

**ORDINANCE NO. 5095**

**AN ORDINANCE AMENDING AN EXISTING PLANNED DEVELOPMENT OVERLAY DISTRICT TO ADD MULTIPLE FAMILY RESIDENTIAL AS AN ALLOWABLE USE, AMEND EXISTING BUILDING HEIGHT LIMITATIONS, AND AMEND THE MASTER PLAN FOR THE PLANNED DEVELOPMENT OVERLAY DISTRICT**

**RECITALS:**

The Planning Department received an application (PDA 1-20) from the Housing Authority of Yamhill County, on behalf of property owner Burch Feero, Inc., requesting approval of a Planned Development Amendment. The property is currently located within a Planned Development Overlay District that was adopted by Ordinance 4667. The requested Planned Development Amendment would result in multiple family residential being an allowable use, amending existing building height limitations and open space requirements, and amending the master plan for the existing Planned Development Overlay District; and

The subject property is located at 235 SE Norton Lane. The property is more specifically described as Parcel 1, Parcel 2, and Parcel 3, Partition Plat 2007-12. The property is also identified as Tax Lots 400, 404, and 405, Section 27, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on July 16, 2020 at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on July 7, 2020, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearing, the application materials and a staff report were presented, and applicant testimony was received; and

The Planning Commission, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the Planned Development Amendment review criteria listed in Section 17.74.070 of the McMinnville Municipal Code based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

The Planning Commission recommended approval with conditions of said Planned Development Amendment to the City Council;

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

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, and Decision as documented in Exhibit A; and
2. That the requested amendment to the existing Planned Development Overlay District is approved, subject to the following conditions:

1. That the conditions of approval of Ordinance 4667, as amended by Ordinance 4851, be amended as follows (text to be removed is shown with ~~strikeout~~, text to be added is **bold and underlined**):

1. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontages. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines adjacent to residentially zoned lands. Street tree planting, as required by the City's tree ordinance, shall be provided as well.
2. Detailed plans showing building elevations, site layout, signage, landscaping, parking, and lighting must be submitted to and approved **through the Three Mile Lane Development Review application process** by the McMinnville ~~Three Mile Lane Design Review Committee~~ before actual development may take place. To the extent possible, the site and building design should be compatible with surrounding development. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. ~~The applicant may appeal the decision of the Three Mile Lane Design Review Committee to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Committee's decision.~~
3. No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05.

**The applicant may request additional building height in excess of 35 feet for any future building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12, if the request is made at the time of the submittal of the updated master plan and detailed building plans described in Condition 2 and Condition 22. The applicant's request for additional building height shall include an analysis and survey of the height and setback of surrounding buildings in the Three Mile Lane Planned Development Overlay District. The height and setback of any proposed building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12 shall be similar to and consistent with the height and form of other buildings in the Three Mile Lane corridor and Three Mile Lane Planned Development Overlay District. The Planning Commission shall review and make a decision on the request for additional building height. The Planning Commission shall also take into consideration the proposed architectural and building form, and its compatibility with the architecture and building form of other buildings in the Three Mile Lane Planned Development Overlay District.**

4. That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.
5. That the subject site, for purposes of signage, shall be redesignated to be a zone 3 property on the Three Mile Plan Map as contained in City Ordinance

No. 4572. The entire parcel shall be entitled to two "monument" signs - one serving the entrance to the office complex and one serving the commercial area at the northeast corner of the site. These signs shall conform to the standards as set forth in the City Ordinance No. 4572.

6. All business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading. No drive up food service or beverage facility or facilities shall be permitted on the subject site.
7. That the subject site, outside of that area identified for "future development" is limited to professional office use, medical office use, **multiple-family dwellings, community buildings appurtenant to residential uses,** or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use, ~~or~~ medical office use, **multiple-family dwellings, or community buildings appurtenant to residential uses** may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site.

**If the site is developed as multiple family dwellings, a minimum of 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The open space area shall be contained within the boundaries of the parcel or parcels being developed and shall be contiguous. The open space area may be non-contiguous if approved by the Planning Commission at the time of the review of the updated master plan, as described in Condition 22. Area calculated and included as part of the 10 percent open space requirement shall have dimensions of at least 25 feet in length and shall be located outside of the front yard setback area. All usable open space areas may be counted towards the minimum 25 percent of the site area that must be landscaped.**

8. That this zone change shall not take effect until and unless CPA 3-98 is approved by the City Council.
9. That the conceptual master plan for that portion of the applicant's property identified for "future development" shall in no way be binding on the City.
10. That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.
11. That the Planning Director shall be granted authority to amend the submitted site plan as may be necessary to accommodate the requirements of the Oregon Department of Transportation. All amendments shall be consistent with the City's development codes.
12. That a drainage and grading plan be submitted to the City Engineer for review and approval prior to the issuance of any development permits. At a minimum, the plan should include the finished grades of proposed public streets, and the nature and extent of street and utility construction. Where any cut or fill will exceed three feet in depth, a cross section shall also be submitted.

13. That utilities shall be extended to the property (or project) boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
14. That any and all fill in areas of proposed construction of buildings shall be engineered and shall meet the approval of the Building Department.
15. That areas identified on the submitted site plan for future development shall be subject to the requirements of this zone change approval.
16. That ~~the final master plan development plans as approved by the Three Mile Lane Design Review Committee~~ 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 permission of the Planning Commission for any major change of the details of the adopted site master 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 ~~him~~ the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

17. That the applicant secure from the Oregon Department of Transportation (ODOT) a permit for access to Highway 18, and the south frontage road, pursuant to OAR 734-50 (Highway Approach Roads, Crossings, Access Control, and Weight Restrictions). Evidence of such permit shall be required prior to release of any permits for this project.
18. That improvements to the Highway 18 frontage, as required by ODOT and the City of McMinnville, be done at the applicant's expense and be finalized prior to occupancy.
19. That the subject site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended.
20. That ~~the proposed off-street parking lot be amended by removing the four spaces adjacent to the frontage road nearest the area proposed for "future development" and in their place provide landscaping.~~ In addition, the applicant shall agree to in the future close the proposed southern access to Norton Lane, if warranted by the development of the property to the south.
21. That the owner must grant to the Willamette Valley Medical Center and the City of McMinnville the right to cause all airspace above the surface of the subject site such noise, vibrations, fumes, dust, fuel particles, and all other effects as may be caused by the operation of aircraft landing at or taking off from or operating at or on the Medical Center property and the McMinnville Municipal Airport. The owner must fully waive any right or cause of action which he may now or in the future raise against the Willamette Valley Medical Center and the City of McMinnville due to such circumstances noted above.



22. That an updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12. The updated master plan shall replace the previously approved master plan and shall identify existing developed portions of the Planned Development Overlay District. The master plan shall incorporate necessary shared access, parking, and utility easements to allow the existing developed portions of the Planned Development Overlay District to continue to operate without disruption.

The review of the updated master plan shall be processed as a Planned Development Amendment, but the Planning Commission shall make the final decision on the updated master plan. The updated master plan shall be reviewed against the Planned Development Amendment review criteria in Section 17.74.070 of the McMinnville Municipal Code, and also against the Great Neighborhood Principles in Policy 187.50 of the McMinnville Comprehensive Plan.

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

Passed by the Council this 11<sup>th</sup> day of August, 2020, by the following votes:

Ayes: \_\_\_\_\_ Drabkin, Garvin, Geary, Menke \_\_\_\_\_

Nays: \_\_\_\_\_

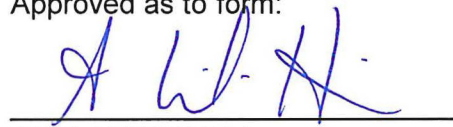


\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
CITY RECORDER

Approved as to form:

  
\_\_\_\_\_  
CITY ATTORNEY



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

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**DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A PLANNED DEVELOPMENT AMENDMENT TO ADD MULTIPLE FAMILY RESIDENTIAL AS AN ALLOWABLE USE, AMEND EXISTING BUILDING HEIGHT LIMITATIONS, AND AMEND THE MASTER PLAN FOR AN EXISTING PLANNED DEVELOPMENT OVERLAY DISTRICT**

**DOCKET:** PDA 1-20 (Planned Development Amendment)

**REQUEST:** Approval to amend the conditions of approval of the Planned Development Overlay District adopted by Ordinance 4667. The requested amendments would result in the allowance of multiple family dwellings and community buildings associated with residential uses and the removal of an existing 35 foot building height limitation. The requested amendments would also result in the addition of new conditions of approval requiring future review of a master plan prior to any development of the site, and requiring a minimum of 10 percent of the site to be developed with usable open space if the site is developed with multiple family dwellings.

**LOCATION:** 235 SE Norton Lane. The property is more specifically described as Parcel 1, Parcel 2, and Parcel 3, Partition Plat 2007-12. The property is also identified as Tax Lots 400, 404, and 405, Section 27, T. 4 S., R. 4 W., W.M.

**ZONING:** C-3 PD (General Commercial Planned Development)

**APPLICANT:** Housing Authority of Yamhill County, on behalf of property owner Burch Feero, Inc.

**STAFF:** Chuck Darnell, Senior Planner

**DATE DEEMED COMPLETE:** June 22, 2020

**HEARINGS BODY & ACTION:** The McMinnville Planning Commission makes a recommendation for approval or denial to the City Council.

**HEARING DATE & LOCATION:** July 16, 2020, Zoom Online Meeting ID 942 3599 8716

**HEARINGS BODY**

**& ACTION:** The McMinnville City Council approves or denies the land-use application

**HEARING DATE**

**& LOCATION:** August 11, 2020, Zoom Online Meeting ID 942 3599 8716

**PROCEDURE:**

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

**CRITERIA:**

The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

**APPEAL:**

As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed. The City's final decision is subject to a 120 day processing timeline, including resolution of any local appeal.

**COMMENTS:**

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

**RECOMMENDATION**

Based on the findings and conclusionary findings, the City Council finds the applicable criteria are satisfied with conditions and **APPROVES** the Planned Development Amendment (PDA 1-20), **subject to the conditions of approval provided in Section II of this document.**

////////////////////////////////////  
**DECISION: APPROVAL WITH CONDITIONS**  
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*Scott A. Hill*

City Council: \_\_\_\_\_  
Scott Hill, Mayor of McMinnville

Date: 8-12-2020

Planning Commission: Roger A. Hall  
Roger Hall, Chair of the McMinnville Planning Commission

Date: 8-14-2020

Planning Department:   
Heather Richards, Planning Director

Date: 8/12/2020



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

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

## **I. APPLICATION SUMMARY:**

The applicant has provided information in their application narrative and findings (included as Attachment 1) regarding the history of land use decisions for the subject site(s) and the request(s) under consideration. Staff has found the information provided to accurately reflect the current Planned Development Amendment request and the relevant background, and excerpted portions are provided below to give context to the request, in addition to staff's comments.

