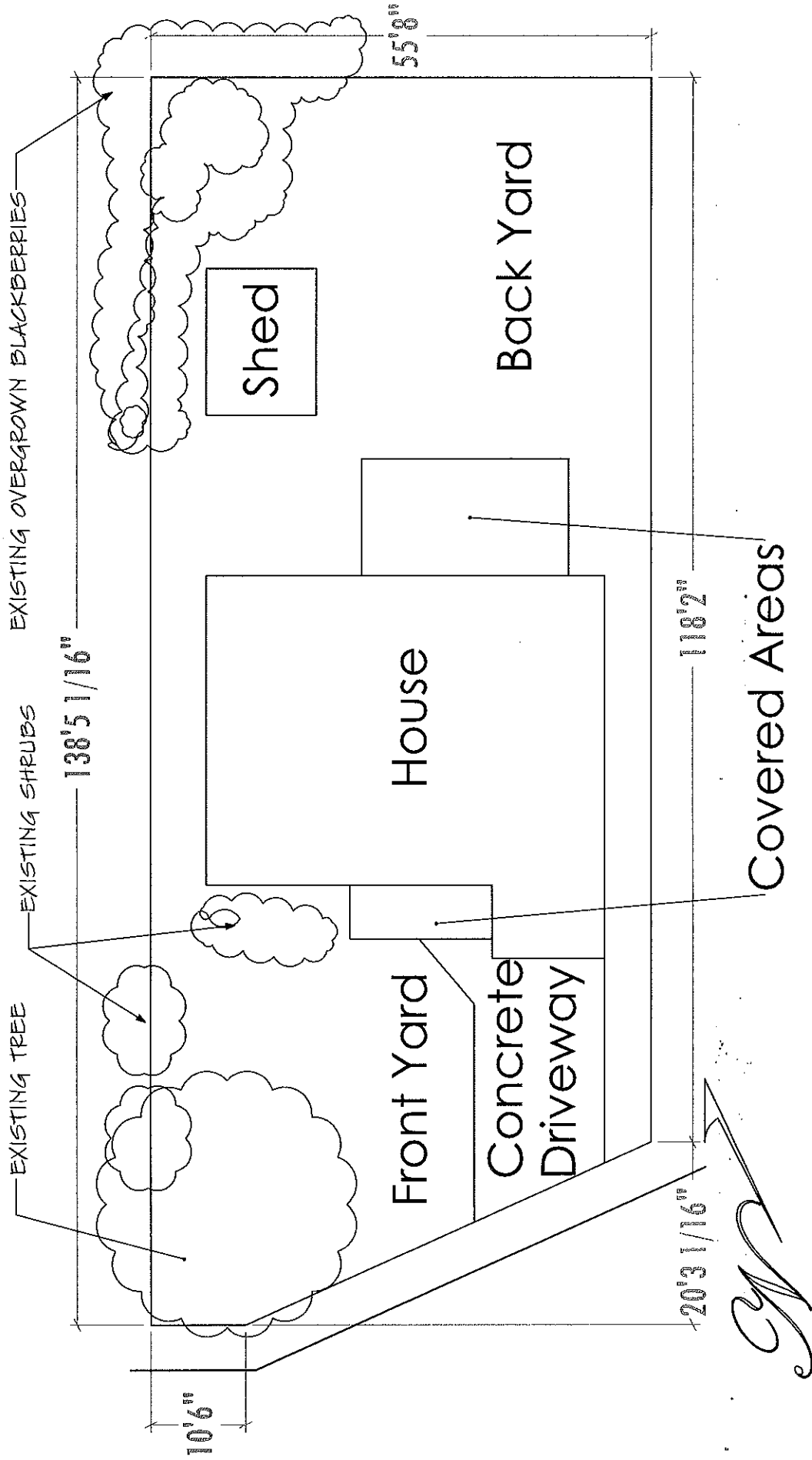
6. **Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how?**

Response: To the best of our knowledge, there are no city-inventoried environmental assets on the property. Surrounding properties are developed as residential uses. There is a large tree in the front yard along with a buffer of landscaping between the existing building and the neighboring duplex which MMS intends to preserve and improve.

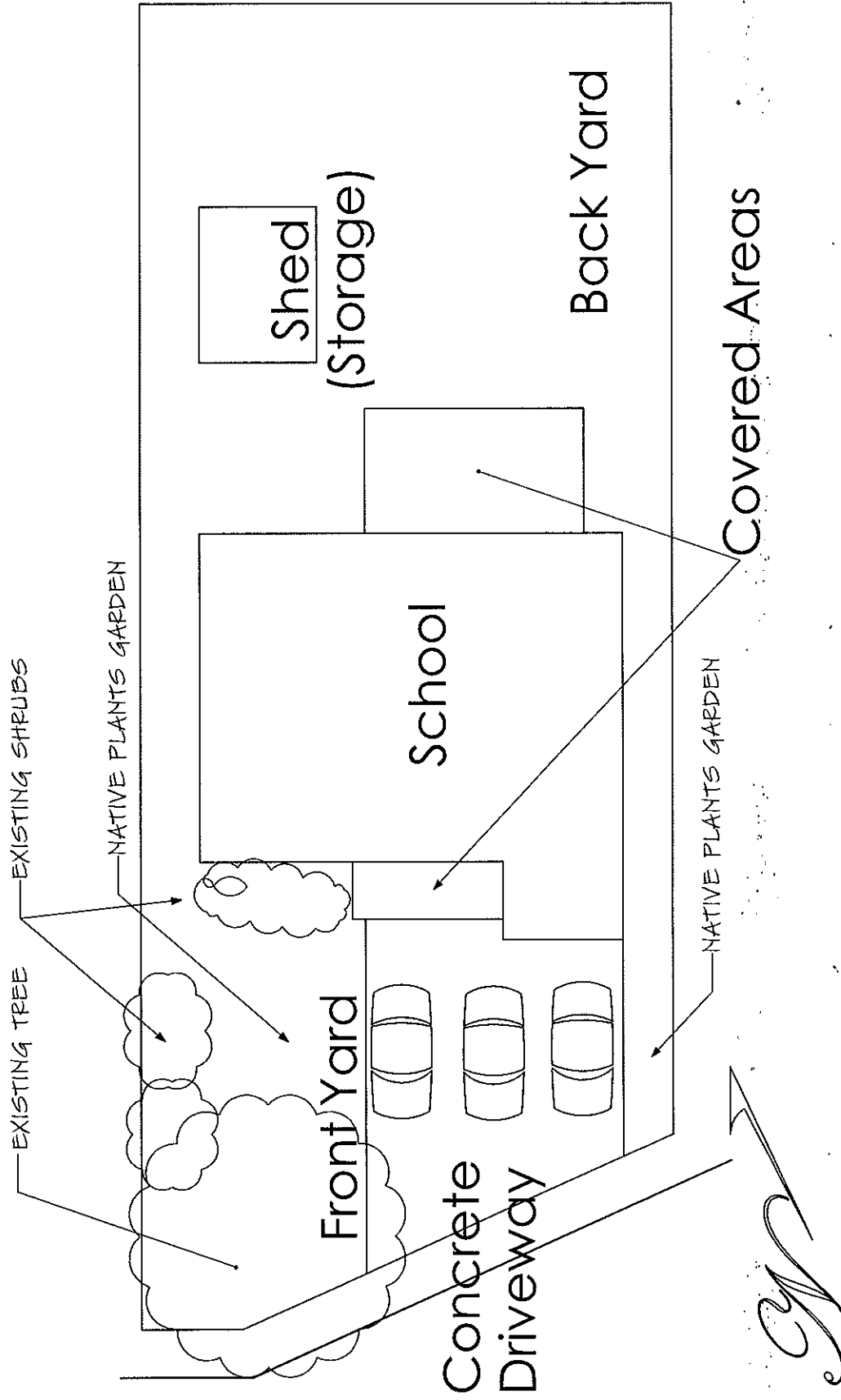
7. **Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes:**

Response: The single purpose of this proposed use is to provide a resource for the families of Yamhill County for quality Montessori based education. The main school building is already located within this neighborhood. People have chosen to purchase and/or rent properties with the knowledge that there is currently a school on the block. It can be demonstrated that having quality education near to one's residence does not negatively impact a property's value. A recent study by Realtor.com stated that a 6-10% increase in home values are reflected when located near a high quality school such as McMinnville Montessori School.

