

ORDINANCE NO. 5022

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-2 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (MULTIPLE-FAMILY RESIDENTIAL) ON APPROXIMATELY TWO (2) ACRES OF LAND AND A ZONE CHANGE FROM LDR-9,000 (LOW DENSITY RESIDENTIAL – 9,000 SQUARE FOOT MINIMUM) TO R-4 (MULTIPLE-FAMILY RESIDENTIAL) ON APPROXIMATELY 2.6 ACRES OF LAND.

RECITALS:

The subject site is located west of NE Evans Street and east of NE Baker Street and is more specifically described as Tax Lots 3200 and 3201, Section 16BC, T. 4 S., R. 4 W., W.M., respectively; and

The Planning Department received applications ZC 3-17 and ZC 4-17 on March 2, 2016, and deemed them it complete on March 6, 2017. The first public hearing before the McMinnville Planning Commission was held on April 20, 2017, after due notice had been provided in the local newspaper on April 11, 2017, and written notice had been mailed to property owners within 300 feet of the affected property. At the May 18, 2017, Planning Commission public meeting, after the application materials and a staff report were presented and testimony was received, the Commission closed the public hearing and directed staff to draft conditions of approval relative to pedestrian connectivity and buffering from adjacent single-family development. The Planning Commission evaluated the draft conditions at their May 18, 2017, public meeting and, after deliberation, voted unanimously to recommend approval of ZC 3-17 and ZC 4-17 with conditions to the McMinnville City Council; and

The City Council, being fully informed about said request, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the zone change review criteria listed in Section 17.74.020 and Planned Development Amendment review criteria listed in Section 17.74.070 of the McMinnville Zoning Ordinance based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The City Council having received the Planning Commission recommendation and staff report, and having deliberated;

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF MCMINNVILLE ORDAINS AS FOLLOWS:

1. That the Council adopts the Findings of Fact, Conclusionary Findings, Decision and Conditions of Approval as documented in Exhibit A for ZC 3-17/4-17; and

2. That the western parcel on the site be rezoned from LDR-9,000 (Low Density Residential – 9,000 Square Foot Minimum) to R-4 (Multiple-Family Residential) and that the eastern parcel on the site be rezoned from R-2 (Single-Family Residential) to R-4 (Multiple-Family Residential) subject to the following conditions:

1. The site shall be designed to allow for a future bicycle/pedestrian connection to NE Baker Street, so that a bicycle/pedestrian connection to NE Baker Street

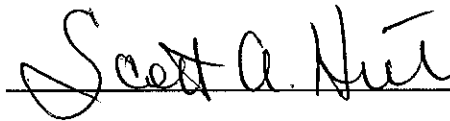
could be made in the future, at such time that the roadway is improved to the complete street standards contained in the McMinnville Transportation System Plan.

2. Vehicular access from this site to NE Baker Street shall be prohibited.
 3. Side yards setbacks shall be increased one foot for each foot of building height over thirty-five feet.
 4. If the site is developed as multi-family residential, buffering along the northern and southern 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 single-family developments located to the north and south of this site and shall include a mix of vertical and horizontal vegetation, fencing and/or berms, but shall not serve as a visual or physical barrier between this development and the surrounding neighborhood. The proposed buffers shall be submitted to the McMinnville Landscape Review Committee for the review and approval prior to the issuance of building permits for this site.
3. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 13th day of June 2017, by the following votes:

Ayes: Drabkin, Garvin, Jeffries, Menke, Stassens, Baden

Nays: _____



MAYOR

Attest:

Approved as to form:



CITY RECORDER



CITY ATTORNEY



**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 TWO ZONE CHANGE REQUESTS FOR PROPERTY LOCATED WEST OF NE EVANS STREET AND EAST OF NE BAKER STREET.