### ***Subject Property & Request***

The application (PDA 1-20) is a request for a Planned Development Amendment to amend conditions of approval from Ordinance 4667. The applicant is requesting that a condition of approval (condition #7) that currently limits use of the site to professional office, medical office, and other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. The requested amendment is to add multiple-family dwellings and community buildings appurtenant to residential uses to the list of allowable uses in the existing Planned Development Overlay District. The base C-3 zone allows multiple-family residential as a permitted use. The applicant is also requesting that an existing condition of approval (condition #3) that limits building height to 35 feet be removed, and that some language (in condition #16) related to future review processes be removed to reflect the current applicable review processes in the City's code. The applicant is also proposing that two new conditions of approval be added to reflect the potential changes in use in the Planned Development Overlay District, which are to require that the original master plan related to Ordinance 4667 not apply to the undeveloped portions of the subject site, and that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the site. The second new condition proposed by the applicant would be to require 10 percent of the site to be reserved for usable open space if the site is developed as multiple family dwellings.

The subject property is located west of SE Norton Lane. The property is more specifically described as Parcel 1, Parcel 2, and Parcel 3, Partition Plat 2007-12. The property is also identified as Tax Lots 400, 404, and 405, Section 27, T. 4 S., R. 4 W., W.M.

Excerpts from Land Use Application Narrative and Findings:

#### Existing Conditions

The Site is currently undeveloped and used for farming. The site is generally flat. There are no significant or distinguishing natural features associated with this property.

Access to the property is off SE Stratus Avenue, which is accessible from SE Norton Ln. Access to Highway 18 via Norton Lane is within 400 feet of the site. There is a signalized intersection of Norton Lane (SE & NE) with Highway 18. Immediately south of Highway 18, there is a three-way stop intersection of SE Norton Lane and SE Stratus Avenue. Stratus Avenue loops around the Medical Center and intersects back with SE Norton Lane across from the subject site.

#### Access and Utilities

The Site fronts on the south side of SE Stratus Avenue for approximately 376 feet. Access is available along this frontage. Additionally, easements with the properties to the east provide access from SE Norton Lane. Ordinance No. 4667 Conditions 18 and 19 provide for Oregon Department of Transportation review and approval, as required, of Highway 18 frontage improvements.

## Surrounding Uses

North – Immediately north of the site is SE Status Avenue and Highway 18. Across Highway 18 are a variety of commercial uses, including the offices of the Applicant.

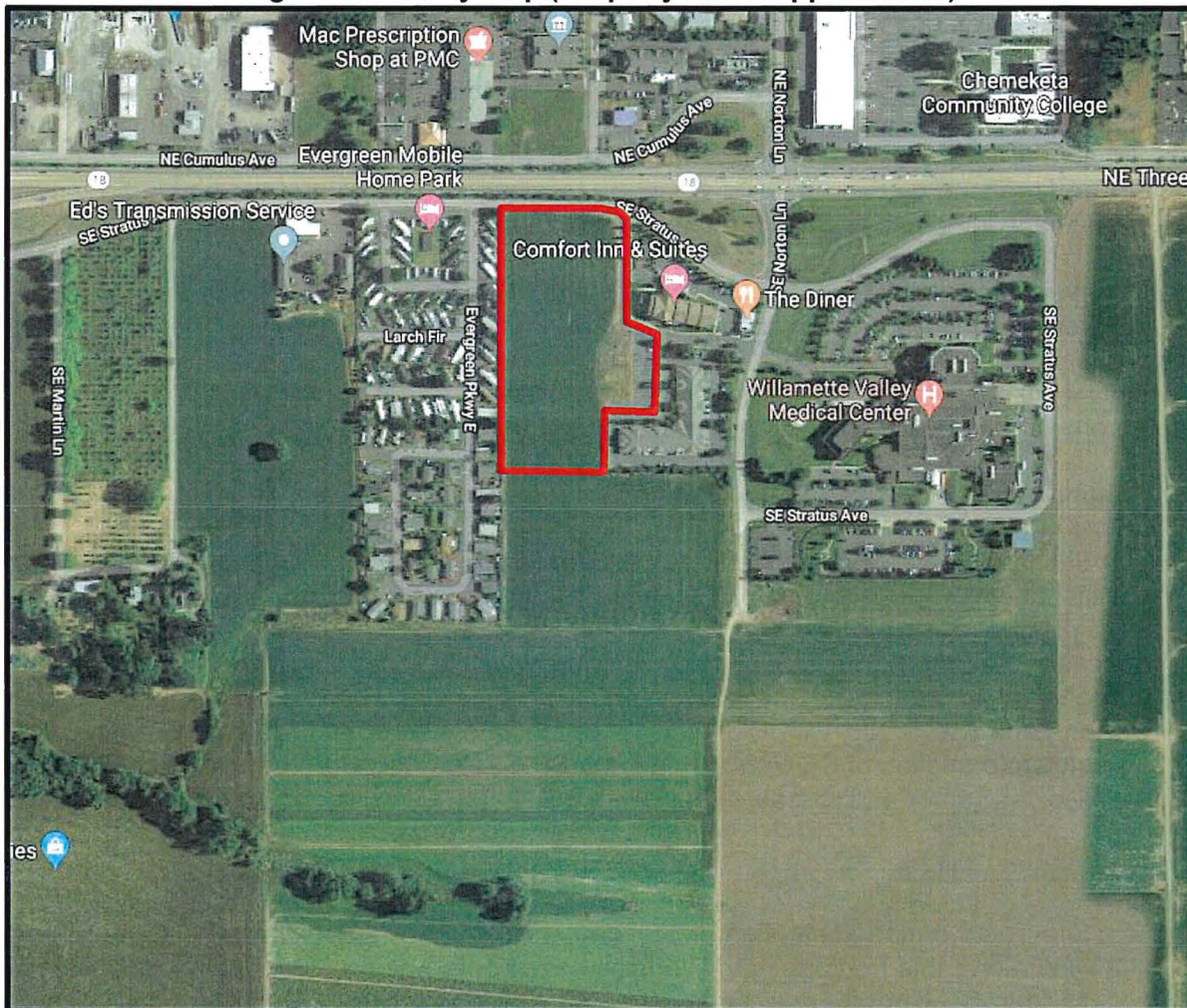
East – The property immediately north of the subject property is the Altimus Plaza medical offices. Further to the north at the Stratus Avenue intersection are the Comfort Inn & Suites and the Diner restaurant.

South – The property immediately south is currently undeveloped. In 2019 Planned Development Overlay Ordinance No. 5072 was passed amending a prior Ordinance relating to this site.

West – The property immediately west of the subject property is the Evergreen Estates Mobile Home Park, which is zoned R-4.

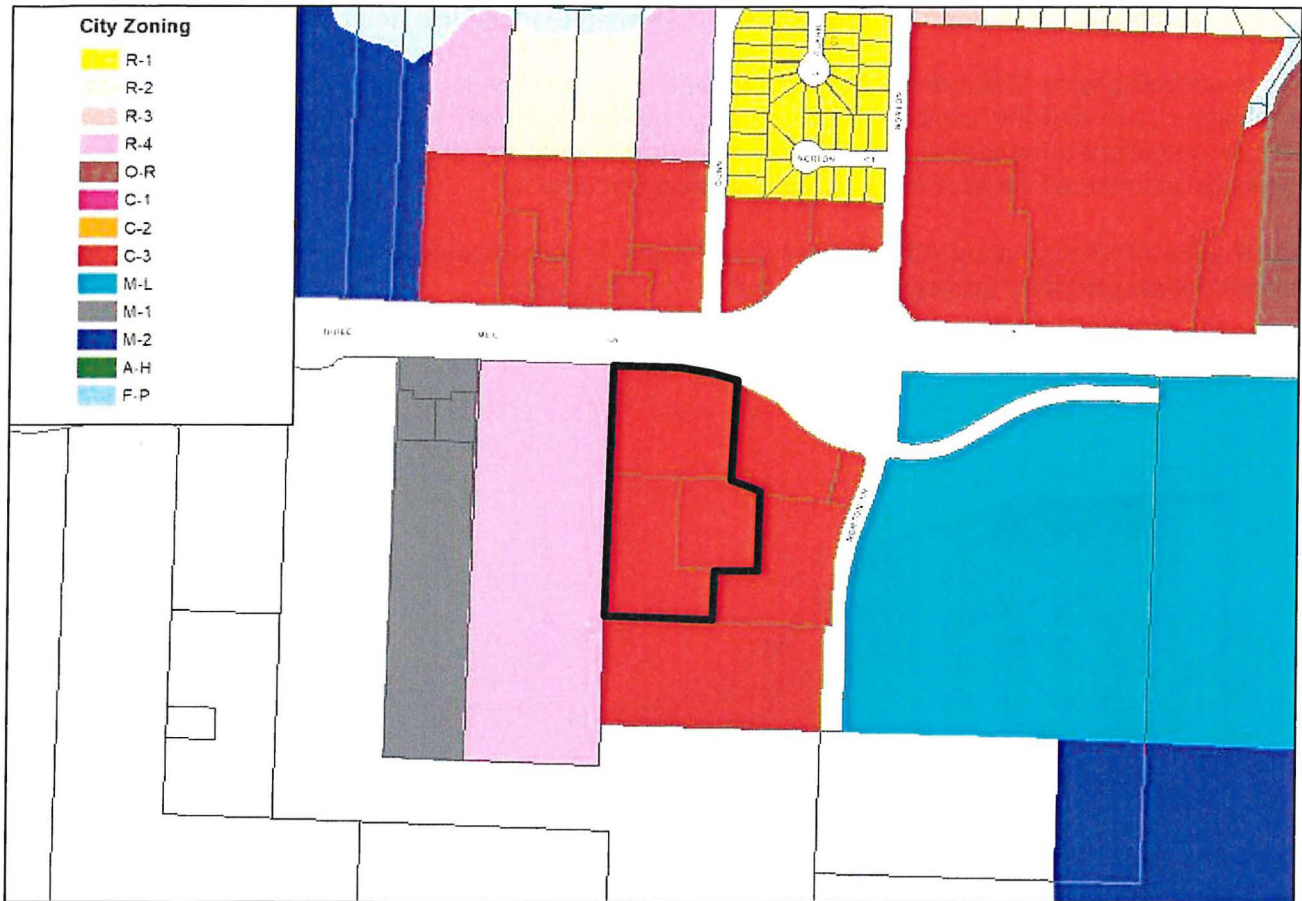
**See Vicinity Map (Figure 1) and Zoning Map (Figure 2) below.**

**Figure 1. Vicinity Map (Property Lines Approximate)**





**Figure 2. Zoning Map (Property Lines Approximate)**



### **Background**

Excerpts from Land Use Application Narrative and Findings:

The subject site is within the Three Mile Lane Planned Development Overlay area, originally established by Ordinance 4131 in 1981 and updated by Ordinance 4572 in 1994.