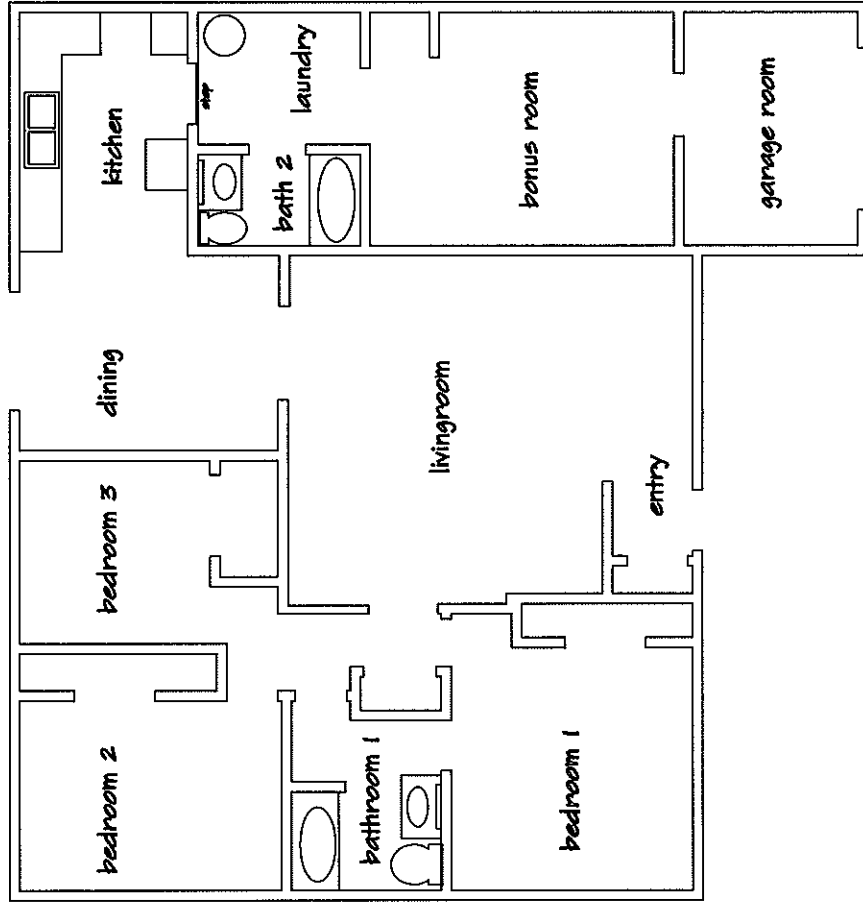
CURRENT LOT LAYOUT



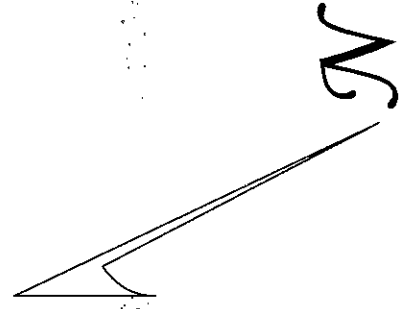
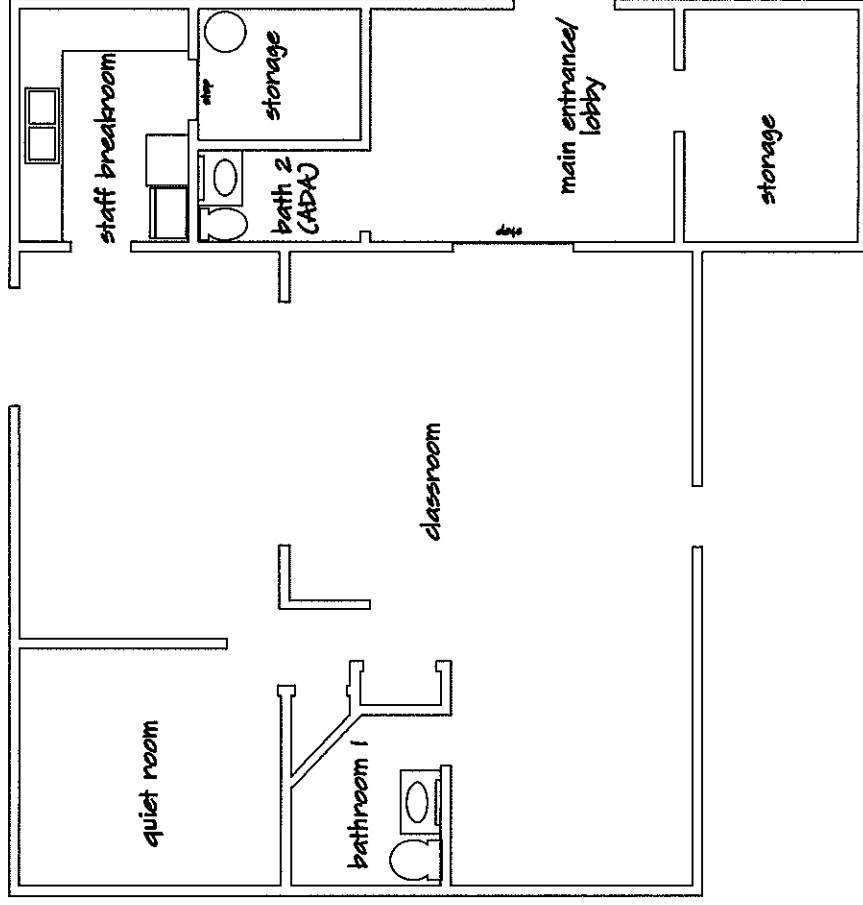
PROPOSED LOT LAYOUT

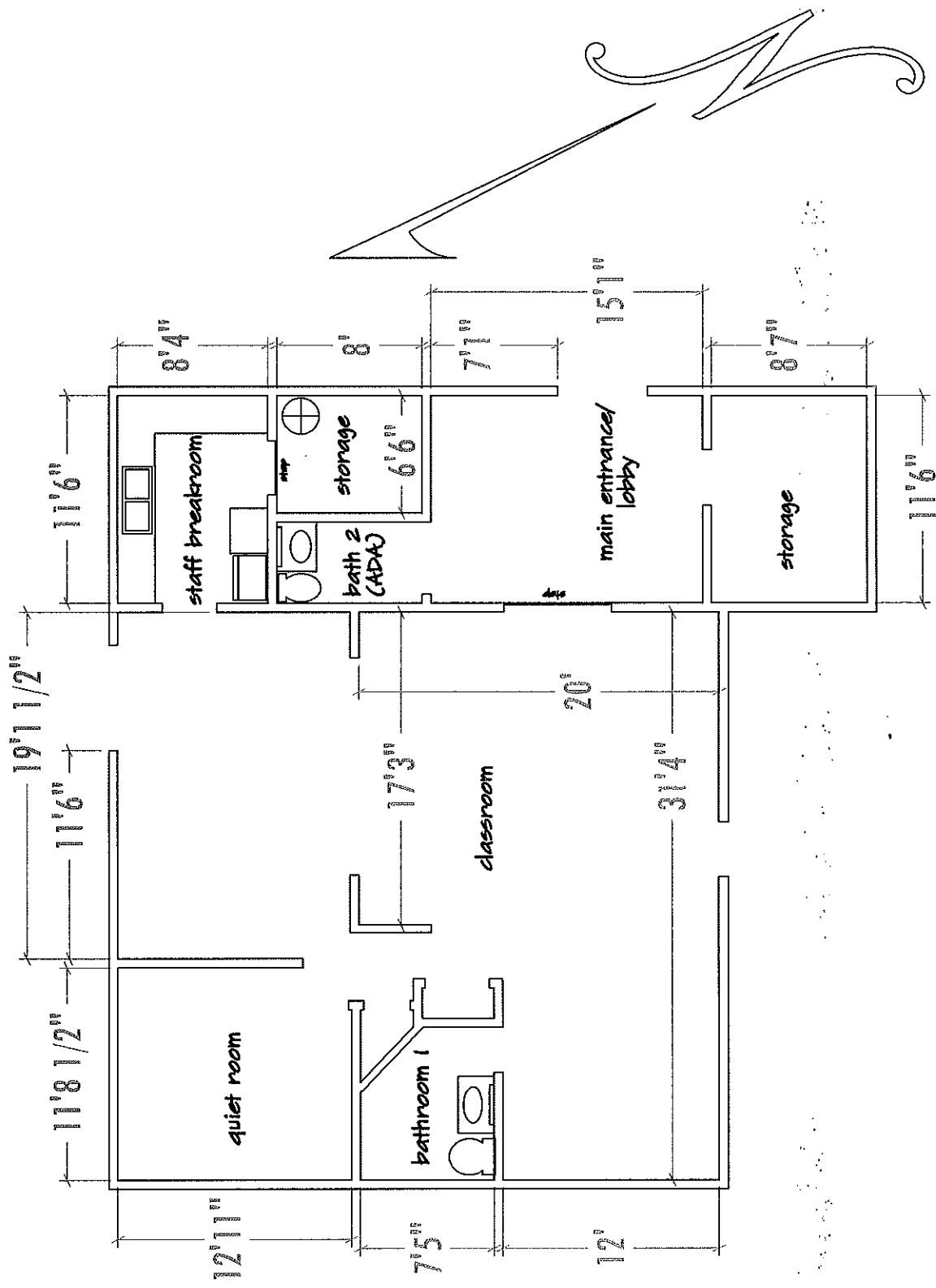


CURRENT PLAN

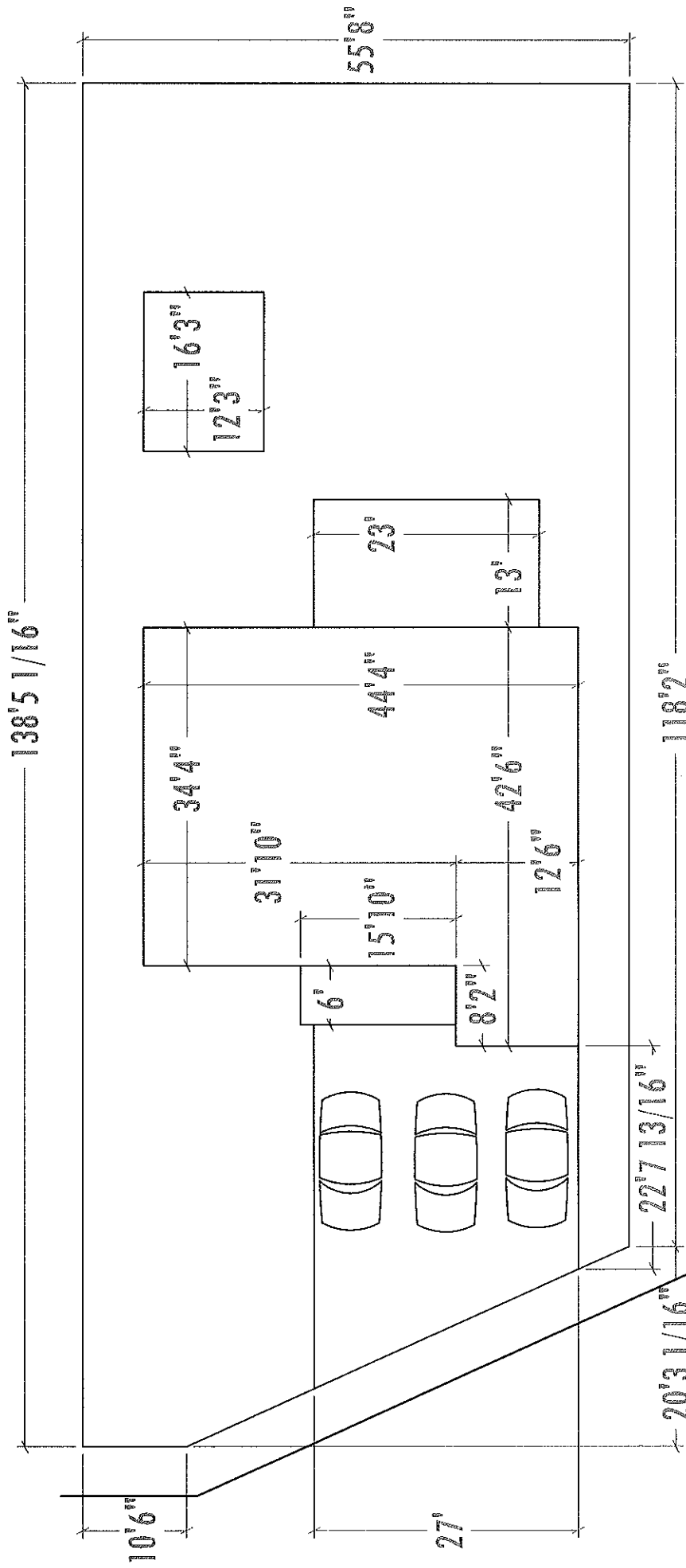


PROPOSED PLAN





PROPOSED FLOORPLAN DIMENSION



CM

PROPOSED LOT LAYOUT DIMENSIONS

PUBLIC HEARING NOTICE



NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 17th day of August, 2017, at the hour of 6:30 p.m. at the McMinnville Civic Hall Building at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

CONDITIONAL USE PERMIT FOR EXPANSION OF MCMINNVILLE MONTESSORI SCHOOL

DOCKET NUMBER: CU 4-17

The McMinnville Montessori School (MMS) is requesting approval of a conditional use permit to allow for the expansion of the existing MMS campus. The school has purchased the property next to the existing MMS building, and intends to renovate the existing building on the property to operate as the elementary school classroom. The existing MMS building would continue to operate as school classrooms and facilities. The rear of the existing school and the new property would be combined to operate as one open play yard in the backyard areas. The property is located at 1045 SE Brooks Street, and is more specifically described as Tax Lot 1202, Section 21CA, T. 4 S., R. 4 W., W.M.

The Planning Commission will conduct a hearing and make a decision to approve or deny the application. Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a decision.

The Planning Commission's recommendation on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The adopted Planned Development Overlay ordinance (Ordinance 4581).
3. The requirements of McMinnville Ordinance No. 3380 (the Zoning Ordinance) with particular emphasis on Chapter 17.21 (R-4 Multiple-Family Residential Zone), Section 17.72.120 (Applications – Public Hearings), Section 17.74.030 (Authorization to Grant or Deny Conditional Use), and Section 17.74.040 (Placing Conditions on a Conditional Use Permit).