- DOCKET:** ZC 3-17/ZC 4-17 (Zone Change)
- REQUEST:** The applicant is requesting approval of a zone change from R-2 (Single-Family Residential) to R-4 (Multiple-Family Residential) on approximately two (2) acres of land and a zone change from LDR-9,000 (Low Density Residential – 9,000 Square Foot Minimum) to R-4 (Multiple-Family Residential) on approximately 2.6 acres of land.
- LOCATION:** The subject site is located west of NE Evans Street and east of NE Baker Street and is more specifically described as Tax Lots 3200 and 3201, Section 16 BC, T. 4 S., R. 4 W., W.M., respectively.
- ZONING:** The subject site's current zoning is R-2 and LDR-9,000.
- APPLICANT:** Premier Development, LLC
- STAFF:** Ron Pomeroy, Principal Planner
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** April 20, 2017, May 18, 2017. Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.
- DECISION MAKING BODY:** McMinnville City Council
- DATE & TIME:** June 13, 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; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

DECISION

Based on the findings and conclusions, the Planning Commission recommends that the City Council **APPROVE** zone change ZC 3-17 and zone change ZC 4-17 **subject to the conditions of approval provided in this document.**

//
//////
DECISION: APPROVAL WITH CONDITIONS
//
//////

City Council:  Date: 7/19/17
Scott Hill, Mayor of McMinnville

Planning Commission:  Date: May 18, 2017
Roger Hall, Chair of the McMinnville Planning Commission

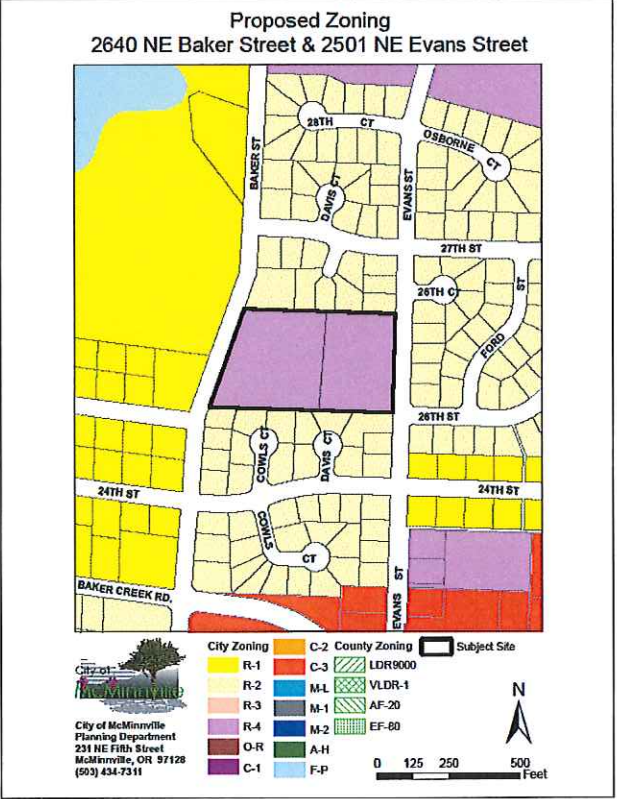
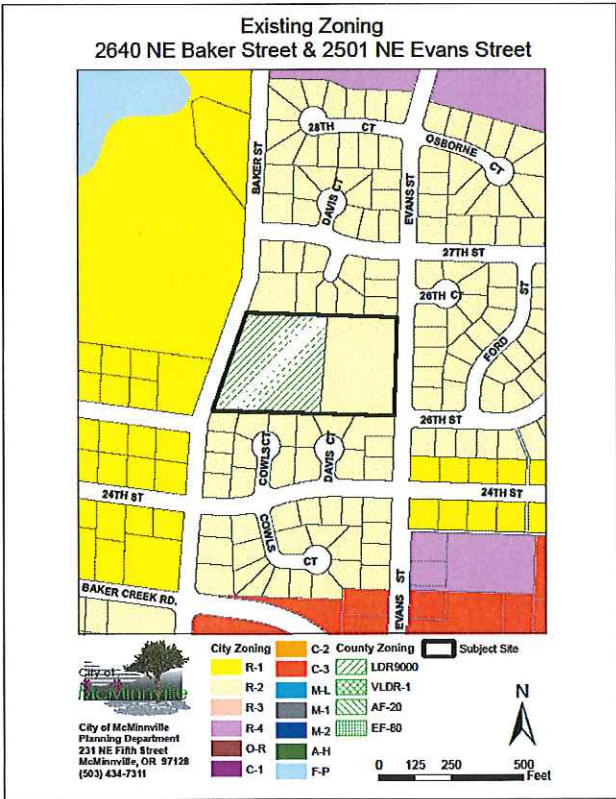
Planning Department:  Date: 6/13/17
Heather Richards, Planning Director

Application Summary:

The applicant is requesting approval of a zone change from R-2 (Single-Family Residential) to R-4 (Multiple-Family Residential) on approximately two (2) acres of land and a zone change from LDR-9,000 (Low Density Residential – 9,000 Square Foot Minimum) to R-4 (Multiple-Family Residential) on approximately 2.6 acres of land.