By Ordinance 4131, the City of McMinnville established Planned Development requirements for the Three Mile Lane area (Oregon Highway 18 Corridor). The area covered by this requirement extends north and south of Highway 18 from the eastern city limits west to the vicinity of the Three Mile Lane Spur intersection with Highway 18.

In 1994, Ordinance 4131 was amended to add specific development policies (Section 4) and signage regulations for Commercial lands (Section 5) by Ordinance 4572.

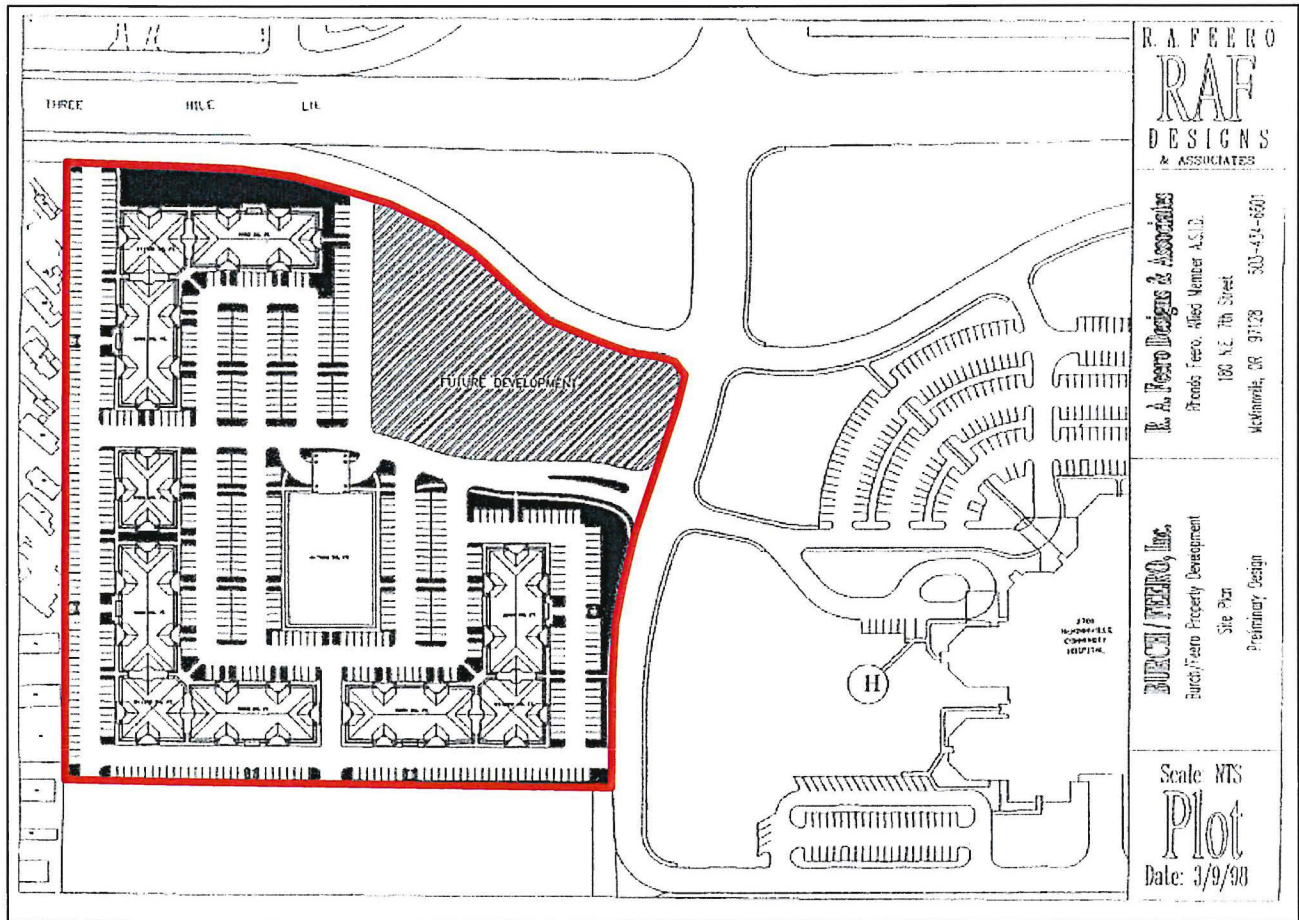
In 1998, the Owner made application for and received approval for Planned Development Amendment, Ordinance No. 4667. The Master Plan submitted in support of Ordinance 4667 included the Subject Site and two additional parcels (R4427 00402 and R4427 00401) that are no longer owned by the current owner and are not part of this application. The Master Plan called for development of an office park on the Subject Site and additional two tax lots. Development did not occur.



The owners have made the Subject Site available for sale. The Applicant and Owners originally entered into a Purchase and Sales Agreement on February 2020. This agreement has been amended. Owner and Applicant are cooperating to make this amendment.

As described above, Ordinance 4667 adopted the Planned Development Overlay District that exists on the subject site and the adjacent parcels today. Ordinance 4667 included 21 conditions of approval. Those conditions of approval are still applicable to the property and are provided in Ordinance 4667, which is included as Attachment 2 to this Decision Document.

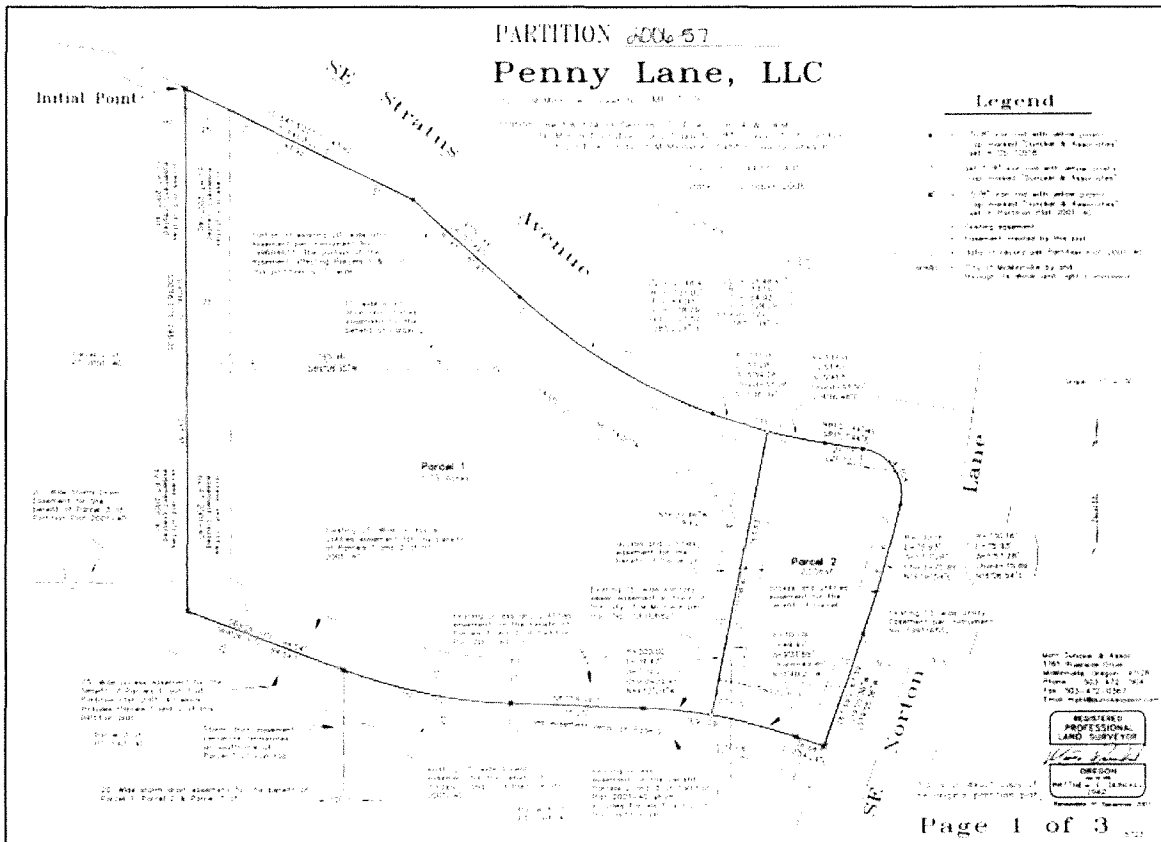
Ordinance 4667 also adopted a master plan for the Planned Development Overlay District, which is shown below (property subject to the master plan highlighted):



As shown above, Ordinance 4667 and the master plan originally included all of the property at the southwest quadrant of the intersection of SE Stratus Avenue and SE Norton Lane. Only portions of the property in the master plan area have developed since the adoption of Ordinance 4667, and further land divisions and Planned Development Amendment applications have occurred since the adoption of Ordinance 4667.