17.74.030 Authorization to Grant or Deny Conditional Use. [...] In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

The referenced zoning ordinance criteria is available for review in the Planning Department's portion of the city's website located at: www.mcminnvilleoregon.gov.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon, during working hours, and is available for review in the Planning Department's portion of the city's website located at: www.mcminnvilleoregon.gov.

Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

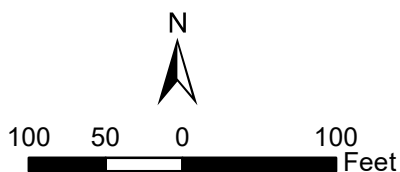
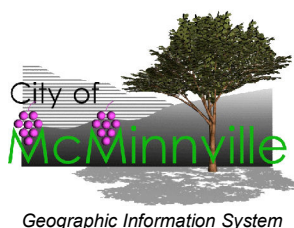
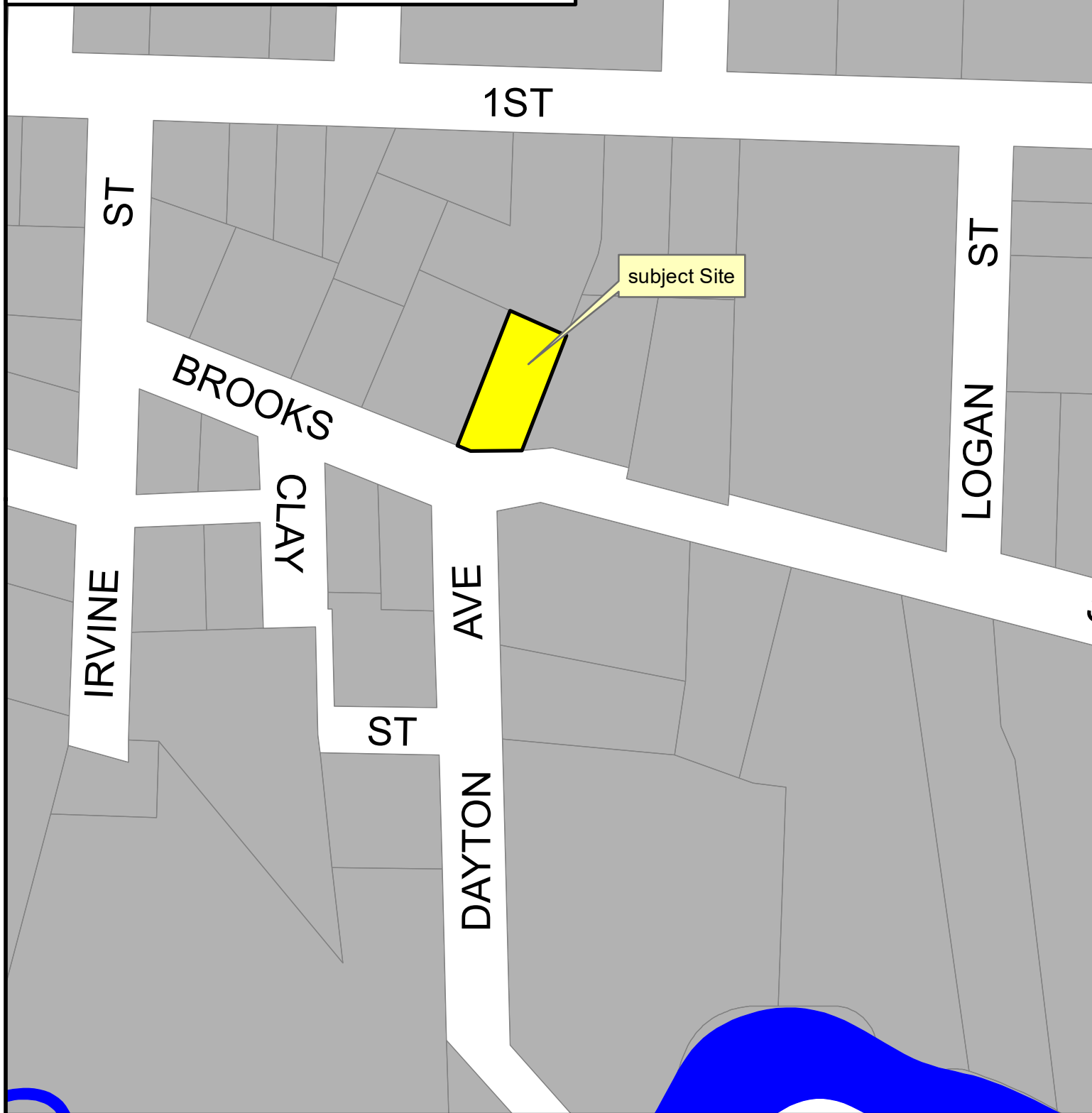
For additional information contact Chuck Darnell, Associate Planner, at the above address, or phone (503) 434-7330.

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.

Heather Richards
Planning Director

(Map of area on back)

Vicinity Map



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

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4421CA00100	1110 SE 1ST ST	ST JAMES	ST JAMES CATHOLIC CHURCH MCMINNVILLE	1145 NE 1ST ST	MCMINNVILLE OR	97128
2	R4421CA00200	1056 SE 1ST ST	EDWARDS WESLEY	EDWARDS JULIE	1056 SE 1ST ST	MCMINNVILLE OR	97128
3	R4421CA00300	1040 SE 1ST ST	MCMINNVILLE AREA	MCMINNVILLE AREA HABITAT FOR HUMANITY	1040 SE 1ST ST	MCMINNVILLE OR	97128
4	R4421CA00400	1030 SE 1ST ST	SCHOKO PROPERTIES	SCHOKO PROPERTIES LLC	19191 SW PEAVINE RD	MCMINNVILLE OR	97128
5	R4421CA00500	1020 SE 1ST ST	MORTON &	MORTON & SONS LLC	6800 SE BOOTH BEND RD	MCMINNVILLE OR	97128
6	R4421CA00600	940 SE 1ST ST	JOHNSON TIMOTHY	JOHNSON TIMOTHY M	6611 NE 66TH	PORTLAND OR	97218
7	R4421CA01000	920 SE 1ST ST	GULICK DELLA	GULICK ROBERT R JR	920 SE 1ST ST	MCMINNVILLE OR	97128
8	R4421CA01001	925 SE BROOKS ST	LUNA RICARDO	BAUTISTA ANA R L (WROS)	1230 7TH ST	LAFAYETTE OR	97127
9	R4421CA01101	945 SE BROOKS ST	VOIGT EGON	VOIGT EGON W & BONITA M	945 SE BROOKS ST	MCMINNVILLE OR	97128
10	R4421CA01102	n/a	VOIGT EGON	VOIGT EGON W & BONITA M	945 SE BROOKS ST	MCMINNVILLE OR	97128
11	R4421CA01201	1009 SE BROOKS ST	PAK CHAE	PAK ROSHAIDE	11355 NW MELODY LN	PORTLAND OR	97229
13	R4421CA01300	1101 SE BROOKS ST	MCMINNVILLE MONTESSORI	MCMINNVILLE MONTESSORI SCHOOL	PO BOX 372	MCMINNVILLE OR	97128
14	R4421CA01400	1135 SE BROOKS ST	RAMSBY MICHAEL	RAMSBY MICHAEL T & JULIE A	1135 SE BROOKS ST	MCMINNVILLE OR	97128
15	R4421CA02500	922 SE BROOKS ST	DIETZEL DELORIES	DIETZEL DELORIES J	922 SE BROOKS ST	MCMINNVILLE OR	97128
16	R4421CA02700	225 SE DAYTON AVE	CARDWELL KRISTIN	HUNTER JASON A (WROS)	225 SE DAYTON AVE	MCMINNVILLE OR	97128
17	R4421CA02701	1040 SE BROOKS ST	BENTLEY GENE	BENTLEY GENE R & GAYLE I LIVING TRUST	1040 SE BROOKS ST	MCMINNVILLE OR	97128
18	R4421CA02800	1020 SE BROOKS ST	PARKER LISA	PARKER LISA R	1020 SE BROOKS ST	MCMINNVILLE OR	97128
19	R4421CA02901	CNTY	KUUST SIMON	BELL AMANDA	922 SE WASHINGTON ST	MCMINNVILLE OR	97128
20	R4421DB03700	300 SE DAYTON AVE	DUNN TROY	DUNN TARA	300 SE DAYTON AVE	MCMINNVILLE OR	97128
21	R4421DB03800	310 SE DAYTON AVE	SIMPSON EDITH	SIMPSON EDITH TRUST	310 SE DAYTON AVE	MCMINNVILLE OR	97128
22	R4421DB03900	1132 SE BROOKS ST	SPECIALIZED HOUSING	SPECIALIZED HOUSING INC	1745 STATE ST	SALEM OR	97301
Owner	R4421CA01202	1045 SE BROOKS ST	US BANK	C/O QUALITY LOAN SERV CORP OF WA	411 IVY ST	SAN DIEGO CA	92101
Applicant			LISA NEAL	MCMINNVILLE MONTESSORI SCHOOL	1101 SE BROOKS ST	MCMINNVILLE OR	97128

Date Sent 7/25/17

Sent By SA



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

www.mcminnvilleoregon.gov

Exhibit 5 – STAFF REPORT

DATE: August 17, 2017
TO: McMinnville Planning Commission
FROM: Ron Pomeroy, Principal Planner
SUBJECT: **G 4-17 Wireless Communications Facilities** - Zoning Ordinance Text Amendments – Chapter 17.55 (Wireless Communications Facilities) of the McMinnville Zoning Ordinance

Report in Brief:

This is a public hearing to consider proposed text amendments to the McMinnville Zoning Ordinance (Ordinance No. 3380) specific to Section Chapter 17.55 (Wireless Communications Facilities) to achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.

Background:

McMinnville's first Wireless Communications Facilities ordinance was adopted in June, 2000, as Chapter 17.55 of the McMinnville Zoning Ordinance. This is the first proposed amendment to that chapter in the 17 years since its original adoption.

Discussion:

Currently, wireless communications towers located in Industrial zones have no height limitation. This has resulted in some towers being constructed into the 140 to 150-foot height range; the most recent being the towers intended to serve telecommunications companies are currently being installed near the maintenance shop at the Yamhill County Fairgrounds and on property located south of Highway 18, north of the Airport hangers.

While the current code requires telecommunication antennas in residential zones and the historic downtown area to be obscured from view from all streets and immediately adjacent properties, there is little guidance as to how this should be accomplished. The current chapter also allows 20-feet of additional height to be added to antenna support structures in all zones except for the Agricultural Holding and Floodplain zones. Additionally, while co-location of antennas is required prior to the installation of new towers, there is little required to demonstrate the inability to co-locate and the need for a new tower to be installed.

Other comparable cities' codes were evaluated and the key proposed modifications occur in the following areas:

- Height limitations
- Visual Impact

Attachments:

Exhibit A: G 4-17 Wireless Communications Facilities - Proposed Zoning Text Amendments

Exhibit B: G 4-17 Decision Document, Findings of Fact and Conclusionary Findings

- Screening and Landscaping
- Color
- Signage
- Limitation on equipment building storage size and height; exceeding these standards would require the facility to be placed in an underground vault.
- Lighting
- Setbacks and Separation
- Co-Location – Burdon of proof required
- Application submittal requirements
- Noise
- Abandoned Facilities
- Review process and approval criteria

Staff provided a copy of the proposed amendments to the legal team of Beery Elsner & Hammond, LLP, for review and current FCC compliance; BEH specializes, in part, in Municipal Law & Governance, and Land Use & Development Review.

