

ORDINANCE NO. 5036

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-4 (MULTIPLE-FAMILY RESIDENTIAL) ON APPROXIMATELY 0.22 ACRES OF LAND AND A PLANNED DEVELOPMENT AMENDMENT TO EXPAND AN EXISTING PLANNED DEVELOPMENT OVERLAY TO ENCOMPASS TWO PARCELS FOR A TOTAL OF 1.11 ACRES OF LAND.

RECITALS:

The subject site includes two parcels which are located south of SW 2nd Street at 1730 SW 2nd Street, and are more specifically described as Tax Lots 101 and 100, Section 20CB, T. 4 S., R. 4 W., W.M.; and

The Planning Department received an application for a zone change (ZC 9-17) and an application for a planned development amendment (ZC 10-17) on June 12, 2017, and deemed the applications complete on June 16, 2017. A public hearing was held before the McMinnville Planning Commission on August 17, 2017, after due notice had been provided in the local newspaper on August 8, 2017, and written notice had been mailed to property owners within 300 feet of the affected property. At the August 17, 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. After deliberation, the Planning Commission voted unanimously to recommend approval of ZC 9-17 and ZC 10-17 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 the 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 9-17 and ZC 10-17; and
2. That the northern parcel on the site be rezoned from R-1 (Single-Family Residential) to R-4 (Multiple-Family Residential) and that the Planned Development overlay be expanded to encompass both parcels on the site, subject to the following conditions:

CONDITIONS OF APPROVAL:

1. That the development plan, to include appropriate open space amenities and recreational facilities, 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.

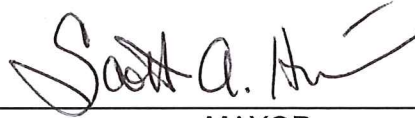
2. Side yards setbacks shall be increased one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet.
3. Buffering along the western and eastern boundaries of this site shall be required and shall utilize methods for the express purpose of mitigating noise, headlight glare, and 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.

12. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the Council this 12th day of September 2017, by the following votes:

Ayes: Garvin, Jeffries, Menke, Stassens, Ruden

Nays: _____



MAYOR

Attest:

Approved as to form:



CITY ATTORNEY



CITY RECORDER



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

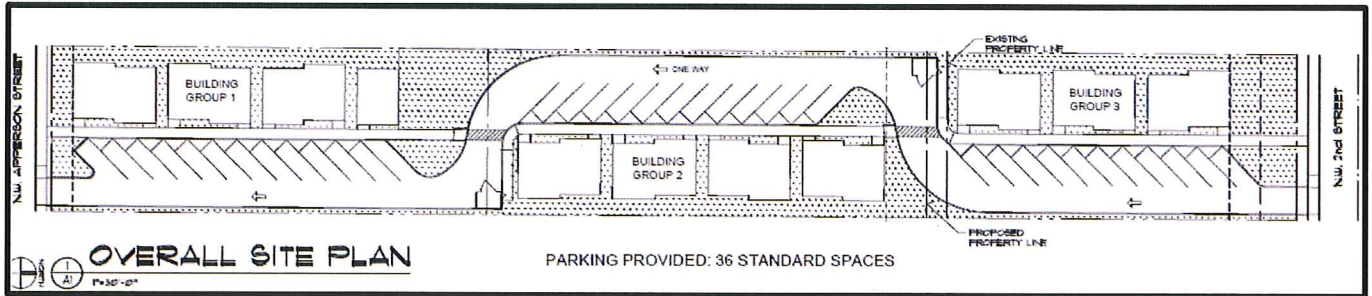
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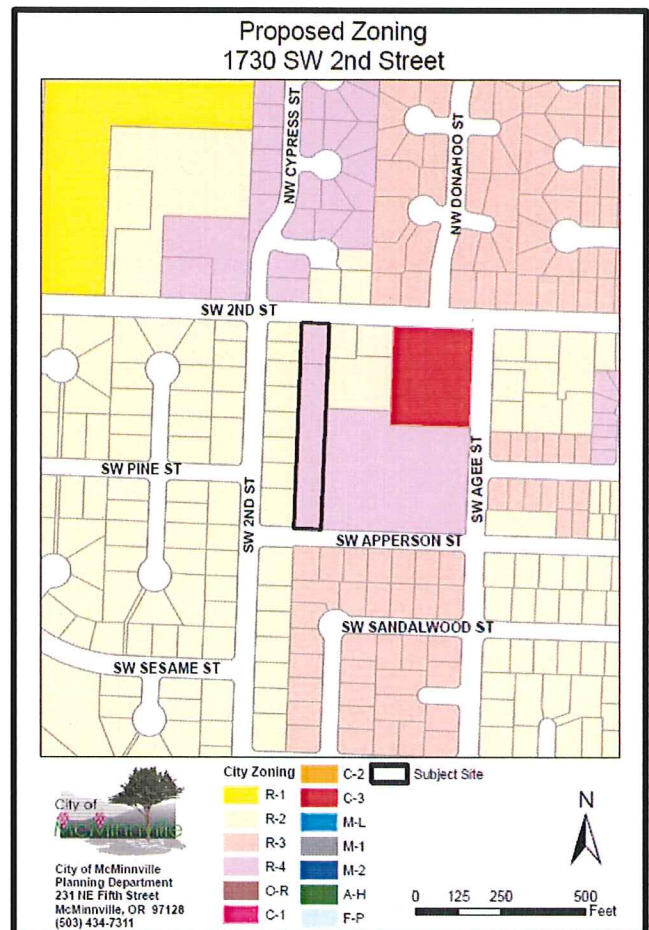
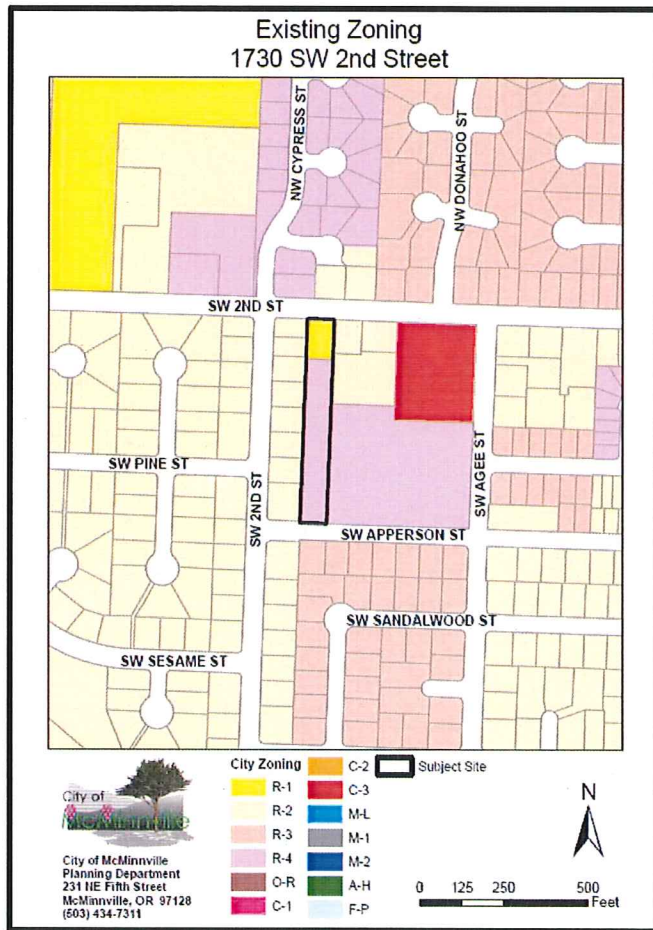
DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF ZONE CHANGE AND PLANNED DEVELOPMENT AMENDMENT REQUESTS FOR PROPERTY LOCATED AT 1730 SW 2ND STREET.

- 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.

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, to include appropriate open space amenities and recreational facilities, 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.