In 2001, the property within the master plan area was partitioned into three parcels by Partition Plat 2001-40. Parcel 1 of Partition Plat 2001-40 was the southeastern office building in the master plan, and has since been developed in accordance with the master plan. Parcel 2 of Partition Plat 2001-40 is the subject site associated with the current Planned Development Amendment request (PDA 1-20). Parcel 3 of Partition Plat 2001-40 is the "Future Development" area shown in the Ordinance 4667 master plan. Partition Plat 2001-40 is shown below:



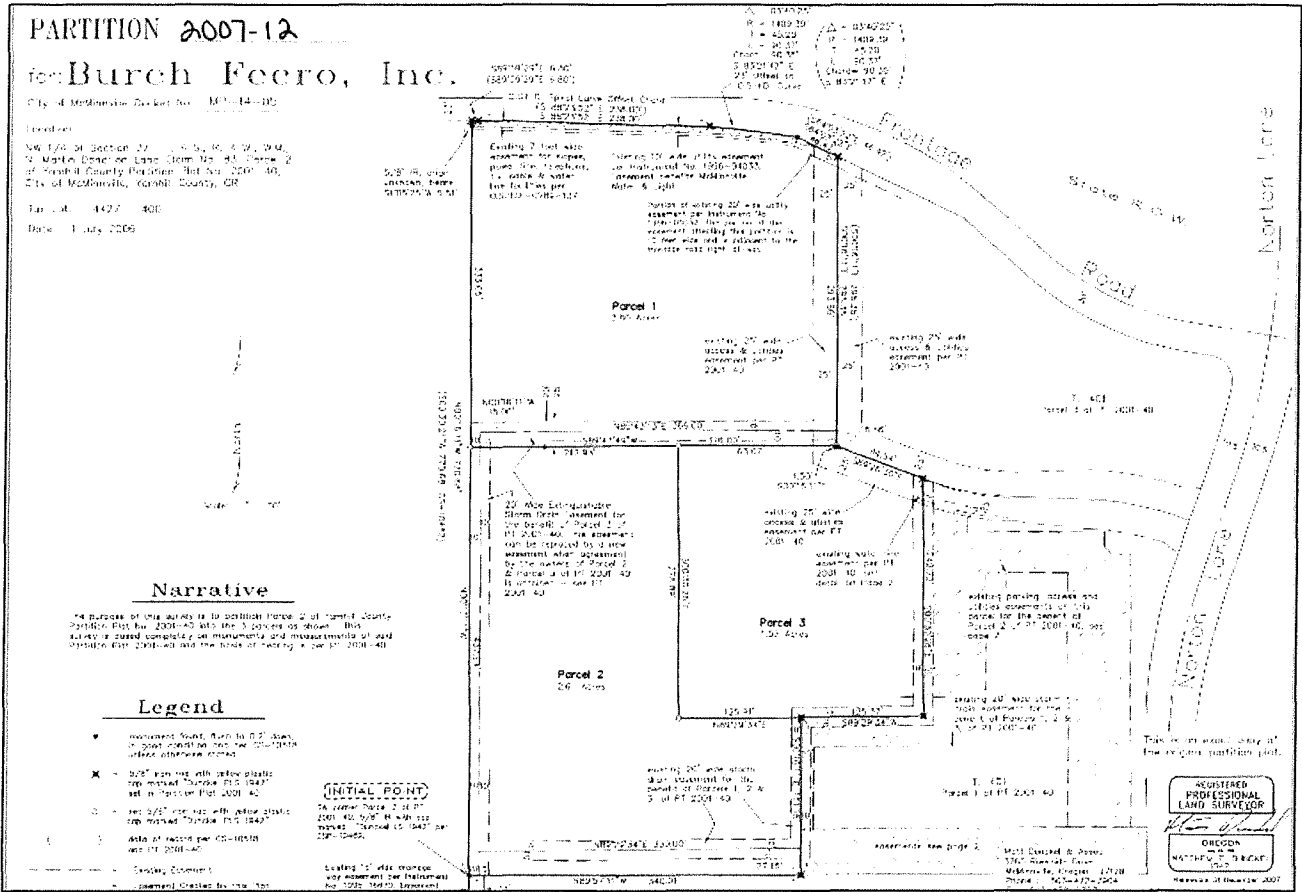


Parcel 1 of Partition Plat 2006-57 is now the site of the Comfort Inn and Suites, and was developed as approved under a subsequent Planned Development Amendment application that was approved after the adoption of Ordinance 4667 and applied only to that “Future Development” area. Ordinance 4851 was adopted in 2006, and amended the allowable building height to allow buildings up to 45 feet in height, but only applied to Parcel 1 of Partition Plat 2006-57 (referred to as Tax Lot 401 at the time and in Ordinance 4851). Ordinance 4851 actually amended condition #3 from Ordinance 4667 as follows:

“No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05.”

Parcel 2 of Partition Plat 2006-57 later was approved by Ordinance 4884 in 2007 and Ordinance 4937 in 2011 which amended the allowable uses from Ordinances 4667 to eventually allow all uses in the underlying C-3 zone, with the exception of a few specific auto-oriented uses. Both Ordinance 4884 and Ordinance 4937 applied only to Parcel 2 of Partition Plat 2006-57, and neither resulted in any changes to Ordinance 4667 (other than finalizing the “Future Development” area in the master plan approved by Ordinance 4667).

In 2007, the subject site was partitioned again by Partition Plat 2007-12 into the three parcels that exist today. These three parcels are the parcels included in the subject site and the current Planned Development Amendment request (PDA 1-20). Partition Plat 2007-12 is shown below:



The applicant is requesting amendments to three of the existing conditions of approval in Ordinance 4667 and inclusion of two new conditions of approval, as described below:

- 1) Amend Condition 3 to remove stricken language:  
 "No building shall exceed the height of 35 feet."
- 2) Amend Condition 7 to add the **bold** language:  
 "That the subject site, outside of that area identified for "future development" is limited to professional office use, medical office use, **Multiple-Family Dwellings, community buildings appurtenant to residential uses** or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than a professional office use, or medical office use, or **Multiple-Family Dwellings, community buildings appurtenant to residential uses** may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site."
- 3) Amend Condition 16 to add **bold** language and remove the stricken language:  
 "That final development plans as approved by the ~~Three Mile Lane Design Review Committee~~ shall be placed on file with the Planning Department and become a part of the zone and binding on the owner developer."

The developer will be responsible for requesting permission of the Planning Commission for any major change of 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

~~him~~ **the Planning Director** may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners."

- 4) Add new Condition reflected in **bold** language:  
**"The master plan previously approved relating to Ordinance No. 4667 does not apply to the undeveloped portions of the subject site. An updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site."**
  
- 5) Add new Condition reflected in **bold** language:  
**"If the site is developed as multiple family dwellings, an area equivalent to 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The open space area shall be contained within the boundaries of the Subject Site and does not need to be contiguous. Area calculated and included as part of the 10 percent requirement must have dimensions of at least 20 feet. Any area may be located adjacent to the front yard setback area and may include 5 feet of the front yard set back towards the 10 percent open space. All open space areas may be counted towards the minimum 25 percent of the site area that must be landscaped."**

### ***Summary of Criteria & Issues***

The application (PDA 1-20) is subject to Planned Development Amendment review criteria in Section 17.74.070 of the Zoning Ordinance. 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. The goals and policies in Volume II of the Comprehensive Plan are also independent approval criteria for all land use decisions.

The specific review criteria for Planned Development Amendments in Section 17.74.070 of the McMinnville Zoning Ordinance require the applicant to demonstrate that:

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

The applicant has provided findings to support the request for a Planned Development Amendment. These will be discussed in detail in Section VII (Conclusionary Findings) below.

Generally, 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.

Consideration of a planned development request includes weighing the additional benefits provided to the development and city as a whole through the planned development process that go above and beyond what would be provided through a standard land use application against the applicable zoning requirements. It should be noted in this case that the subject site is already regulated by an existing Planned Development (Ordinance No. 4667), and the request is only to expand the list of uses that are listed as permitted on the subject site, change the allowable building height, update the future review processes to reflect more current code procedures, and add new conditions of approval related to the development of the uses that would now be allowed on the site.

## II. CONDITIONS:

1. That the conditions of approval of Ordinance 4667, as amended by Ordinance 4851, be amended as follows (text to be removed is shown with ~~strikeout~~, text to be added is **bold and underlined**):
  1. That landscape plans be submitted to and approved by the McMinnville Landscape Review Committee. A minimum of 14 percent of the site must be landscaped with emphasis placed at the street frontages. An arborvitae hedge or some similar type of planted visual screen shall be required along the property lines adjacent to residentially zoned lands. Street tree planting, as required by the City's tree ordinance, shall be provided as well.
  2. Detailed plans showing building elevations, site layout, signage, landscaping, parking, and lighting must be submitted to and approved **through the Three Mile Lane Development Review application process** ~~by the McMinnville Three Mile Lane Design Review Committee~~ before actual development may take place. To the extent possible, the site and building design should be compatible with surrounding development. The provisions of Chapter 17.51 of the McMinnville Zoning Ordinance may be used to place conditions on any development and to determine whether or not specific uses are permissible. ~~The applicant may appeal the decision of the Three Mile Lane Design Review Committee to the Planning Commission if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Committee's decision.~~
  3. No building shall exceed the height of 35 feet, with the exception that tax lot 401 may be developed with a hotel with a maximum height of 45 feet, consistent with the drawing and plan submitted to the City as part of Docket ZC 10-05.

**The applicant may request additional building height in excess of 35 feet for any future building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12, if the request is made at the time of the submittal of the updated master plan and detailed building plans described in Condition 2 and Condition 22. The applicant's request for additional building height shall include an analysis and survey of the height and**



**setback of surrounding buildings in the Three Mile Lane Planned Development Overlay District. The height and setback of any proposed building on Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12 shall be similar to and consistent with the height and form of other buildings in the Three Mile Lane corridor and Three Mile Lane Planned Development Overlay District. The Planning Commission shall review and make a decision on the request for additional building height. The Planning Commission shall also take into consideration the proposed architectural and building form, and its compatibility with the architecture and building form of other buildings in the Three Mile Lane Planned Development Overlay District.**

4. That if outside lighting is to be provided, it must be directed down and away from residential areas and public streets.
5. That the subject site, for purposes of signage, shall be redesignated to be a zone 3 property on the Three Mile Plan Map as contained in City Ordinance No. 4572. The entire parcel shall be entitled to two "monument" signs - one serving the entrance to the office complex and one serving the commercial area at the northeast corner of the site. These signs shall conform to the standards as set forth in the City Ordinance No. 4572.
6. All business, storage, or displays shall be conducted wholly within an enclosed building; except for off-street parking and loading. No drive up food service or beverage facility or facilities shall be permitted on the subject site.
7. That the subject site, outside of that area identified for "future development" is limited to professional office use, medical office use, **multiple-family dwellings, community buildings appurtenant to residential uses,** or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility. Uses other than professional office use, ~~or~~ medical office use, **multiple-family dwellings, or community buildings appurtenant to residential uses** may not exceed fifteen (15) percent of the total floor area proposed to be constructed within the subject site.