Staff provided an overview of this recommendation and a copy of the draft text amendments to the Planning Commission at their regularly scheduled July 20, 2017 work session.

At the work session, commissioners requested the following additional amendments:

- Delete 17.55.030(D), exempting wireless communications facilities owned by or operated solely for the City of McMinnville. The commission felt that the city should not exempt itself from its own regulations.

Following review and discussion, the Commission requested that this matter be presented for Commission review at a public hearing during their regularly scheduled August 17, 2017 public meeting.

Recommended Text Amendments:

The amendments being proposed are provided as Exhibit A to this staff report. The Decision Document with the Findings of Fact, Conclusionary Findings and Decision is attached to this staff report as Exhibit B. The intent of this recommendation, if approved, is a full replacement of the existing Wireless Communications Facilities chapter of the zoning ordinance.

Fiscal Impact:

None

Commission Options:

- 1) Close the public hearing and recommend that the City Council **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Attachments:

Exhibit A: G 4-17 Wireless Communications Facilities - Proposed Zoning Text Amendments

Exhibit B: G 4-17 Decision Document, Findings of Fact and Conclusionary Findings

Recommendation/Suggested Motion:

The Planning Department recommends that the Commission make the following motion recommending approval of G 4-17 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE CITY OF McMINNVILLE, THE PLANNING COMMISSION RECOMMENDS APPROVAL OF THE LEGISLATIVE ZONING TEXT AMENDMENTS (G 4-17) TO THE McMINNVILLE CITY COUNCIL AS RECOMMENDED BY STAFF.

RP:sjs

Attachments:

Exhibit A: G 4-17 Wireless Communications Facilities - Proposed Zoning Text Amendments

Exhibit B: G 4-17 Decision Document, Findings of Fact and Conclusionary Findings



CITY OF MCM INNVILLE
PLANNING DEPARTMENT
231 NE FIFTH STREET
MCMINNVILLE, OR 97128
503-434-7311
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PROPOSED AMENDMENTS TO THE MCMINNVILLE MUNICIPAL CITY CODE

New proposed language is represented by **bold underline font**, deleted language is represented by ~~strikethrough font~~.

Chapter 17.55

WIRELESS COMMUNICATIONS FACILITIES

Sections:

- 17.55.010 Purpose.
- 17.55.020 Definitions.
- 17.55.030 Exemptions.
- 17.55.040 Permitted and conditional use locations of antennas, antenna support structures and alternative antenna support structures to be used for wireless communication service.
- 17.55.050 Development Review Standards
- 17.55.060 Co-location of antennas and antenna support structures.
- 17.55.070 Antenna support structures–removal when no longer used.
- 17.55.080 Application for permit for antennas, antenna support structures, and equipment enclosures

17.55.010 Purpose. Wireless Communications Facilities (WCF) play an important role in meeting the communication needs of the citizens of McMinnville. The purpose of this chapter is to establish appropriate locations, site development standards, and permit requirements to allow for the provision of WCF while helping McMinnville remain a livable and attractive city.

In accordance with the guidelines and intent of Federal law and the Telecommunications Act of 1996, these regulations are intended to: 1) protect and promote the public health, safety, and welfare of McMinnville citizens; 2) preserve neighborhood character and overall City-wide aesthetic quality; 3) encourage siting of WCF in locations and by means that minimize visible impact through careful site selection, design, configuration, screening, and camouflaging techniques.

As used in this chapter, reference to WCF is broadly construed to mean any facility, along with all of its ancillary equipment, used to transmit and/or receive electromagnetic waves, radio and/or television signals, including telecommunication lattice and monopole towers, and alternative supporting structures, equipment cabinets or buildings, parking and storage areas, and all other associated accessory development.

17.55.020 Definitions. For the purposes of this section, refer to Section 17.06.050 for Wireless Communications Facility related definitions. (Ord. 4952 §1, 2012).

17.55.030 Exemptions. The provisions of this chapter do not apply to:

- A. Federally licensed amateur radio stations,
- B. Antennas (including direct-to-home satellite dishes, TV antennas, and wireless cable antennas) used by viewers to receive video programming signals from direct broadcast facilities, broadband radio service providers, and TV broadcast stations regardless of the zoning designation of the site outside of the area identified in Chapter 17.59 (Downtown Design Standards and Guidelines).
- C. Cell on Wheels which are portable mobile cellular sites that provide temporary network and wireless coverage, are permitted as temporary uses in all zones for a period not to exceed sixty (60) days, except that such time period may be extended by the City during a period of emergency as declared by the City, County, or State; a typical example of Cells on Wheels would be a mobile news van used for broadcasting coverage of an event or other news.

17.55.040 Permitted and conditional use locations of antennas, antenna support structures and alternative antenna support structures to be used for wireless communications service. All non-exempt (17.55.030) WCF (antennas, antenna support structures and alternative antenna support structures) are permitted, conditionally permitted, or prohibited to be located in zones as provided in this Chapter and as listed below:

A. Permitted Uses.

- 1. Antennas, antenna support structures and alternative antenna support structures are permitted in the M-L (Limited Light Industrial Zone), M-1 (Light Industrial Zone), and M-2 (General Industrial Zone) zones. Antenna support structures are not permitted within the area identified in Chapter 17.59 (Downtown Design Standards and Guidelines).
- 2. Antennas mounted to alternative antenna support structures in the O-R, C-1, C-2, and C-3 zones located outside of the area identified in Chapter 17.59 (Downtown Design Standards and Guidelines). However, such antennas shall add not more than twenty feet to the total height of such structure. Facilities associated with antennas so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building or structure.
- 3. Antennas may be mounted to alternative antenna support structures in the R-1, R-2, R-3, R-4, A-H and F-P zones. However, such antennas shall not exceed the height of the alternative antenna support structure. Facilities associated with antennas so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building or structure.

B. Conditional Uses. In the area defined in Chapter 17.59 (Downtown Design Standards and Guidelines), antennas proposed for mounting on alternative antenna support structures, in addition to all requirements of this Chapter, are subject to conditional use permit approval by the Planning Commission.

C. Prohibited Uses. Construction or placement of new antenna support structures in all zones except as permitted by 17.55.040 (A)(1).

<u>WIRELESS FACILITIES</u>		
<u>ZONE</u>	<u>ANTENNA SUPPORT STRUCTURES</u>	<u>ANTENNAS MOUNTED TO ALTERNATIVE ANTENNA SUPPORT STRUCTURES*</u>
<u>Residential</u>	<u>Prohibited</u>	<u>Permitted - No additional height added</u>
-	-	-
<u>Commercial</u>	<u>Prohibited</u>	<u>Permitted - Less than or equal to 10 feet height added</u>
-	-	<u>Conditional Use - Within Downtown Design District</u>
-	-	-
<u>Industrial</u>	<u>Permitted outside of the Downtown Design District</u>	<u>Permitted (100-foot maximum finished height)</u>
-	-	-
<u>Agricultural Holding</u>	<u>Prohibited</u>	<u>Permitted – No additional height added</u>
-	-	-
<u>Floodplain</u>	<u>Prohibited</u>	<u>Permitted – No additional height added</u>

* Subject to the requirements of Chapter 17.55.

17.55.050 Development review standards.

All WCF shall comply with the following design and review standards, unless identified as being legally non-conforming (grandfathered) as per the requirements of Chapter 17.63 (Nonconforming Uses).

A. Visual Impact.

1. Antennas. Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. As appropriate, antennas shall be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than two (2) feet out from the building face. Roof-mounted antennas shall be constructed at the minimum height possible to serve the operator's service area and shall be set back as far from the building edge as possible or otherwise screened to minimize visibility from the public right-of-way and adjacent properties.
2. Height. Freestanding wireless and broadcast communication facilities shall be exempted from the height limitations of the zone in which they are located, but shall not exceed one-hundred (100) feet unless it is demonstrated that it is necessary. Facilities shall not exceed fifty (50) feet in height in Residential zones, except where such facility is sited on an alternative tower structure. This exemption notwithstanding, the height and mass of the transmission tower shall be the minimum which is necessary for its intended use, as demonstrated in a report prepared

by a licensed professional engineer. A wireless or broadcast communication facility that is attached to an alternative tower structure shall not exceed the height of the alternative tower structure by more than ten (10) feet, except that for location or collocation on alternative tower structures in residential zones, no increase in height shall be allowed.

3. Visual Impact. All WCF shall be designed to minimize the visual impact to the maximum extent possible by means of placement, screening, landscaping and camouflage. All WCF shall also be designed to be compatible with existing architectural elements, building materials, and other site characteristics. All WCF shall be sited in such a manner as to cause the least detriment to the viewshed from other properties. The use of camouflage technique(s), as found acceptable to the Planning Director to conceal antennas, associated equipment and wiring, and antenna supports is required.
4. Screening. The area around the base of antenna support structures (including any equipment enclosure) is to be fenced, with a sight-obscuring fence a minimum of six feet in height. The fenced area is to be surrounded by evergreen shrubs (or a similar type of evergreen landscaping), placed within a landscaped strip a minimum of ten feet in width. In the event that placement of a proposed antenna support structure and/or equipment enclosure is located in a unique area within a subject site that would not benefit from the addition of landscaped screening, the Planning Director may require that the applicant submit a landscape plan illustrating the addition of a proportional landscape area that will enhance the subject site either at a building perimeter, parking lot, or street frontage, adjacent to or within the subject site.
5. Color.
 - a. A camouflage or stealth design that blends with the surrounding area shall be utilized for all wireless and broadcast communication facilities unless an alternative design is approved during the land use review process. If an alternative design is approved, all towers, antennae and associated equipment shall be painted a non-reflective, neutral color as approved through the review process. Attached communication facilities shall be painted so as to be identical to or compatible with the existing structure.
 - b. Towers more than 100 feet in height shall be painted in accordance with the Oregon State Aeronautics Division and Federal Aviation Administration rules. Applicants shall attempt to seek a waiver of OSAD and FAA marking requirements. When a waiver is granted, towers shall be painted and/or camouflaged in accordance with subsection "A", above.
 - c. Where ancillary facilities are allowed under this code to be visible, they shall be colored or surfaced so as to blend the facilities with the surrounding natural and built environment, and where mounted on the ground shall be otherwise screened from public view, or placed underground.
6. Signage. There shall be no signs, symbols, flags, banners, or other such elements attached to or painted or inscribed upon any WCF except for warning and safety signage with a surface area of no more than three (3) square feet. Except as required by law, all signs are prohibited on WCF except for one non-illuminated sign, not to exceed two (2) square feet,

which shall be provided at the main entrance to the WCF, stating the owner's name, the wireless operator(s) if different from the owner, and address and a contact name and phone number for emergency purposes.