The two graphics below provide a view of 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.



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. The site shall be designed to allow for a future bicycle/pedestrian connection to NE Baker Street, so that a bicycle/pedestrian connection to NE Baker Street could be made in the future, at such time that the roadway is improved to the complete street standards contained in the McMinnville Transportation System Plan.
2. Vehicular access from this site to NE Baker Street shall be prohibited.
3. Side yards setbacks shall be increased one foot for each foot of building height over thirty-five feet.
4. If the site is developed as multi-family residential, buffering along the northern and southern 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 single-family developments located to the north and south of this site and shall include a mix of vertical and horizontal vegetation, fencing and/or berms, but shall not serve as a visual or physical barrier between this development and the surrounding neighborhood. The proposed buffers shall be submitted to the McMinnville Landscape Review Committee for the review and approval prior to the issuance of building permits for this site.

ATTACHMENTS

Attachment 1 - ZC 3-17/ZC 4-17 Application and Attachments (*on file*)

Attachment 2 - Memorandum to the Planning Commission (April 20, 2017) re: Additional testimony and staff response regarding ZC 3-17/ZC 4-17 (Premier Development, LLC) (*on file*)

Attachment 3 - Planning Commission Meeting Minutes – April 20, 2017 (*on file*)

Attachment 4 - Planning Commission Meeting Minutes – May 18, 2017 (*on file*)

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. The following comments had been received:

Engineering Department:

We have reviewed the proposed zone change applications (ZC 3-17/ZC 4-17) and do not have concerns with the proposal. As noted in the application, 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.

Yamhill County Public Works:

The western frontage of this property is NE Baker Street. This street is currently County jurisdiction for maintenance and operations. The applicant's desired outcome is to develop a future multi-family [project]. Any proposed multi-family access onto Baker Street is a significant safety issue for the County. Baker Street has a high volume of traffic with a history of numerous complaints from the adjoining properties that claim significant levels of traffic exceeding safe travel speeds. I realize that design issues typically are not dealt with at this stage, however, I wanted to raise the issue at this early stage.

Access onto Baker Street at this location will require a full intersection and traffic impact review by the developer. Also frontage improvements to Baker Street to current City standards will be required. City standards will be required because this street is in a transition area that at some point will likely become City jurisdiction.

I see that the two-acre parcel to the East is contemplated as a companion development. It would be better if the site access to both parcels could be limited to Evans Street to the east. If access is limited to Evans Street the intersection design and traffic impact study on Baker Street can be eliminated.

Fire Department:

We have no issue with this zone change request. Please note: Per 2014 Oregon Fire Code; projects having more than 100 multi-family units shall be equipped with two separate and approved fire apparatus access roads. Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including non-residential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 90.3.1.2.

FINDINGS OF FACT

1. Premier Development, LLC is requesting approval of a zone change from R-2 (Single-Family Residential) to R-4 (Multiple-Family Residential) on approximately two (2) acres of land and a zone change from LDR-9,000 (Low Density Residential – 9,000 Square Foot Minimum) to R-4 (Multiple-Family Residential) on approximately 2.6 acres of land. The subject site is located west of NE Evans Street and east of NE Baker Street and is more specifically described as Tax Lots 3200 and 3201, Section 16 BC, T. 4 S., R. 4 W., W.M., respectively.
2. The site is currently designated as Residential 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 requests from R-2 (Single-Family Residential) and LDR-9,000 (Low Density Residential – 9,000-Square Foot Minimum) to R-4 (Multiple-Family Residential) will allow for the opportunity of this land to be developed with a variety of housing types including multiple-family housing which the applicant has indicated is their intent. Higher density residential development is commensurate with surrounding development in the, while adjacent to existing single-family and duplex development, there are also numerous multiple-family development projects located with two to four blocks of this site. Examples of nearby higher-density residential development include the Brookdale McMinnville Town Center Senior Apartments are located on NE 27th Street approximately 600 feet to the northeast of the subject site. The Tice Park Apartments and Heritage Place Apartments are found some 800 feet to the north and are both provided access from NE Evan Street. Some 500 feet to the southeast is located the Rhoda Anne Apartments also accessed from NE Evans Street.