**If the site is developed as multiple family dwellings, a minimum of 10 percent of the gross area of the site shall be reserved for usable open space for residents of the multiple-family development site. The open space area shall be contained within the boundaries of the parcel or parcels being developed and shall be contiguous. The open space area may be non-contiguous if approved by the Planning Commission at the time of the review of the updated master plan, as described in Condition 22. Area calculated and included as part of the 10 percent open space requirement shall have dimensions of at least 25 feet in length and shall be located outside of the front yard setback area. All usable open space areas may be counted towards the minimum 25 percent of the site area that must be landscaped.**

8. That this zone change shall not take effect until and unless CPA 3-98 is approved by the City Council.
9. That the conceptual master plan for that portion of the applicant's property identified for "future development" shall in no way be binding on the City.
10. That if restrictive covenants are proposed for the development they must meet with the approval of the Planning Director.

11. That the Planning Director shall be granted authority to amend the submitted site plan as may be necessary to accommodate the requirements of the Oregon Department of Transportation. All amendments shall be consistent with the City's development codes.
12. That a drainage and grading plan be submitted to the City Engineer for review and approval prior to the issuance of any development permits. At a minimum, the plan should include the finished grades of proposed public streets, and the nature and extent of street and utility construction. Where any cut or fill will exceed three feet in depth, a cross section shall also be submitted.
13. That utilities shall be extended to the property (or project) boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
14. That any and all fill in areas of proposed construction of buildings shall be engineered and shall meet the approval of the Building Department.
15. That areas identified on the submitted site plan for future development shall be subject to the requirements of this zone change approval.
16. That the final master plan development plans as approved by the Three Mile Lane Design Review Committee 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 permission of the Planning Commission for any major change of the details of the adopted site master 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 him the Planning Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

17. That the applicant secure from the Oregon Department of Transportation (ODOT) a permit for access to Highway 18, and the south frontage road, pursuant to OAR 734-50 (Highway Approach Roads, Crossings, Access Control, and Weight Restrictions). Evidence of such permit shall be required prior to release of any permits for this project.
18. That improvements to the Highway 18 frontage, as required by ODOT and the City of McMinnville, be done at the applicant's expense and be finalized prior to occupancy.
19. That the subject site is subject to the provisions of the Three Mile Lane Planned Development Ordinance, as amended.
20. That ~~the proposed off-street parking lot be amended by removing the four spaces adjacent to the frontage road nearest the area proposed for "future development" and in their place provide landscaping.~~ In addition, the applicant shall agree to in the future close the proposed southern access to Norton Lane, if warranted by the development of the property to the south.
21. That the owner must grant to the Willamette Valley Medical Center and the City of McMinnville the right to cause all airspace above the surface of the subject site such noise, vibrations, fumes, dust, fuel particles, and all other effects as may be caused by the operation of aircraft landing at or taking off from or operating at or on the Medical Center



property and the McMinnville Municipal Airport. The owner must fully waive any right or cause of action which he may now or in the future raise against the Willamette Valley Medical Center and the City of McMinnville due to such circumstances noted above.

22. That an updated master plan shall be submitted to the Planning Commission for review and approval prior to any development of Parcel 1, Parcel 2, or Parcel 3 of Partition Plat 2007-12. The updated master plan shall replace the previously approved master plan and shall identify existing developed portions of the Planned Development Overlay District. The master plan shall incorporate necessary shared access, parking, and utility easements to allow the existing developed portions of the Planned Development Overlay District to continue to operate without disruption.

The review of the updated master plan shall be processed as a Planned Development Amendment, but the Planning Commission shall make the final decision on the updated master plan. The updated master plan shall be reviewed against the Planned Development Amendment review criteria in Section 17.74.070 of the McMinnville Municipal Code, and also against the Great Neighborhood Principles in Policy 187.50 of the McMinnville Comprehensive Plan.

### III. ATTACHMENTS:

1. PDA 1-20 Application and Attachments (on file with the Planning Department)
2. Ordinance No. 4667 (on file with the Planning Department)
3. Ordinance No. 4851 (on file with the Planning Department)

### IV. COMMENTS:

#### **Agency Comments**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation 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, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation. The following comments were received:

- McMinnville Engineering Department

Per Jacobs Engineering's email dated June 12, 2020, sewer modeling indicates that sufficient sewer capacity exists to accommodate the additional flows created by the proposed PDA. The appropriate infrastructure improvements will be determined at the time of development.

- McMinnville Fire Department

We have no issues with this planned development.

- McMinnville Water and Light

Water is available on Stratus Ave at the NW corner of the parcel and at two locations on the neighboring parcel R442700404. The main on Stratus will need to be interconnected with at least one of the other existing main locations on R442700404. A McMinnville Water and Light Extension Agreement will be required.

- Oregon Department of Transportation

ODOT has received a copy of an application by the Housing Authority of Yamhill County to amend the Planned Development Ordinance No. 4667 for property located at 235 SE Norton Lane. We have reviewed the application materials and, as a land use matter only, ODOT has no comments to provide. The property fronts on SE Stratus Avenue which is an ODOT facility. The applicant will, therefore, have to apply to ODOT for a permit for any proposed access to Stratus Avenue.

### **Public Comments**

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, July 7, 2020. As of the date of the Planning Commission public hearing on July 16, 2020, no public testimony had been received by the Planning Department.

### **V. FINDINGS OF FACT - PROCEDURAL FINDINGS**

- A. The applicant, Housing Authority of Yamhill County, on behalf of property owner Burch Feero, Inc., held a neighborhood meeting on June 10, 2020.
- B. The applicant submitted the Planned Development Amendment application (PDA 1-20) on June 17, 2020.
- C. The application was deemed incomplete on June 17, 2020. The applicant submitted a revised application on June 19, 2020 that included the information identified and requested in the incomplete notification.
- D. The application was deemed complete on June 22, 2020. Based on that date, the 120 day land use decision time limit expires on October 20, 2020.
- E. Notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Parks and Recreation 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, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas, Oregon Department of Transportation.

Comments received from agencies are addressed in the Decision Document.

- F. Notice of the application and the July 16, 2020 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance on Thursday, June 25, 2020.
- G. Notice of the application and the July 16, 2020 Planning Commission public hearing was published in the News Register on Tuesday, July 7, 2020, in accordance with Section 17.72.120 of the Zoning Ordinance.
- H. No public testimony was submitted to the Planning Department prior to the Planning Commission public hearing.

- I. On July 16, 2020, the Planning Commission held a duly noticed public hearing to consider the request.

## **VI. FINDINGS OF FACT – GENERAL FINDINGS**

1. **Location:** 235 SE Norton Lane. The property is more specifically described as Parcel 1, Parcel 2, and Parcel 3, Partition Plat 2007-12. The property is also identified as Tax Lots 400, 404, and 405, Section 27, T. 4 S., R. 4 W., W.M.
2. **Size:** Approximately 6.98 acres.
3. **Comprehensive Plan Map Designation:** Commercial
4. **Zoning:** C-3 PD (General Commercial Planned Development)
5. **Overlay Zones/Special Districts:** Three Mile Lane Planned Development Overlay District (Ordinance No. 4131 and Ordinance No. 4572). Planned Development Overlay District (Ordinance 4667, as amended by Ordinance 4851).
6. **Current Use:** Undeveloped
7. **Inventoried Significant Resources:**
  - a. **Historic Resources:** None
  - b. **Other:** None
8. **Other Features:** The site is described by the applicant as being generally flat. There are no significant or distinguishing natural features associated with this property.
9. **Utilities:**
  - a. **Water:** Water service is available to the subject site.
  - b. **Electric:** Power service is available to the subject site.
  - c. **Sewer:** Sanitary sewer service is available to the subject site.
  - d. **Stormwater:** Storm sewer service is available to the subject site.
  - e. **Other Services:** Other utility services are available to the subject site. Northwest Natural Gas is available to serve the site.
  - f. **Easements:** There are a number of private and public utility and access easements on the subject site, as identified in Partition Plat 2007-12, Partition Plat 2006-57, and Partition Plan 2001-40
10. **Transportation:** The site is adjacent to SE Stratus Avenue, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 56 feet (with no bike lane) or 66 feet (with bike lane). Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to Oregon Department of Transportation and City standards on the site's SE Stratus Avenue frontage at the time of development.

## **VII. CONCLUSIONARY FINDINGS:**

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria for a Planned Development Amendment are specified in Section 17.74.070 of the Zoning Ordinance.

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

**Comprehensive Plan Volume II:**

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

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

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

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMinnville's Economy in order to enhance the general well-being of the community and provide employment opportunities for its citizens.

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMinnville as the commercial center of Yamhill County in order to provide employment opportunities, goods, and services for the city and county residents.

*Policy 21.01 The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use. (Ord.4796, October 14, 2003)*

**APPLICANT'S RESPONSE:** The comprehensive plan map is already consistent with these Goals and this Policy. The subject site and surrounding properties to the south and east are designated commercial and zoned C-3PD.

The proposed amendment does not change this designation, and the property remains zoned C-3PD. The amendment only adds Multi-Family apartments to the list of allowed uses.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that the proposed amendment to Condition 7 would not remove any ability to develop commercial uses on the subject site. Currently, and after the proposed amendment, professional office, medical office, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility would be allowed to be developed on the site along with the additional use of multiple family dwelling units.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED

LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

- Policy 24.50 The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)*
- Policy 25.00 Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.*
- Policy 29.00 New direct access to arterials by large-scale commercial developments shall be granted only after consideration is given to the land uses and traffic patterns in the area of development as well as at the specific site. Internal circulation roads, acceleration/deceleration lanes, common access collection points, signalization, and other traffic improvements shall be required wherever necessary, through the use of planned development overlays.*

**APPLICANT'S RESPONSE:** As noted, the Subject Property is designated commercial, consistent with these policies. The designation does not change with this proposed amendment. Section 17.33.01 provides that Multifamily dwelling is permitted in C-3 zones. With this request, the applicant is requesting that the Multi-Family Dwellings not be excluded from base zone.

The provisions of Policy 29.00 remain in effect and have been implemented by the existing transportation improvements in the immediate area. As demonstrated by the traffic impact report attached with this application, the proposed Multi-Family use will generate less traffic impacts than the base commercial office uses.