7. Historic Buildings and Structures. If the application involves the placement of an antenna on a building that is listed in the McMinnville register of historic structures, no such permit shall be issued without the prior approval of the McMinnville Historic Landmarks Committee.
8. Accessory Building Size. Within the public right-of-way, no above-ground accessory buildings shall be permitted. Outside of the public right-of-way, all accessory buildings and structures permitted to contain equipment accessory to a WCF shall not exceed twelve (12) feet in height unless a greater height is necessary and required by a condition of approval to maximize architectural integration. Each accessory building or structure is limited to two hundred (200) square feet, unless approved through a Conditional Use Permit. If approved in a Residential zone or the Downtown Overlay District, all equipment and ancillary facilities necessary for the operation of and constructed as part of a wireless or broadcast communication facility shall be placed within an underground vault specific to the purpose. For facilities required to be approved as stealth facilities, no fencing around the wireless or broadcast communication facilities shall be allowed. Unenclosed storage of materials is prohibited. Other building facilities, including offices, vehicle storage areas or other similar uses not necessary for transmission or relay functions are prohibited, unless a separate land use application for such is submitted and approved. Such other facilities shall not be allowed in Residential zones.
9. Utility Vaults and Equipment Pedestals. Within the public right-of-way, utility vaults and equipment pedestals associated with WCF must be underground to the maximum extent possible.
10. Parking. No net loss in minimum required parking spaces shall occur as a result of the installation of any WCF.
11. Sidewalks and Pathways. Cabinets and other equipment shall not impair pedestrian use of sidewalks or other pedestrian paths or bikeways on public or private land and shall be screened from view. Cabinets shall be undergrounded, to the maximum extent possible.
12. Lighting. No antennas, or antenna support structures shall be artificially lighted except as required by the FAA or other governmental agency. WCF shall not include any beacon lights or strobe lights, unless required by the FAA or other applicable authority. If beacon lights or strobe lights are required, the Planning Director shall review the available alternatives and approve the design with the least visual impact. All other site lighting for security and maintenance purposes shall be shielded and directed downward, unless otherwise required under Federal law.

B. Setbacks and Separation.

1. Setbacks. All WCF antenna support structures shall be set back from any other property line by a distance at least equal to the maximum height of the facility including any antennas or other appurtenances attached thereto, unless this requirement is specifically waived by the Planning Director or the Planning Commission for purposes of mitigating visual impacts or improving compatibility with other uses on the property.
All WCF are prohibited in a required front yard, rear yard, side yard, or

- exterior side yard setback of any lot in any zone, and no portion of any antenna shall extend into such setback. For guyed towers or monopoles, all guy anchors shall be located outside of the required site setbacks.
2. Separation. No antenna support structure shall be permitted to be constructed, installed or erected within 1,000 feet of any other antenna support structure that is owned, operated, or occupied by the same wireless communications service. Exceptions to this standard may be permitted by the Planning Director if, after reviewing evidence submitted by the service provider, the Director finds that: 1) a closer spacing is required in order to provide adequate wireless communication service to the subject area; and, 2) the service provider has exhausted all reasonable means of co-locating on other antenna support structures that may be located within the proposed service area.
Antennas mounted on rooftops or City-approved alternative support structures shall be exempt from these minimum separation requirements. However, antennas and related equipment may be required to be set back from the edge of the roof line in order to minimize their visual impact on surrounding properties and must be screened in a manner found acceptable to the reviewing authority.

17.55.060 Co-location of antennas and antenna support structures.

- A. In order to encourage shared use of towers, monopoles, or other facilities for the attachment of WCF, no conditional use permit shall be required for the addition of equipment, provided that:
1. There is no change to the type of tower or pole.
 2. All co-located WCF shall be designed in such a way as to be visually compatible with the structures on which they are placed.
 3. All co-located WCF must comply with the conditions and concealment elements of the original tower, pole, or other facility upon which it is co-locating.
 4. All accessory equipment shall be located within the existing enclosure, shall not result in any exterior changes to the enclosure and, in Residential zones and the Downtown Overlay District, shall not include any additional above grade equipment structures.
 5. Collocation on an alternative tower structure in a Residential zone or the Downtown Overlay District shall require a stealth design.
 6. The equipment shall not disturb, or will mitigate any disturbed, existing landscaping elements according to that required in a landscape plan previously approved by the Landscape Review Committee. If no such plan exists, a new landscape plan for the affected area must be submitted to and reviewed by the Landscape Review Committee prior to installation of the subject facility.
 7. Placement of the equipment does not entail excavation or deployment outside of the site of the current facility where co-location is proposed.
 8. A building permit shall be required for such alterations or additions. Documentation shall be provided by an Oregon-licensed Professional Engineer verifying that changes or additions to the tower structure will not adversely affect the structural integrity of the tower.
 9. Additional Application Requirements for Co-Location.
 - a. A copy of the site plan approved for the original tower, pole, or other base station facility, to which the co-location is proposed.

- b. A site survey delineating development on-the-ground is consistent with the approved site plan.

17.55.070 Antenna support structures—removal when no longer used. Any antenna support structure that has had no antenna mounted upon it for a period of 180 successive days, or if the antenna mounted thereon are not operated for a period of 180 successive days, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment enclosure within 90 days from the date of written notice from the City. During such 90 days, the owner may apply, and, for good reason, be granted an extension of time on such terms as the Planning Director shall determine. If such structure and equipment enclosure are not so removed, the City may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which the structure(s) are situated in an amount equal to the cost of removal.

17.55.080 Application for permit for antennas, antenna support structures, and equipment enclosures. All applications for permits for the placement and construction of wireless facilities shall be accompanied by the following:

- A. Payment of all permit fees, plans check fees and inspection fees;
- B. Proof of ownership of the land and/or alternative antenna support structure upon which the requested antenna, enclosure, and/or structure is proposed, or copy of an appropriate easement, lease, or rental agreement;
- C. Public Meeting. Prior to submitting an application for a new wireless or broadcast communication facility, the applicant shall schedule and conduct a public meeting to inform the property owners and residents of the surrounding area of the proposal. It is the responsibility of the applicant to schedule the meeting/presentation and provide adequate notification to the residents of the affected area (the affected area being all properties within 1000 feet of the proposed site). Such meeting shall be held no less than 15 days and no more than 45 days from the date that the applicant sends notice to the surrounding property owners. The following provisions shall be applicable to the applicant's obligation to notify the residents of the area affected by the new development application:
 - 1. The applicant shall send mailed notice of the public meeting to all property owners within 1000 feet of the boundaries of the subject property (the subject property includes the boundary of the entire property on which the lease area for the facility lies). The property owner list shall be compiled from the Yamhill County Tax Assessor's property owner list from the most recent property tax assessment roll. The notice shall be sent a minimum of 15 days prior to the public meeting, and shall include at a minimum:
 - a. Date, time and location of the public meeting.
 - b. A brief written description of the proposal and proposed use, but with enough specificity so that the project is easily discernable.
 - c. The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessors map) which depicts the subject property.
 - 2. Evidence showing that the above requirements have been satisfied shall be submitted with the land use application. This shall include: copies of all required notification materials; surrounding property owners list; and, an affidavit from the property owner stating that the above listed

requirements were satisfied.

- D. Residential Siting Analysis. If a wireless or broadcast communications facility is proposed within a Residential zone the applicant must demonstrate the need for the new facility and compliance with stealth design requirements for alternative support structure as specified in this Chapter.
- E. Geographical Survey. The applicant shall identify the geographic service area for the proposed WCF, including a map showing all of the applicant's existing sites in the local service network associated with the gap that the proposed WCF is proposed to close. The applicant shall describe how this service area fits into and is necessary for the service provider's service network. Prior to the issuance of any building permits, applicants for WCF shall provide a copy of the corresponding FCC Construction Permit or license for the facility being built or relocated, if required. The applicant shall include a vicinity map clearly depicting where, within a one-half (1/2) mile radius, any portion of the proposed WCF could be visible, and a graphic simulation showing the appearance of the proposed WCF and all accessory and ancillary structures from two separate points within the impacted vicinity, accompanied by an assessment of potential mitigation and screening measures. Such points are to be mutually agreed upon by the Planning Director, or the Planning Director's designee, and the applicant. This Section (.02) is not applicable to applications submitted subject to the provisions of 47 U.S.C. 1455(a).
- F. Visual Impact, Technological Design Options, and Alternative Site Analysis. The applicant shall provide a visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette, and proposed screening for all components of the facility. The analysis shall include photo simulations and other information as necessary to determine visual impact of the facility as seen from multiple directions. The applicant shall include a map showing where the photos were taken. The applicant shall include an analysis of alternative sites and technological design options for the WCF within and outside of the City that are capable of meeting the same service objectives as the preferred site with an equivalent or lesser visual impact. If a new tower or pole is proposed as a part of the proposed WCF, the applicant must demonstrate the need for a new tower or pole and why existing locations or design alternatives, such as the use of microcell technology, cannot be used to meet the identified service objectives. Documentation and depiction of all steps that will be taken to screen or camouflage the WCF to minimize the visual impact of the proposed facility must be submitted.
- G. Number of WCF. The Application shall include a detailed narrative of all of the equipment and components to be included with the WCF, including, but not limited to, antennas and arrays; equipment cabinets; back-up generators; air conditioning units; towers; monopoles; lighting; fencing; wiring, housing; and screening. The applicant must provide the number of proposed WCF at each location and include renderings of what the WCF will look like when screened. The Application must contain a list of all equipment and cable systems to be installed, including the maximum and minimum dimensions of all proposed equipment.
- H. Safety Hazards. Any and all known or expected safety hazards for any of the WCF facilities must be identified and the applicant who must demonstrate how all such hazards will be addressed and minimized to comply with all applicable safety codes.

- I. Landscaping. The Application shall provide a landscape plan, drawn to scale, that is consistent with the need for screening at the site, showing all proposed landscaping, screening and proposed irrigation (if applicable), with a discussion of how proposed landscaping, at maturity, will screen the site. Existing vegetation that is proposed to be removed must be clearly indicated and provisions for mitigation included. All landscape plans shall be reviewed by and approved by the McMinnville Landscape Review Committee prior to installation.
- J. Height. The Application shall provide an engineer's diagram, drawn to scale, showing the height of the WCF and all of its above-ground components. Applicants must provide sufficient evidence that establishes that the proposed WCF is designed to the minimum height required to meet the carrier's coverage objectives. If a WCF height will exceed the base height restrictions of the applicable zone, its installation will be predicated upon either an Administrative Variance approval by the Planning Director (17.72.110) or a or Variance approval (17.72.120) by the Planning Commission.
- K. Timeframe. The Application shall describe the anticipated time frame for installation of the WCF.
- L. Noise/Acoustical Information. The Application shall provide manufacturer's specifications for all noise-generating equipment, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties. The applicant shall provide equipment decibel ratings as provided by the manufacturer(s) for all noise generating equipment for both maintenance cycling and continual operation modes.
- M. Parking. The Application shall provide a site plan showing the designated parking areas for maintenance vehicles and equipment for review and approval by the Planning Director.
- N. Co-Location. In the case of new antenna support structures (multi-user towers, monopoles, or similar support structures), the applicant shall submit engineering feasibility data and a letter stating the applicant's willingness to allow other carriers to co-locate on the proposed WCF.
- O. Lease. The site plan shall show the lease or easement area of the proposed WCF.
- P. Lighting and Marking. The Application shall describe any proposed lighting and marking of the WCF, including any required by the Federal Aviation Administration (FAA).
- Q. Maintenance. The applicant shall provide a description of anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and potential safety impacts of such maintenance.
- R. The Planning Director may request any other information deemed necessary to fully evaluate and review the information provided in the application.
- S. Co-Location Feasibility. A feasibility study for the co-location of any WCF as an alternative to new structures must be presented and certified by an Oregon-licensed Professional Engineer. Co-location will be required when determined to be feasible. The feasibility study shall include:
 - 1. An inventory, including the location, ownership, height, and design of existing WCF within one-half (1/2) mile of the proposed location of a new WCF. The planning director may share such information with other applicants seeking permits for WCF, but shall not, by sharing such information, in any way represent or warrant that such sites are available or suitable.