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 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 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 from development of a multiple-family development on this site has been provided as part of the applicant's submittal with a conclusion that such the surrounding network has the capacity to accommodate the anticipated traffic. Additionally, there are no known topographic or poor drainage characteristics of this site that would complicate or impinge on future residential development of the property. As noted through the review of 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. Public transit is available to the site and currently provide by the Yamhill County Transit Route 3 that runs along NE Evans Street adjacent to the eastern edge of the site.

Buffering of any multiple-family development that may occur on the site from the adjacent single-family neighborhoods would be provided as required by a landscape plan approved by the McMinnville Landscape Review Committee; a minimum of 25 percent of the site area of multiple-family developments is required to be provided as landscaped area as per 17.57 of the McMinnville Zoning Ordinance. Additionally, this site is located adjacent to (across NE Baker Street) the southern portion of Tice Park which is a public park designed as a nature park with trails, a parking area and public restrooms.

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 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, 90.00, 92.00, 92.01 and 92.02 are satisfied by this proposal in that, while the applicant has indicated intent to construct multiple-family housing on this site, no such development plan has been provided as part of this zone change request. However, in light of the stated intent to pursue multiple-family development should this request be approved, these Policies are relevant. With approval of this request, the opportunity for lower cost, higher density residential development will continue to be supported by the City in a manner

that disperses this type of development throughout the community. Landscaping of a minimum of 25 percent of the site is a requirement of multiple-family development as noted in Chapter 17.57 (Landscaping) of the McMinnville Zoning Ordinance. Additionally, this site is located adjacent to NE Baker Street and NE Evans Street, identified in the McMinnville Transportation System Plan (TSP) as minor arterial and minor collector streets, respectively. Further, this site is not located adjacent to other multiple-family zoned properties or developments thereby implementing the City policy of dispersal of multiple-family developments. Professional and commercial uses are located within some 650 feet of the site and further to the south along Hwy 99W. Grandhaven Elementary School and McMinnville Christian Academy are both located within one-half mile from this site. Also, as noted in the previous finding above, public transit is available to the site and currently provide by the Yamhill County Transit Route 3 that runs along NE Evans Street adjacent to the eastern edge of the site. Additionally, this site is located adjacent to (across NE Baker Street) the southern portion of Tice Park which is a public park designed as a nature park with trails, a parking area and public restrooms.

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]

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

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 public streets along two sides; NE Baker Street to the west and NE Evans Street to the east. These streets shall be improved, as may be required, commensurate with the future development of this site to ensure safe and efficient transportation opportunities for all citizens. At a minimum, NE Baker Street along the site's western frontage shall be improved with on-street bike lanes and sidewalks consistent with the Complete Streets Design Standards and the Complete Streets Projects sections of the McMinnville TSP. Since the applicant did not provide a conceptual development plan as part of this zone change request, it is unclear if a public street, or streets, will be proposed as part of that future development. Should a public street, or streets, be proposed, they will be required to be designed and constructed to public standards as identified in the McMinnville TSP at the time of development. Additionally, toward implementation of Policy 122.00, vehicular access from this property frontage onto NE Baker Street, a minor arterial, shall be prohibited as alternative access from this site to NE Evans Street, a minor collector, is available and sufficient to accommodate anticipated traffic volumes from future site development.

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.

Finding: Policy 130.00 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. 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 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 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 although the Fire Department did provide some guidance regarding future development.

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.

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 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.

- 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 single-family residential developments north and south 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 at the time of development.

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 46.5 acres have been rezoned to R-4 leaving a residual deficit of approximately 115.5 R-4 zoned acres still needed to meet projected needs. Approval of this zone change request would reduce that deficit to approximately 111 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, is orderly and timely considering existing nearby residential development and the site's proximity to schools and commercial opportunities and adjacency to public streets, transit and public park 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.

RP:sjs