**FINDING: SATISFIED.** The existing property is already designated on the Comprehensive Plan as Commercial, and is zoned C-3 PD (General Commercial Planned Development) as determined to meet Goal IV 3 and Policies 24.50 and 25.00 by the previous actions to amend the Comprehensive Plan (CPA 3-98) and adopt the existing Planned Development (ZC 6-98) by Ordinance 4667. The proposed amendment to add multiple family dwelling units as an allowed use would not remove any ability to develop commercial uses on the subject site. Currently, and after the proposed amendment, professional office, medical office, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility would be allowed to be developed on the site.

The existing property has frontage on SE Stratus Avenue, which is identified as a minor collector in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010. Therefore, the consideration of the impacts of a new direct access on land uses and traffic patterns in the area of the development is not required by Policy 29.00 because the adjacent roadway is not an arterial. However, the applicant provided a copy of a recently completed traffic impact analysis report for an immediately adjacent property that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use.

- Proposal 6.00 A planned development overlay should be placed on the large cluster commercial development areas and the entrances to the City to allow for review of site design, on-site*

*and off-site circulation, parking, and landscaping. The areas to be overlaid by this designation shall be noted on the zoning map and/or comprehensive plan map.*

**APPLICANT'S RESPONSE:** The Three Mile Lane Planned Development is consistent with this proposal. The PD Overlay remains in effect, the amendment simply adds Multi-Family apartments as an allowed use and will maintain consistency with the underlying C-3 zoning.

Restoring the height permissible in the R-4 zone will allow for more options to site and design a project in a manner that allows for open space, circulation and achieving an optimal development capacity.

**FINDING: SATISFIED BY CONDITIONS #1, #2, and #22.** The City concurs with the applicant's findings, and adds that the existing conditions of approval from Ordinance No. 4667 remain in effect. Conditions 1 and 2 require site plan, landscape plan, and building plan review and approval by the Planning Director and Landscape Review Committee, respectively, prior to any development of the subject site. These reviews would ensure review of site design, on-site and off-site circulation, parking, and landscaping. In addition, a new condition of approval proposed by the applicant, condition 22, would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site.

**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.*

*Policy 61.00 The City of McMinnville shall monitor the conversion of lands to residential use to ensure that adequate opportunities for development of all housing types are assured. Annual reports on the housing development pattern, housing density and mix shall be prepared for city review.*

**APPLICANT'S RESPONSE:** The City has implemented these Policies through adoption of the Zoning Code, which includes residential zones accommodating various densities and housing types. Further, the underlying C-3 zone allows Multi-Family development, consistent with R-4 standards, per Section 17.33.010.3. The proposed amendment simply adds this allowed use, maintaining consistency with the C-3 code.

There is residential R-4 land immediately to the west of the subject site. The Planned Development Amendment controlling the lot to the south was recently amended to allow for Multi-Family. There is basis for concluding that R-4 residential is compatible with the professional and medical office commercial designation for the remainder of the Planned Development Area.

The requested change will not alter the current density allocated for the property. The allowed density will remain consistent with the R-4 standards for Multi-Family housing.

Therefore, the requested amendment maintains consistency with the applicable zoning.

**FINDING: SATISFIED.** The City concurs with the applicant's findings.

*Policy 64.00 The City of McMinnville shall work in cooperation with other governmental agencies, including the Mid-Willamette Valley Council of Governments and the Yamhill County Housing Authority, and private groups to determine housing needs, provide better housing opportunities and improve housing conditions for low and moderate income families.*

*Policy 66.00 The City of McMinnville shall continue to allow development of its fair share of the region's low-cost housing. The share accepted will be based on quantifiable studies which take into account the amount of the low-cost housing already in the community and the overall housing opportunities in the city and region.*

**APPLICANT'S RESPONSE:** Oregon's Statewide Housing Plan defines a shortage of 4,945 units of affordable housing in Yamhill County. Applicant is a "housing authority" defined by ORS Chapter 456, operating in Yamhill County for the purpose of providing, "To provide decent, safe and sanitary urban or rural housing for persons or families of lower income."

Housing Authority of Yamhill County is the applicant.

**FINDING: SATISFIED.** The City concurs with the applicant's findings.

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

*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 71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types. (Ord.4840, January 11, 2006; Ord. 4243, April 5, 1983; Ord. 4218, November 23, 1982)*

**APPLICANT'S RESPONSE:** The area of the proposed amendment is zoned C-3 Commercial and therefore is not committed to low density development. The existing C-3 zoning is consistent with Goal V2 and the Policies 68, and 71.05.

Utilizing the existing Planned Development Amendment process to permit the development of Multi-Family is an innovation use of a zoning ordinance that is likely to result in creation of housing that will expand the variety of type and price available in McMinnville.

Restoring the height allowable by the base zone will allow for greater flexibility in development options. The base zone height of 60' is in keeping with the surrounding development pattern (Comfort Inn, medical center, and community college).

It is also worth noting the site is located in the Airport Overlay Zone, and specifically within the Horizontal Zone as defined by 17.52.060. A 60' height limit on the Subject Site will not cause the buildings to exceed the limits allowed in a Horizontal Zone.

**FINDING: SATISFIED.** The proposed Planned Development Amendment would result in the addition of multiple family residential to the list of allowed uses in the existing Planned Development area. The subject property is not designated as residential, but has an underlying zone of C-3 (General Commercial). The underlying C-3 zone allows multiple family residential uses as a permitted use, so the proposed amendment is not inconsistent with the underlying zone and provides an opportunity for the development of residential uses.

The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a deficit of over 1,000 acres of land for housing in Table B-11 of Appendix B. More specifically, the analysis identified a need of 162 acres of R-4 (higher density) zoned land. The proposed amendment to allow multiple family residential on the subject site would not increase the amount of land designated specifically for higher density residential use, but it would increase the potential for the development of higher density residential uses on a property with an existing, underlying zone that already permits multiple family residential use (C-3 General Commercial zone).

In regards to building height, the limitation on building height was amended to allow buildings up to 45 feet in height, but was not removed entirely, as described in the findings for the Planned Development Amendment review criteria below.

*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;*

**APPLICANT'S RESPONSE:** The site is zoned C-3 Commercial and therefore is not committed to low density development. The existing C-3 zoning is consistent with Goal V2 and the Policies 68, 71.05 and 71.09.



The current Planned Development Overlay is consistent with the criteria for location of medium and high density residential, which is allowed under Policy 71.09 and also specifically allowed in the C-3 zone.

Ordinance 4667 did not list Multi-Family dwelling as a permitted use. Except for not having been listed in Ordinance 4667 the C-3 zone would otherwise allow Multi-Family Dwelling, consistent with R-4 standards, as a permitted use.

The applicant's intent is to develop Multi-Family Dwellings consistent with the R-4 standards, as required by the C-3 zone. Under the C-3 zoning, the density is not being increased, as the R-4 standards will be applied.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, specifically that the existing underlying zone of C-3 (General Commercial) is not committed to low density development.

2. *Areas that have direct access from collector or arterial streets;*

**APPLICANT'S RESPONSE:** The subject site has direct access from the Highway 18 via from SE Stratus Avenue and SE Norton Lane.

**FINDING: SATISFIED.** The subject site has frontage on SE Stratus Avenue, which is identified as a minor collector in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010. Therefore, the subject site has direct access from a collector street.

3. *Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*

**APPLICANT'S RESPONSE:** The subject site is an open generally flat field, with no development restrictions.

**FINDING: SATISFIED.** The City concurs with the applicant's findings.

4. *Areas where the existing facilities have the capacity for additional development;*

**APPLICANT'S RESPONSE:** The commercial area along Norton Lane is served by a full range of urban services including sanitary sewer, water, storm drainage and franchise utilities. All of these services generally have sufficient capacity to serve the proposed development.

With respect to Sewer capacity, in 2019 the property owner to the south commissioned a study to determine conveyance capacity for additional residential development. The study, performed by CH2M, determined capacity for additional residential development.

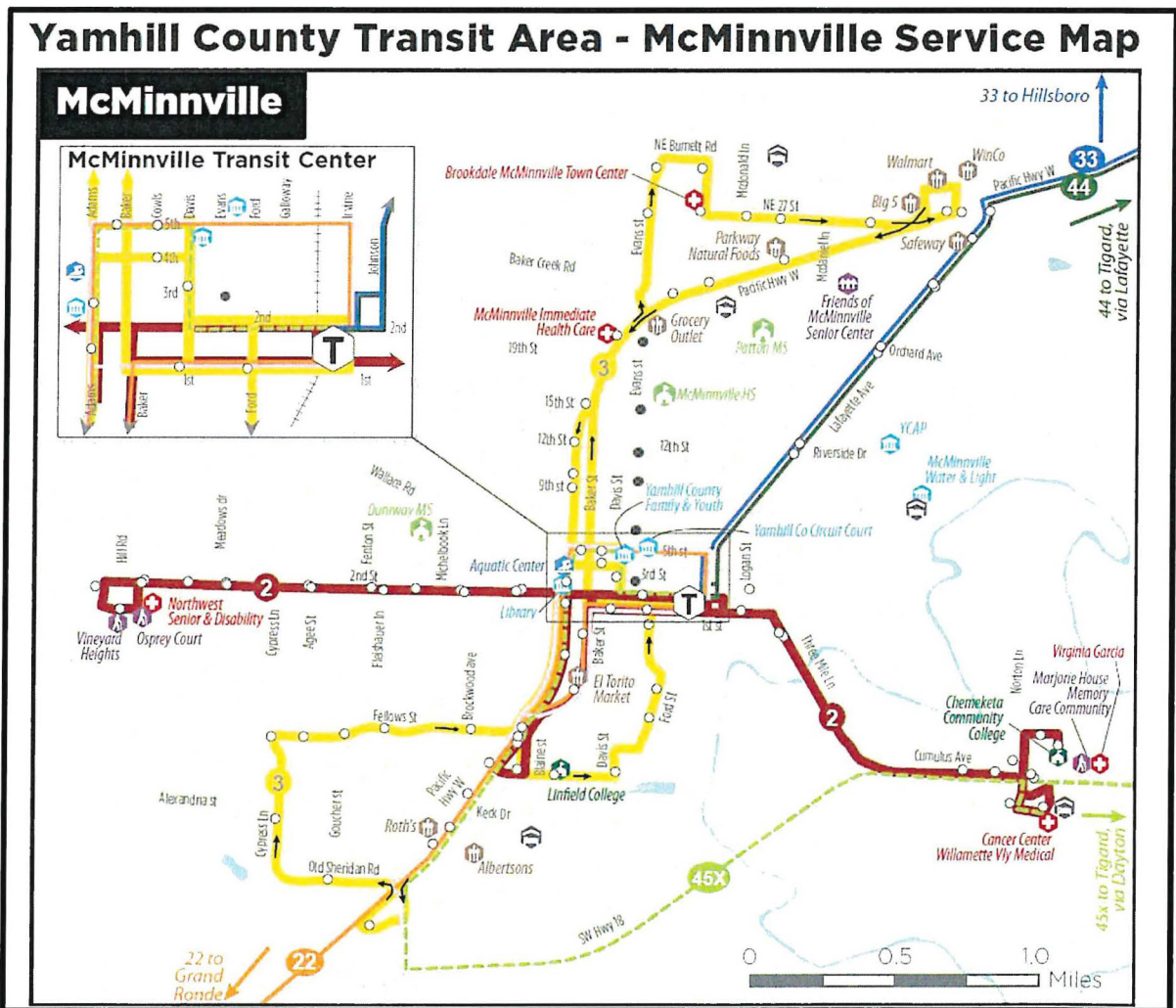
**FINDING: SATISFIED.** The Engineering Department provided comments (provided on June 30, 2020) on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site. That analysis was completed by Jacobs Engineering and communicated to the City on June 12, 2020. Existing conditions of approval from Ordinance No. 4667, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 12), other utility improvements (Condition 13), and right-of-way