2. Documentation of the efforts that have been made to co-locate on existing or previously approved towers, monopoles, or structures. The applicant shall make a good faith effort to contact the owner(s) of all existing or approved towers, monopoles, or structures and shall provide a list of all owners contacted in the area, including the date, form, and content of such contact.
3. Documentation as to why co-location on existing or proposed towers, monopoles, or commercial structures within one thousand (1,000) feet of the proposed site is not practical or feasible. Co-location shall not be precluded simply because a reasonable fee for shared use is charged or because of reasonable costs necessary to adapt the existing and proposed uses to a shared tower. The Planning Director and/or Development Review Board may consider expert testimony to determine whether the fee and costs are reasonable when balanced against the market and the important aesthetic considerations of the community.

17.55.085 Speculation tower. No application shall be accepted or approved from an applicant to construct a tower and lease tower space to service providers when it is not itself a wireless service provider unless the applicant submits a binding written commitment or executed lease from a service provider to utilize or lease space on the tower.

17.55.090 Owner's Responsibility

- A. If the City of McMinnville approves a new tower, the owner of the tower improvement shall, as conditions of approval, be required to:
 1. Record all conditions of approval specified by the City with the Yamhill County Clerk/Recorder;
 2. Respond in a timely, comprehensive manner to a request for information from a potential shared use applicant;
 - a. Negotiate in good faith with any potential user for shared use of space on the tower;
 - b. The above conditions, and any others required by the City, shall run with the land and be binding on subsequent purchasers of the tower site and/or improvement; and
 - c. A person/entity who/which deems himself/herself/itself aggrieved by the failure of a tower owner to respond in a timely and comprehensive manner or negotiate in good faith for shared use of a tower approved by the City under this ordinance or any previous iteration of this ordinance, shall have a private right of action for damages for injury sustained by the party which was caused by the failure of the owner of the tower to so respond or negotiate in good faith as required by this section. In the resulting private litigation/mediation/arbitration, the prevailing party shall be entitled to have his/her/it's reasonable attorney fees paid by the nonprevailing party at the trial level and upon appeal.
- B. Maintenance. The following maintenance requirements apply to all facilities and shall be required as conditions of approval, where applicable:
 1. All landscaping shall be maintained at all times and shall be promptly replaced if not successful.
 2. If a flagpole is used for camouflaging a facility, flags must be flown and must be properly maintained at all times.

3. All wireless and broadcast communication facility sites shall be kept clean, free of litter and noxious weeds.
4. All wireless and broadcast communication facility sites shall maintain compliance with current RF emission standards of the FCC, the National Electric Safety Code, and all state and local regulations.
5. All equipment cabinets shall display a legible operator's contact number for reporting maintenance problems.

17.055.100 Abandoned Facilities

- A. All operators who intend to abandon or discontinue the use of any wireless or broadcast communication facility shall notify the City of such intentions no less than 60 days prior to the final day of use.
- B. Wireless or broadcast communication facilities shall be considered abandoned 90 days following the final day of use or operation.
- C. All abandoned facilities shall be physically removed by the facility owner no more than 90 days following the final day of use or of determination that the facility has been abandoned, whichever occurs first.
- D. In the event that an owner discontinues use of a wireless communication and broadcast facility for more than ninety (90) days, the City may declare the facility abandoned and require the property owner to remove it. An abandoned facility may be declared a nuisance subject to the abatement procedures of the City of McMinnville Code. Delay by the City in taking action shall not in any way waive the city's right to take action. Upon written application prior to the expiration of the ninety (90) day period, the Planning Director may grant a six-month extension for reuse of the facility. Additional extensions beyond the first six-month extension may be granted by the City subject to any conditions required to bring the project into compliance with current law(s) and make compatible with surrounding development.
- E. Any abandoned site shall be restored to its natural or former condition. Grading and landscaping in good condition may remain.
- F. The applicant shall submit a cash deposit to be held by the City as security for abatement of the facility as specified herein. The cash deposit shall be equal to 120% of the estimated cost for removal of the facility and restoration of the site. Cost estimates for the removal shall be provided by the applicant based on an independent, qualified engineer's analysis and shall be verified by the City. Upon completion of the abandonment of the facility by the applicant as specified by this section, and inspection by the City, the entirety of the cash deposit shall be returned to the applicant.

17.055.110 Review Process and Approval Criteria. The following procedures shall be applicable to all new wireless and broadcast communication facility applications as specified in the Section:

- A. All new wireless and/or broadcast communication facilities shall be reviewed under this chapter. Applications for new wireless and broadcast communication facilities shall be processed in accordance with the provisions of this section.
- B. Approval Criteria. The City shall approve the application for a wireless or broadcast communication facility on the basis that the proposal complies with the General Development Standards listed in this code above, and upon a determination that the following criteria are met:

1. The location is the least visible of other possible locations and technological design options that achieve approximately the same signal coverage objectives.
2. The location, size, design, and operating characteristics of the proposed facility will be compatible with adjacent uses, residences, buildings, and structures, with consideration given to:
 - a. Scale, bulk, coverage and density;
 - b. The harmful effect, if any, upon neighboring properties;
 - c. The suitability of the site for the type and intensity of the proposed facility; and
 - d. Any other relevant impact of the proposed use in the setting where it is proposed (i.e. noise, glare, traffic, etc).
3. All required public facilities and services have adequate capacity as determined by the City, to serve the proposed wireless or broadcast communication facility; and
 - a. The City may impose any other reasonable condition(s) deemed necessary to achieve compliance with the approval standards, including designation of an alternate location, or if compliance with all of the applicable approval criteria cannot be achieved through the imposition of reasonable conditions, the application shall be denied.
 - b. Notwithstanding any other provisions of this Code, the McMinnville City Council may establish fees in amounts sufficient to recover all of the City's costs in reviewing applications filed pursuant to this Chapter, including retaining independent telecommunication or other professional consultants as may be necessary to review and evaluate any evidence offered as part of an application. Such fee may be imposed during the review of an application as deemed appropriate by the City Planning Department.

Chapter 17.55

WIRELESS COMMUNICATIONS FACILITIES (as amended by Ord. 4732, June 2000)

Sections:

- 17.55.010 — Purpose.
- 17.55.020 — Definitions.—
- 17.55.030 — Antennas to which this chapter has no application.
- 17.55.040 — Permitted and conditional use locations of antenna, antenna support structures, and antenna arrays to be used for wireless communication service.
- 17.55.050 — Design standards.
- 17.55.060 — Co-location of antennas and antenna support structures.
- 17.55.070 — Interference with reception.
- 17.55.080 — Antenna support structures — removal when no longer used
- 17.55.090 — Application for permit for antennas, antenna arrays, antenna support structures, and equipment enclosures.
- 17.55.010 — Purpose. The purpose of this chapter is to establish appropriate locations,

~~site development standards, and permit requirements to allow for the provision of wireless communications services to the residents of the City. Such siting is intended to occur in a manner that will facilitate the location of various types of wireless communication facilities in permitted locations consistent with the residential character of the City, and consistent with land uses in commercial and industrial areas.~~

~~The prevention of the undue proliferation and associated adverse visual impacts of wireless communications facilities within the City is one of the primary objectives of this chapter. This chapter, together with the provisions of the Uniform Building Code, is also intended to assist in protecting the health, safety, and welfare of the citizens of McMinnville. (Ord. 4732, 2000)~~

~~17.55.020 — Definitions. For the purposes of this section, refer to Section 17.06.050 for Wireless Communications Facility related definitions. (Ord. 4952 §1, 2012).~~

~~17.55.030 — Antennas to which this chapter has no application. The provisions of this chapter do not apply to radio or television reception antennas, satellite or microwave parabolic antennas not used by wireless communications service providers, antennas under 70 feet in height and owned and operated by a federally-licensed amateur radio station operators, to any antenna support structure or antenna lawfully in existence within the city on the effective date of this chapter, or to the facilities of any cable television company holding a valid and current franchise, or commercial radio or television broadcasting facilities. (Ord. 4732, 2000)~~

~~17.55.040 — Permitted and conditional use locations of antenna, antenna support structures, and antenna arrays to be used for wireless communications service. Wireless communication antenna, antenna arrays, and antenna support structures are permitted, conditionally permitted, or prohibited to be located in the zones as provided in this Chapter and as listed below:~~

- ~~D. Antenna support structures are permitted in the M-L (Limited Light Industrial Zone), M-1 (Light Industrial Zone), and M-2 (General Industrial Zone) zones only.~~
- ~~E. In the R-1, R-2, R-3, and R-4 zones, with Planning Commission approval of a conditional use permit, subject to the requirements of Chapters 17.72 and 17.74, antennas and antenna arrays may be mounted to existing alternative antenna support structures. However, such antennas and antenna arrays shall not add more than twenty feet to the total height or elevation of such structure from the street grade. Facilities associated with antennas or antenna arrays so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building.~~
- ~~F. In the O-R, C-1, C-2, and C-3 zones located outside of the Historic Downtown Core (for purposes of this ordinance, defined as the area between First and Fifth Streets, and Adams and Galloway Streets), antennas and antenna arrays may be mounted to existing alternative antenna support structures. However, such antennas and antenna arrays shall add not more than twenty feet to the total height or elevation of such structure from the street grade. Facilities associated with antennas or antenna arrays so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building.~~
- ~~G. In the Historic Downtown Core, the placement of antennas and antenna arrays may be permitted subject to the requirements of Chapters 17.72 and 17.74 of the McMinnville Zoning Ordinance, and the requirements of this ordinance.~~

- H. ~~In the M-L, M-1, and M-2 zones located outside of the Historic Downtown Core, antennas and antenna arrays may be mounted to existing alternative antenna support structures.~~
- I. ~~In the A-H and F-P zones, with Planning Commission approval of a conditional use permit, subject to the requirements of Chapters 17.72 and 17.74, antennas and antenna arrays may be mounted to existing alternative antenna support structures. However, such antennas and antenna arrays shall not add more than twenty feet to the total height or elevation of such structure from the street grade. Facilities associated with antennas or antenna arrays so mounted shall be obscured from view from all streets and immediately adjacent properties by the use of screening materials designed, painted and maintained in a manner that will blend with the appearance of the building.~~
- J. ~~Wireless Facilities matrix.~~

<u>ZONE</u>	WIRELESS FACILITIES	
	TOWERS	ANTENNA ARRAY MOUNTS TO EXISTING STRUCTURES*
Residential	Prohibited	Less than or equal to 20 feet height added (Conditional Use)
Commercial	Prohibited	Less than or equal to 20 feet height added (Permitted)
		Within Historic Downtown (Conditional Use)
Industrial	<u>Permitted</u>	Permitted (without regard to height added)
		Within Historic Downtown (Conditional Use)
Agricultural Holding	Prohibited	Less than or equal to 20 feet height added (Conditional Use)
Floodplain	Prohibited	Less than or equal to 20 feet height added (Conditional Use)

* ~~Subject to the requirements of Chapter 17.55. (Ord. 4732, 2000)~~

17.55.050 Design standards.

- B. ~~Where permitted, antenna support structures shall be constructed and installed as far away from existing buildings on adjoining land as is reasonably possible, and in no event within any required yard or set-back area or nearer than 25 feet to any publicly held land, residential structure or accessory building on adjoining land, or railroad right-of-way.~~
- C. ~~The area around the base of antenna support structures (including any equipment enclosure) is to be fenced, with a sight-obscuring fence a minimum of six feet in height. The fenced area is to be surrounded by evergreen shrubs (or a similar type of evergreen landscaping), placed within a landscaped strip a minimum of ten feet in width. In the event that placement of a proposed antenna support structure and/or equipment enclosure is located in a unique area within a subject site that would not~~

benefit from the addition of landscaped screening, the Planning Director may require that the applicant submit a landscape plan illustrating the addition of a proportional landscape area that will enhance the subject site either at a building perimeter, parking lot, or street frontage, adjacent to or within the subject site.