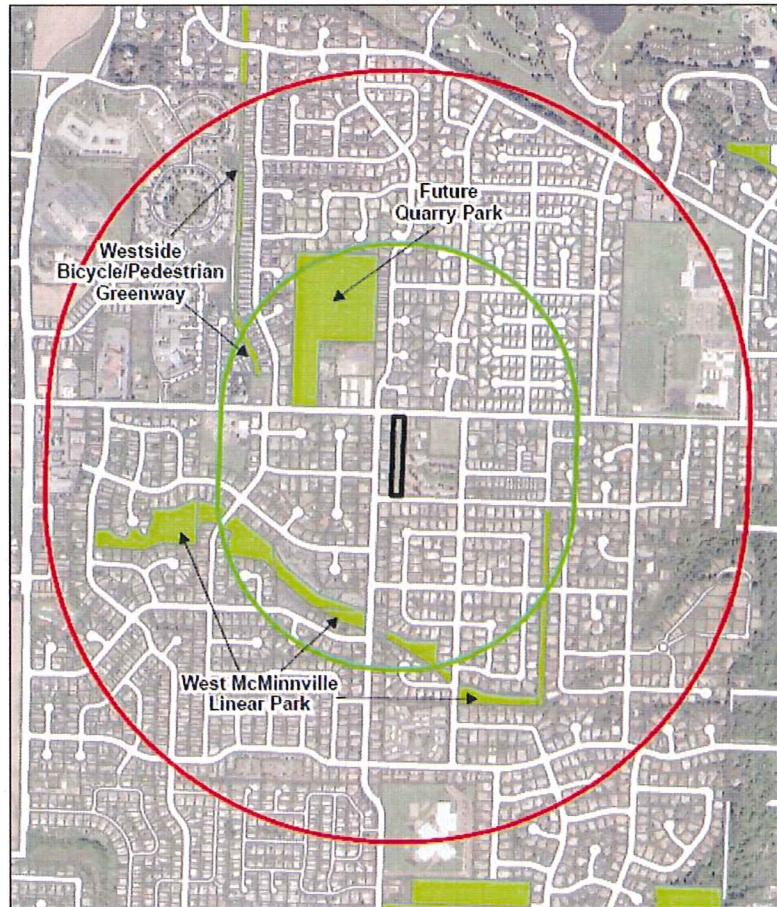
In addition, because the request is to rezone a property with a lower residential density to a higher residential density that has adjacency to existing single family development, a condition of approval is included to increase required setbacks if the maximum building height normally allowed in lower 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.

Quarter and Half Mile Areas
1730 SW 2nd Street



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

Quarter Mile Buffer
 Subject Site
 Half Mile Buffer
 City Parks



0 0.25 0.5 Miles

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.

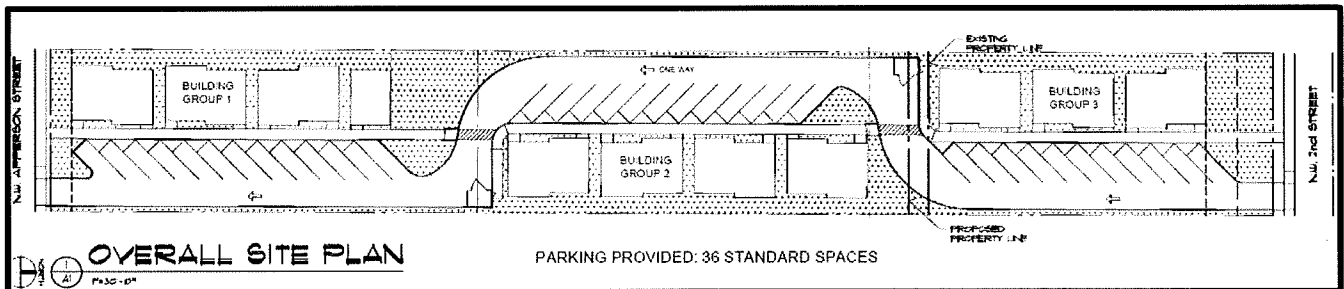
Finding: Section 17.51.020 is satisfied by this proposal in that the use of land as proposed, with duplex units functioning as a larger multiple family complex, is consistent with the Comprehensive Plan and zoning of the underlying property. The property is designated as residential on the Comprehensive 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