improvements (Conditions 17 and 18). At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

5. Areas within one-quarter mile of existing or planned public transportation; and,

**APPLICANT'S RESPONSE:** Local Transit Routes 2 runs on the Highway and on SE Norton Lane to the Willamette Valley Medical Center, which is located across the street from the subject site. See the attached Route Map and Schedule, at the end of this Compliance Narrative.

Route 2 provides regularly scheduled weekday service. This route connects to the Transit Center for connection to the Yamhill County Transit route for access to the other parts of town.



**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that Route 2 provides roughly hourly weekday service, and connects to the McMinnville Transit Center, where riders could transfer to other routes, including commuter routes to surrounding cities.

6. *Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

**APPLICANT'S RESPONSE:** And, there is residential R-4 land immediately to the west of the subject site, which establishes the buffer of lower density residential per criteria 6.

The requested change will not alter the current density allocated to the property. The density will remain as is consistent with the R-4 standards for Multi-Family housing.

**FINDING: SATISFIED.** The subject site is not located adjacent to any existing low density residential areas. Therefore the subject site and area does not require any buffering from 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;*

**APPLICANT'S RESPONSE:** The subject property is zoned C-3 General Commercial with a PD overlay. The C-3 zone allows high density residential use. Therefore it is not committed to low or medium density development.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, specifically that the existing underlying zone of C-3 (General Commercial) is not committed to low 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;*

**APPLICANT'S RESPONSE:** There is no designated low density residential in the surrounding neighborhood. There is R-4 zoning to the west, which provides a buffer between the site and other zoning. Therefore this criterion is met.

**FINDING: SATISFIED.** The City concurs with the applicant's findings.

3. *Areas which have direct access from a major collector or arterial street;*

**APPLICANT'S RESPONSE:** The subject site has direct access from the Highway 18 via SE Norton Lane. Therefore this criterion is met.

**FINDING: SATISFIED.** While Highway 18 (Three Mile Lane) is identified as a major arterial in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010, the subject site does not have direct access from Highway 18. The subject site has frontage and direct access only onto SE Stratus Avenue, which is identified as a minor collector in the Transportation System Plan, as adopted by Ordinance No. 4922 in 2010. However, the applicant provided a copy of a recently completed traffic impact analysis report for an immediately adjacent property that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate

more daily trips than the proposed multiple family residential use. Therefore, the use allowed by the proposed amendment would not be more detrimental to the surrounding street network or transportation system than other uses currently allowed on the subject site by Ordinance No. 4667.

4. *Areas which are not subject to development limitations;*

**APPLICANT'S RESPONSE:** The subject site is an open generally flat field, with no development restrictions. Therefore this criterion is met.

**FINDING: SATISFIED.** The City concurs with the applicant's findings.

5. *Areas where the existing facilities have the capacity for additional development;*

**APPLICANT'S RESPONSE:** Sewer capacity in the immediate area was analyzed by CH2M as part of the Planned Development Amendment recently approved for the lot immediately south. This study found sufficient capacity in the system to convey additional residential development.

**FINDING: SATISFIED.** The Engineering Department provided comments (provided on June 30, 2020) on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site. That analysis was completed by Jacobs Engineering and communicated to the City on June 12, 2020. Existing conditions of approval from Ordinance No. 4667, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 12), other utility improvements (Condition 13), and right-of-way improvements (Conditions 17 and 18). At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

6. *Areas within a one-half mile wide corridor centered on existing or planned public transit routes;*

**APPLICANT'S RESPONSE:** Local Transit Route 2 runs on the Highway 18 and on SE Norton Lane to the Willamette Valley Medical Center. The Medical Center is located with 250 feet of the site. See the attached route map and schedule included as an appendix. Therefore this criterion is met.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, and adds that Route 2 provides roughly hourly weekday service, and connects to the McMinnville Transit Center, where riders could transfer to other routes, including commuter routes to surrounding cities. More detail on the transit routes is provided in the finding of Policy 71.09(5) above.

7. *Areas within one-quarter mile from neighborhood and general commercial shopping centers; and*

**APPLICANT'S RESPONSE:** The City's zoning for Neighborhood Commercial is C-1, which General Commercial is C-2.

The subject property and adjacent property to the north (770 feet) to Stratus Avenue is zoned C-2, General Commercial, with a PD overlay. There is also C-2 zoning on the north side of the Highway 18 on both sides of NE Norton Lane.

The closest C-1 zoning is approximately 1/4 mile east of the Norton Lane intersection with the Highway 18.

Therefore this criterion is met.

**FINDING: SATISFIED.** While the McMinnville Municipal Code (MMC) does have a Neighborhood Business Zone (C-1), that zoning district has been applied very narrowly and is only designated on two parcels in the entire city limits (the two parcels that the applicant notes approximately ¼ mile east of the Norton Lane intersection with Highway 18). Also, the MMC does not have any definition of neighborhood or general commercial shopping centers. Therefore, the commercial designation of property is used in analyzing this Comprehensive Plan policy and high density residential locational factor. The subject site is located within one-quarter mile of commercially zoned property. The commercially zoned property within one-quarter mile of the subject site is zoned C-3 (General Commercial) – which is a correction on the applicant's response where General Commercial is identified as C-2 – to allow general retail, service, and shopping type uses.

*8. Areas adjacent to either private or public permanent open space.*

**APPLICANT'S RESPONSE:** The closest public open space to the site is Joe Dancer Park, which is located on E. Brooks Street, approximately 1.4 miles to the northwest.

Ordinance 4667 Conditions 1 & 2 requires approval of site design prior to issuance of a building permit. These conditions will ensure adequate open space is provided in the development. Therefore this criterion is met.

Applicant proposes a condition to provide for adequate open space in the Multi-Family housing project.

**Supplemental Response:** Open space is a critical element to a successful multifamily family project on the Subject Site. Due to the size of the Subject Site, the Applicant proposes the ability to have multiple areas contributing to the open space requirement. This will allow for parents or guardians to more easily maintain verbal and visual contact with kids from or near their units. A single open space will undoubtedly be far from some units. A closer proximity will benefit family with kids.

Additionally, multiple open spaces allow for a variety of programming of the space. For example, one space could be set up with play equipment for younger kids and another set up with just benches for adults without kids to enjoy.

In a Multi-Family housing setting, the notion of a front yard is functionally different than distinct private and public space. Allowing overlap between the front yard setback and the open space fosters the notion communal space while maintaining the full front yard setback.

There is currently no open space adjacent or conveniently located to the Subject Site. As a planned development, open space will be provided within the Subject Site that benefits residents of the site. The applicants proposed condition will ensure that the residents have access to an area equivalent to 10 percent of the gross size of the Subject site. The proposed condition further allows the Applicant to design the open space to meet the varied needs of residents of the site.

**FINDING: SATISFIED WITH CONDITION #7.** The subject site is not located adjacent to private or public open space. There are only three public parks within ½ mile of the subject site, and two of those parks (Bend-o-River and Kingwood) are what would be classified as Mini-Parks in the McMinnville Parks, Recreation, and Open Space Master Plan. The other park within ½ mile of the subject site is Joe Dancer Park, which is identified as a Community Park in the McMinnville Parks, Recreation, and Open Space Master Plan. However, Joe Dancer Park is located across the Yamhill River and is not actually accessible within a ½ mile distance of the subject site.

The factor for high density residential development calls for open space to be adjacent to the site, not within a certain distance. While there some opportunities for access to open space within one-half mile of the subject site, there is not any usable open space adjacent to the site. Not only is there no open space adjacent to the site, there is a lack of connectivity to open space in the surrounding area. As a planned development, open space needs to be provided that provides a benefit to the residents of the site. Therefore, condition 7 is updated to require that, if the site is developed with multiple-family residential uses, a minimum of 10 percent of the gross size of the site shall be reserved for usable open space for residents of the multiple-family development site. The condition of approval states that the usable open space area shall be a contiguous area, unless approved by the Planning Commission during the review of the updated master plan for the Planned Development Overlay District. The condition does require that each dimension of the open space be at least 25 feet in length, that the open space be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

#### *Planned Development Policies*

*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.*

**APPLICANT'S RESPONSE:** The existing Planned Development Amendment, Ordinance 4667 includes development standards to ensure a residential development. Condition 2 requires "to the extent possible, the site and building design should be compatible with the surrounding development."

**FINDING: SATISFIED.** The City concurs with the applicant's findings. The existing Planned Development overlay, approved by Ordinance No. 4667, is not specifically residential, but is of an underlying commercial zone that allows for some types of residential uses, including the proposed multiple family residential use. The proposed amendment to allow multiple family residential use, along with the other commercial uses currently allowed by the existing Planned Development condition of approval, would provide an opportunity for a wider variety of housing types than is currently allowed.