- ~~C. All antenna support structures, antennas, and antenna arrays, and associated facilities shall be finished in a non-reflective neutral color.~~
- ~~D. No antenna support structure shall be permitted to be constructed, installed or erected within 1,000 feet of any other antenna support structure that is owned, operated, or occupied by the same wireless communications service. Exceptions to this standard may be permitted by the Planning Director if, after reviewing evidence submitted by the service provider, he finds: 1) that a closer spacing is required in order to provide adequate wireless communication service to the subject area; and 2) the service provider has exhausted all reasonable means of co-locating on other antenna support structures that may be located within the proposed service area. An appeal of the Planning Director's decision may be made to the Planning Commission provided such appeal is filed with the Planning Department within fifteen days of the Director's decision. Appropriate fees, as set by City Council resolution, shall accompany the appeal.~~
- ~~E. The construction and installation of antenna support structures, antennas, antenna arrays, and the placement of antennas or antenna arrays on alternative antenna support structures, shall be subject to the requirements of the city's Building Code (UBC), and Electrical Code (NEC).~~
- ~~F. No antennas or antenna arrays, or antenna support structures shall be artificially lighted except as required by the Federal Aviation Administration or other governmental agency.~~
- ~~G. There shall be no signs, symbols, flags, banners, or other such devices or things attached to or painted or inscribed upon any antennas, antenna arrays, or antenna support structures.~~
- ~~H. If the application involves the placement of an antenna or an antenna array on a building that is listed in the McMinnville register of historic structures, no permit to construct, install or erect antenna support structures or equipment enclosures, or to install, mount or erect antennas or antenna arrays on existing buildings or on other alternative antenna support structures, shall be issued without the prior approval of the McMinnville Historic Landmarks Committee. (Ord. 4732, 2000)~~

~~17.55.060 — Co-location of antennas and antenna support structures.~~

- ~~B. Co-location shall be required unless demonstrated to be infeasible to the satisfaction of the Planning Director or Planning Commission. Evidence submitted to demonstrate such shall consist of the following:
 - ~~1. That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the applicant's engineering requirements; or~~
 - ~~2. That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet applicant's engineering requirements; or~~
 - ~~3. That existing antenna support structures and alternative antenna support structures do not have sufficient structural strength to support applicant's proposed antennas or antenna arrays and related equipment; or~~
 - ~~4. That an applicant's proposed antennas or antenna arrays would cause detrimental electromagnetic interference with nearby antennas or antenna arrays, or vice-versa; or~~
 - ~~5. That there are other limiting factors, such as inadequate space for a second equipment shelter, that render existing antenna support structures or alternative antenna support structures unsuitable.~~~~

- ~~B. All wireless communications service providers shall cooperate with other wireless communications service providers in co-locating additional antennas or antenna arrays on antenna support structures and/or alternative antenna support structures. The following co-location requirements shall apply:~~
- ~~1. All antenna support structures shall be designed so as to not preclude co-location.~~
 - ~~2. In the event co-location is represented to be infeasible, the City may retain a technical expert in the field of telecommunications engineering to verify if co-location at the site is not feasible, or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant.~~
 - ~~3. A wireless communications service provider shall exercise good faith in co-locating with other providers and sharing antenna sites, provided that such shared use does not technically impair their ability to provide wireless communications service. Such good faith shall include sharing of technical information to evaluate the feasibility of co-location. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating other providers, the city may require a third party technical study at the expense of either or both of such providers.~~
 - ~~4. The City of McMinnville may deny a building or conditional use permit to the applicant for a wireless facility who has not demonstrated a good faith effort to co-locate on an existing wireless communication facility. Determination of "good faith effort" shall be the responsibility of the Planning Director. (Ord. 4732, 2000)~~

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~~17.55.070 Interference with reception. No antenna or antenna array shall be permitted to be placed in a location where it will interfere with existing transmittal or reception of radio, television, audio, video, electronic, microwave or other signals, especially as regard police and emergency services operating frequencies. (Ord. 4732, 2000)~~

~~17.55.080 Antenna support structures removal when no longer used. Any antenna support structure that has had no antenna or antenna array mounted upon it for a period of 180 successive days, or if the antenna or antenna array mounted thereon are not operated for a period of 180 successive days, shall be considered abandoned, and the owner thereof shall remove such structure and any accompanying equipment enclosure within 90 days from the date of written notice from the City. During such 90 days, the owner may apply, and, for good reason, be granted an extension of time on such terms as the Planning Director or Building Official shall determine. If such structure and equipment enclosure are not so removed, the city may seek and obtain a court order directing such removal and imposing a lien upon the real property upon which the structure(s) are situated in an amount equal to the cost of removal. (Ord. 4732, 2000)~~

~~17.55.090 Application for permit for antennas, antenna arrays, antenna support structures, and equipment enclosures. All applications for permits for the placement and construction of wireless facilities shall be accompanied by the following:~~

- ~~D. Payment of all permit fees, plans check fees and inspection fees;~~
- ~~E. Proof of ownership of the land and/or alternative antenna support structure upon which the requested antenna, antenna array, enclosure, and/or structure is proposed, or copy of an appropriate easement, lease, or rental agreement;~~
- ~~F. A map, drawing or aerial photo showing all existing and proposed antenna support structures within one mile of the McMinnville Urban Growth Boundary (UGB). Information provided shall include the number of existing antenna and antenna arrays per antenna support structure, as well as the number of arrays planned for use upon~~

~~a proposed new antenna support structure, with sufficient detail (if available) to be added to the City's GIS data system. Any wireless communications service provider may utilize existing mapping information possessed by the City in order to create an updated map.~~

- ~~G. A scaled plan and a scaled elevation view and other supporting drawings, illustrating the location and dimensions of the relevant antenna support structure, alternative antenna support structure, antenna array, antennas, equipment enclosures and any and all other major devices and attachments. (Ord. 4732, 2000)~~

EXHIBIT B



CITY OF MCMINNVILLE
PLANNING DEPARTMENT
231 NE FIFTH STREET
MCMINNVILLE, OR 97128
503-434-7311
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DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO CHAPTER 17.55 (WIRELESS COMMUNICATIONS FACILITIES) OF THE MCMINNVILLE ZONING ORDINANCE.

DOCKET: G 4-17

REQUEST: The City of McMinnville is proposing to amend Chapter 17.55 (Wireless Communications Ordinance) of the McMinnville Zoning Ordinance to update provisions related to wireless telecommunications facilities to achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.

LOCATION: N/A

ZONING: N/A

APPLICANT: City of McMinnville

STAFF: Ron Pomeroy, Principal Planner

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: August 17, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: September 26, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; and Northwest Natural Gas. No comments in opposition have been received.

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 4-17) to the McMinnville City Council.

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DECISION: APPROVAL

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

Date: _____

Date: _____

Date: _____

Application Summary:

The City of McMinnville is proposing to amend Chapter 17.55 (Wireless Communications Facilities) of the McMinnville Zoning Ordinance to update provisions related to wireless telecommunications facilities to achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.

McMinnville's first Wireless Communications Facilities ordinance was adopted in June, 2000, as Chapter 17.55 of the McMinnville Zoning Ordinance. That chapter of the zoning ordinance has not been updated in the 17 years since its adoption. As currently written, current regulations allow towers being constructed into the 140 to 150-foot height range. In addition, while the current code requires telecommunication antennas in residential zones and the historic downtown area to be obscured from view from all streets and immediately adjacent properties, there is little guidance as to how this should be accomplished. The current chapter also allows 20-feet of additional height to be added to antenna support structures in all zones except for the Agricultural Holding and Floodplain zones. Additionally, while co-location of antennas is required prior to the installation of new towers, there is little required to demonstrate the inability to co-locate and the need for a new tower to be installed.

Staff is proposing modifications to Chapter 17.55 to achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.

As a result of staff's review of this chapter, the resulting recommended modifications are extensive and staff is recommending a full replacement of the existing Wireless Communications Facilities chapter of the zoning ordinance. Staff provided a copy of the proposed amendments to the legal team of Beery Elsner & Hammond, LLP, for review and current FCC compliance; BEH specializes, in part, in Municipal Law & Governance, and Land Use & Development Review. The proposed attached text amendments include any and all resultant recommendations from legal counsel.

The key proposed modifications occur in the following areas:

- Height limitations
- Visual Impact
- Screening and Landscaping
- Color
- Signage
- Limitation on equipment building storage size and height; exceeding these standards would require the facility to be placed in an underground vault.
- Lighting
- Setbacks and Separation
- Co-Location – Burdon of proof required
- Application submittal requirements
- Noise
- Abandoned Facilities
- Review process and approval criteria

CONDITIONS OF APPROVAL

None.

ATTACHMENTS

Chapter 17.55 – Wireless Communications Facilities

COMMENTS

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; and Northwest Natural Gas.

FINDINGS OF FACT

1. McMinnville's first Wireless Communications Facilities ordinance was adopted in June, 2000, as Chapter 17.55 of the McMinnville Zoning Ordinance. The City of McMinnville is proposing to amend Chapter 17.55 (Wireless Communications Facilities) of the McMinnville Zoning Ordinance to update provisions related to wireless telecommunications facilities to achieve a more desirable community aesthetic while ensuring code compliance with current Federal Communications Commission (FCC) regulations.
2. In concert with legal counsel, staff has drafted the following proposed amendments to McMinnville Zoning Ordinance (Ordinance 3380) specific to Section 17.55 (Wireless Communications Facilities) for consideration by the McMinnville Planning Commission and the McMinnville City Council.
3. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Recology Western Oregon; Comcast; and Northwest Natural Gas. No comments in opposition have been received.
4. Public notification of the public hearing held by the Planning Commission was published in the August 8, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.
5. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

Economy of McMinnville

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

Commercial Development

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

Industrial Development

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

General Policies:

48.00 The City of McMinnville shall encourage the development of new industries and expansion of existing industries that provide jobs for the local (McMinnville and Yamhill County) labor pools.

Economic Development

132.34.00 Supportive of the mobility needs of business and industry, the McMinnville transportation system shall consist of the infrastructure necessary for the safe and efficient movement of goods, services, and people throughout the McMinnville planning area, and between other centers within Yamhill County and the Willamette Valley. [..]

Finding: Goals IV 1, IV 2, and IV 6, and Policies 48.00 and 132.34.00 are satisfied by this proposal in that the proposed modifications would support the continued opportunity for the provision of wireless communications facilities in McMinnville. While requiring wireless communications facilities to physically blend in more cohesively with our local urban environment, this proposal will also lend support to job creation and retention, and aid in enhancing business and industry communications options. While not actual employment or manufacturing centers, wireless communications facilities will continue to provide for the digital transfer of information which is directly supportive of and enabling to the commercial and industrial sectors.

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 [..]

Police and Fire Protection

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

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

Finding: Policies 153.00, and 155.00 are satisfied by this proposal in that in that the proposed modifications would continue to support the efficient operation of a wireless communications network that would, in some part, enable the rapid movement of fire, medical, and police vehicles throughout McMinnville's urban area. These amendments were provided to the McMinnville Police and Fire Departments for review and comment and no concerns or objections were provided.

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

Policies:

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

Finding: Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed Staff Report and Decision Document prior to the holding of advertized public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

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

General Provisions:

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

Finding: Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.

RP:sjs



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

www.mcminnvilleoregon.gov

Exhibit 6 – STAFF REPORT

DATE: August 17, 2017
TO: McMinnville Planning Commission
FROM: Heather Richards, Planning Director
SUBJECT: **G 5-17 Citizen Involvement** – Comprehensive Plan Text Amendments – Chapter X (Citizen Involvement and Plan Amendment) of the McMinnville Comprehensive Plan

Report in Brief:

This is a public hearing to consider proposed text amendments to the McMinnville Comprehensive Plan, Volume II Goals and Policies, Chapter X, Citizen Involvement and Plan Amendment to designate the Planning Commission as the Committee for Citizen Involvement and to establish a structure to appoint special advisory boards and ad-hoc committees for land-use and planning matters as deemed appropriate.

Background:

Goal #1 of the Oregon land use system is citizen involvement. Oregon Administrative Rules (OAR) 660-015-0000(1) requires that each governing body charged with adopting and administering a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

The program needs to incorporate the following components:

1. Citizen Involvement – To provide for widespread citizen involvement by appointing an officially recognized committee that represents a cross-section of affected citizens in all phases of the planning process. This can be the Planning Commission or a separate committee.
2. Communication – To assure effective two-way communication with citizens.
3. Citizen Influence – To provide the opportunity for citizens to be involved in all phases of the planning process.
4. Technical Information – To assure that technical information is available in an understandable form.
5. Feedback Mechanisms – To assure that citizens will receive a response from policy-makers.
6. Financial Support – To insure funding for the citizen involvement program.

In 1976, the City of McMinnville created a Citizen Advisory Committee with Resolution No. 1976-11 to respond to this land-use goal and mandate. This resolution was amended by Resolution 1985-1.

Attachments:

Exhibit A: G 5-17 Citizen Involvement - Proposed Comprehensive Plan Text Amendments
Exhibit B: G 5-17 Decision Document, Findings of Fact and Conclusionary Findings

Interestingly Resolution 1985-1 appoints the Planning Commission officially as the Citizen Involvement Committee but also enables a Citizen Advisory Committee.

Discussion:

The Citizen Advisory Committee has not met since 2000 and has three members appointed with four vacancies. It does not appear to be effective or relevant at this point.

Other communities operate with the Planning Commission as the standing Citizen Involvement Committee, and establish a Citizen Advisory Committee and Technical Advisory Committee for each significant long-range planning effort. The Citizen Advisory Committee is then populated with interested residents and stakeholders that meet for a prescribed period of time to develop the product, conduct a public process and then hand the product to the Planning Commission for a formal public deliberation and adoption process. Typically these committees are 15 – 20 people, and include members of city commissions and committees as appropriate, as well as city partners, other stakeholders and interested residents. This type of process allows for a robust public participation that is specific and timely. The Technical Advisory Committee is then often appointed with technical experts who work with city staff on providing the due diligence, research and review needed to support the Citizen Advisory Committee.

Staff has drafted some proposed Comprehensive Plan text amendments to reaffirm the action taken in 1985 that officially designated the Planning Commission as the Committee for Citizen Involvement and to establish a structure to appoint special advisory boards and ad-hoc committees for land-use and planning matters as deemed appropriate.

These amendments were reviewed by the existing members of the Citizen Advisory Committee and by the Planning Commission at their work session on July 20, 2017.

Fiscal Impact:

There is no anticipated fiscal impact.

Commission Options:

- 1) Close the public hearing and recommend that the City Council **APPROVE** the application, per the decision document provided which includes the findings of fact.
- 2) **CONTINUE** the public hearing to a specific date and time.
- 3) Close the public hearing, but **KEEP THE RECORD OPEN** for the receipt of additional written testimony until a specific date and time.
- 4) Close the public hearing and **DENY** the application, providing findings of fact for the denial in the motion to deny.

Recommendation/Suggested Motion:

The Planning Department recommends that the Commission make the following motion recommending approval of G 5-17 to the City Council:

THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE CITY OF McMINNVILLE, THE PLANNING COMMISSION RECOMMENDS APPROVAL OF THE LEGISLATIVE COMPREHENSIVE PLAN TEXT AMENDMENTS (G 5-17) TO THE McMINNVILLE CITY COUNCIL AS RECOMMENDED BY STAFF.

Attachments:

Exhibit A: G 5-17 Citizen Involvement - Proposed Comprehensive Plan Text Amendments

Exhibit B: G 5-17 Decision Document, Findings of Fact and Conclusionary Findings



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

503-434-7311
www.mcminnvilleoregon.gov

PROPOSED AMENDMENTS TO THE MCMINNVILLE COMPREHENSIVE PLAN,
VOLUME II GOALS AND POLICIES

New proposed language is represented by **bold underline font**, deleted language is represented by ~~strikethrough font~~.

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 ~~23~~: TO PERIODICALLY REVIEW AND AMEND THE MCMINNVILLE COMPREHENSIVE PLAN TO REFLECT CHANGES IN COMMUNITY CIRCUMSTANCES, IN CITIZEN DESIRES, AND IN THE STATEWIDE GOALS.

Policies:

- 188.00 *The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*
- 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.*
- 190.00 **The City of McMinnville shall appoint a representative Planning Commission that will serve as the officially recognized Committee for Citizen Involvement (CCI) for the City of McMinnville. This Commission will be made up of representatives**

of all geographical areas of the City, and shall hold public forums and public hearings on major comprehensive plan text amendments, comprehensive plan and zoning map amendments, zoning ordinance text amendments and changes in the urban growth boundary and/or urban growth management agreements.

~~The City of McMinnville shall continue to engage citizens in community advisory positions for input on the major elements of the comprehensive plan. An ongoing Citizens' Advisory Committee, made up of representatives of all geographical areas of the City, shall hold public forums on major comprehensive plan text and map amendments, and changes in the urban growth boundary and/or urban growth management agreement text.~~

191.00 The **Committee for Citizen Involvement** ~~Citizens' Advisory Committee~~ shall, in addition to reviewing the aforementioned proposals, undertake a major review of the City's comprehensive plan, as required by the LCDC, to insure compliance with the statewide goals, to insure the proper functioning of the plan and all implementation measures, and to incorporate into the plan changes in citizenry views or community circumstances which are deemed necessary and proper. (Ord. 4536, April 27, 1993)

192.00 The **Committee for Citizen Involvement** ~~Citizens' Advisory Committee~~ shall have the power to initiate requests for amendments to the comprehensive plan text, maps, or implementation ordinances through appropriate procedures and channels.

193.00 The City of McMinnville shall continue to engage citizens in community advisory positions for input on the major elements of the comprehensive plan by creating special citizen advisory bodies and ad-hoc committees comprised of volunteers representing a broad cross-section of the community to provide input on every major comprehensive planning effort and other related land use planning matters.

194.00 The City of McMinnville shall strive to include youth members on City committees involved in land use planning, and work with the McMinnville School District, local private schools and service groups to encourage youth involvement in land use planning activities.

195.00 The City of McMinnville shall assure that technical information is available to citizens in an understandable form and when needed provide translations of information to non-English speaking members of the community,

196.00 The City of McMinnville shall allocate adequate human, financial and informational resources for the citizen involvement program.

Proposals:

40.00 Periodically evaluate the City's Citizen Involvement Program and make adjustments as needed to improve its effectiveness.

41.00 Have the Committee for Citizen Involvement report at least annually to the City Council to evaluate the effectiveness of the City's citizen involvement efforts.



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**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS
FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE
COMPREHENSIVE PLAN, CHAPTER X, CITIZEN INVOLVEMENT.**

DOCKET: G 5-17

REQUEST: The City of McMinnville is proposing to amend Chapter X of the McMinnville Comprehensive Plan (Citizen Involvement and Plan Amendment) to appoint the Planning Commission as the Committee for Citizen Involvement and to establish a structure to appoint special advisory boards and ad-hoc committees for land-use and planning matters as deemed appropriate.

LOCATION: N/A

ZONING: N/A

APPLICANT: City of McMinnville

STAFF: Heather Richards, Planning Director

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: August 17, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

HEARINGS BODY: McMinnville City Council

DATE & TIME: September 26, 2017. Meeting held at the Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the legislative zoning text amendments (G 5-17) to the McMinnville City Council.

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

Date: _____

Date: _____

Date: _____

Application Summary:

The City of McMinnville is proposing to amend Chapter X of the McMinnville Comprehensive Plan (Citizen Involvement and Plan Amendment) to appoint the Planning Commission as the Committee for Citizen Involvement and to establish a structure to appoint special advisory boards and ad-hoc committees for land-use and planning matters as deemed appropriate.

CONDITIONS OF APPROVAL

None.

ATTACHMENTS

Chapter X, McMinnville Comprehensive Plan, Proposed Text Amendments

FINDINGS OF FACT

1. Goal #1 of the Oregon land use system is citizen involvement. Oregon Administrative Rules (OAR) 660-015-0000(1) requires that each governing body charged with adopting and administering a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.
2. In 1976, the City of McMinnville created a Citizen Advisory Committee with Resolution No. 1976-11 to serve as the Committee for Citizen Involvement.
3. In 1981, the City of McMinnville adopted the McMinnville Comprehensive Plan.
4. In 1985, the City of McMinnville adopted Resolution 1985-1 appointing the Planning Commission as the Committee for Citizen Involvement.
5. Public notification of the public hearing held by the Planning Commission was published in the August 8, 2017 edition of the News Register. No comments in opposition were provided by the public prior to the public hearing.
6. The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

Citizen Involvement

- 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 PERIODICALLY REVIEW AND AMEND THE McMINNVILLE COMPREHENSIVE PLAN TO REFLECT CHANGES IN COMMUNITY CIRCUMSTANCES, IN CITIZEN DESIRES, AND IN THE STATEWIDE GOALS..

Finding: Goals X 1 and X 2 are satisfied by this proposal in that the proposed modifications represent a recent review of the citizen involvement process with the Planning Commission and the City Council and the conclusion was that it was not successful as it could be in terms of engaging representative community demographics and providing opportunities for citizens to participate in long-range planning discussions. The proposed amendments allow for more opportunities for citizens to participate in the long-range planning for the community, encourages the City of McMinnville to make an effort to engage representative demographic profiles in its planning processes, and requires an active evaluation of the citizen involvement program.

HR:sjs