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

**APPLICANT'S RESPONSE:** The proposed amendment will allow for Multi-Family Dwelling in the C-3 zone by removing its exclusions. The anticipate residential development will offer housing that is affordable, thus adding a missing housing type within the larger vicinity and City.

**FINDING: SATISFIED.** The City concurs with the applicant's findings. The existing Planned Development overlay, approved by Ordinance No. 4667, is not specifically residential, but is of an underlying commercial zone that allows for some types of residential uses, including the proposed multiple family residential use. The proposed amendment to allow multiple family residential use, along with the other commercial uses currently allowed by the existing Planned Development condition of approval, would provide an opportunity for a wider variety of housing types than is currently allowed.

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

**APPLICANT'S RESPONSE:** There are no distinctive natural, topographic or aesthetic features associated with the site. The property is flat, and currently abuts farm land to the south, a mobile home part to the west, and office and hospitality to the east.

**FINDING: SATISFIED.** The City concurs with the applicant's findings.

*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 homeowners association, assessment district, or escrow fund will be required to maintain the common area.*

**APPLICANT'S RESPONSE:** Open space is a critical element to a successful multifamily family project on the Subject Site.

There is currently no open space adjacent or conveniently located to the Subject Site. As a planned development, open space will be provided within the Subject Site that benefits residents of the site. The applicants proposes a condition will ensure that the residents have access to an area equivalent to 10 percent of the gross size of the Subject site. The proposed condition further allows the Applicant to design the open space to meet the varied needs of residents of the site.

Due to the size of the Subject Site, the Applicant proposes the ability to have multiple areas contributing to the open space requirement. This will allow for parents or guardians to more easily maintain verbal and visual contact with kids from or near their units. A single open space will undoubtedly be far from some units. A closer proximity will benefit family with kids.

Additionally, multiple open spaces allow for a variety of programing of the space. For example, one space could be set up with play equipment for younger kids and another set up with just benches for adults without kids to enjoy.

In a Multi-Family housing setting, the notion of a front yard is functionally different than distinct private and public space. Allowing overlap between the front yard setback and the open space fosters the notion communal space while maintaining the full front yard setback.

**FINDING: SATISFIED WITH CONDITION #7.** The City concurs with the applicant's findings. Staff would add that, while there some opportunities for access to open space within one-half mile of the subject site, there is not any usable open space adjacent to the site. Not only is there



no open space adjacent to the site, there is a lack of connectivity to open space in the surrounding area. As a planned development, open space needs to be provided that provides a benefit to the residents of the site. Therefore, condition 7 is updated to require that, if the site is developed with multiple-family residential uses, a minimum of 10 percent of the gross size of the site shall be reserved for usable open space for residents of the multiple-family development site. The condition of approval states that the usable open space area shall be a contiguous area, unless approved by the Planning Commission during the review of the updated master plan for the Planned Development Overlay District. The condition does require that each dimension of the open space be at least 25 feet in length, that the open space be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

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

**APPLICANT'S RESPONSE:** Open space is a critical element to a successful multifamily family project on the Subject Site.

There is currently no open space adjacent or conveniently located to the Subject Site. As a planned development, open space will be provided within the Subject Site that benefits residents of the site. The applicants proposes a condition will ensure that the residents have access to an area equivalent to 10 percent of the gross size of the Subject site. The proposed condition further allows the Applicant to design the open space to meet the varied needs of residents of the site.

Due to the size of the Subject Site, the Applicant proposes the ability to have multiple areas contributing to the open space requirement. This will allow for parents or guardians to more easily maintain verbal and visual contact with kids from or near their units. A single open space will undoubtedly be far from some units. A closer proximity will benefit family with kids.

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In a Multi-Family housing setting, the notion of a front yard is functionally different than distinct private and public space. Allowing overlap between the front yard setback and the open space fosters the notion communal space while maintaining the full front yard setback.

**FINDING: SATISFIED WITH CONDITION #7.** The City concurs with the applicant's findings. Staff would add that, while there some opportunities for access to open space within one-half mile of the subject site, there is not any usable open space adjacent to the site. Not only is there no open space adjacent to the site, there is a lack of connectivity to open space in the surrounding area. As a planned development, open space needs to be provided that provides a benefit to the residents of the site. Therefore, condition 7 is updated to require that, if the site is developed with multiple-family residential uses, a minimum of 10 percent of the gross size of the site shall be reserved for usable open space for residents of the multiple-family development site. The condition of approval states that the usable open space area shall be a contiguous area, unless approved by the Planning Commission during the review of the updated master plan for the Planned Development Overlay District. The condition does require that each dimension of the open space be at least 25 feet in length, that the open space be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.



Further, the existing conditions of approval from Ordinance No. 4667 remain in effect. Conditions 1 and 2 require site plan, landscape plan, and building plan review and approval by the Planning Director and Landscape Review Committee, respectively, prior to any development of the subject site. In addition, a new condition of approval proposed by the applicant, condition 22, would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site. These reviews would ensure review of site design, on-site and off-site circulation, parking, and landscaping, which will allow an opportunity to review whether the required open space is located in an area readily accessible to all occupants.

*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.*

**APPLICANT'S RESPONSE:** No specific development plans are being proposed at this time. However, the applicant is proposing an apartment development. Typical development plans provide landscaped open space, circulation for pedestrians and bicycles.

Site plan details will be provided as required by Condition 2 of Ordinance 4667.

**FINDING: SATISFIED.** The existing conditions of approval from Ordinance No. 4667 remain in effect. Conditions 1 and 2 require site plan, landscape plan, and building plan review and approval by the Planning Director and Landscape Review Committee, respectively, prior to any development of the subject site. In addition, a new condition of approval proposed by the applicant, condition 22, would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site. These reviews would ensure review of site design, on-site and off-site circulation, parking, and landscaping, which will allow an opportunity to review whether the internal traffic system promotes safe and efficient traffic flow and gives 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.*

**APPLICANT'S RESPONSE:** Traffic system improvements have been developed in the immediate neighborhood, including the Highway 18 intersection with Norton Lane, and the SE Norton Lane intersection with SE Stratus Avenue. These improvements provide basic and adequate circulation into, out of, and throughout the immediate neighborhood. These street improvements were made to meet the anticipated development within the area.

**FINDING: SATISFIED.** The site is adjacent to SE Stratus Avenue, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 56 feet (with no bike lane) or 66 feet (with bike lane). Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City and Oregon Department of Transportation (ODOT) standards on the site's SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will ensure the traffic system within planned developments will be compatible with adjoining properties. In addition, the applicant provided a copy of a recently completed traffic impact analysis report for an immediately adjacent property that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of

the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use. At the time of development, all necessary permits will be required to be obtained by ODOT, as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

### *Residential Design Policies*

*Policy 79.00 The density allowed for residential developments shall be contingent on the zoning classification, the topographical features of the property, and the capacities and availability of public services including but not limited to sewer and water. Where densities are determined to be less than that allowed under the zoning classification, the allowed density shall be set through adopted clear and objective code standards enumerating the reason for the limitations, or shall be applied to the specific area through a planned development overlay. Densities greater than those allowed by the zoning classification may be allowed through the planned development process or where specifically provided in the zoning ordinance or by plan policy. (Ord. 4796, October 14, 2003)*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed amendment to the existing Planned Development condition would add multiple family residential as an allowed use. Multiple family residential is a permitted use in the underlying C-3 (General Commercial) zone, subject to the standards and provisions of the R-4 (Multiple Family Residential) zone. Therefore, the future development, if it includes multiple family residential dwelling units, will be subject to the density requirements of the R-4 zone.

Further, existing conditions of approval from Ordinance No. 4667, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 12), other utility improvements (Condition 13), and right-of-way improvements (Conditions 17 and 18). This will ensure that the density of the future development is shown to be able to be served by public services.

### *Urban Policies*

*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.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Existing conditions of approval from Ordinance No. 4667, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 12), other utility improvements (Condition 13), and right-of-way improvements (Conditions 17 and 18). This will ensure that the density of the future development is shown to be able to be served by public services. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

Specifically related to sanitary sewer service, the Engineering Department provided comments on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site.

**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.**

*Streets*

*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.*
- 4. 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.*
- 5. 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)*

*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 121.00 The City of McMinnville shall discourage the direct access of small-scale residential developments onto major or minor arterial streets and major collector streets.*

**APPLICANT'S RESPONSE:** The City's transportation Goal and Policies are further refined and implemented through the Transportation System Plan (TSP). The TSP provides the functional classification of streets, including arterial, collector and local designations.

The TSP identifies corridor improvements for the Highway 18 Corridor:

*ODOT, the City of McMinnville and Yamhill County have mutually approved the Highway 18 Corridor Refinement Plan, which was completed in 1996. The Plan includes a series of traffic control and frontage roads improvements north and south of Highway 18, to include closing of the existing Norton Lane intersection, construction of a new interchange near the Evergreen Air Museum, and redesign of the current East McMinnville (Three Mile Lane) interchange for full, directional access.*

*Some frontage road improvements have been completed since the 1996 Plan was adopted. Exhibit 4-10 illustrates the current state of the Plan. It is important to note, however, that the northernmost collector access road depicted in the Highway 18 Corridor Refinement Plan is not shown in the TSP due to the fact that it is located outside of McMinnville's current urban growth boundary. Under Oregon Administrative Rule (OAR 660-012), transportation facilities outside of urban growth boundaries are not permitted as part of a TSP unless a "reasons" exception to the applicable goal(s) has been approved by the City. In this case, McMinnville finds such action premature due to the lack of certainty as to the street corridor's location and design. An amendment to this plan, and a Goal 2 (Land Use) exception, would be part of any future proposal to add this element to the TSP and permit its construction and use for urban purposes.*

Some of the corridor improvements have already been completed, including the Norton Lane intersection and Stratus Avenue frontage road. The future interchange discussed is further to the east, at Cumulus Avenue. However, no decision regarding an interchange has yet been made.

The proposed amendment does not substantially alter the demand for transportation and public service improvement to any greater degree than the currently allowed uses.

Primary access to the property is from Highway 18, designated as an arterial street. SE Norton Lane intersects with Highway 18 north of the subject property. The property fronts on the west side of SE Norton Lane, just south of the intersection with SE Stratus Avenue. Stratus Avenue is classified as a collector.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, but would clarify that the site is adjacent to SE Stratus Avenue, which is identified as a minor collector in the McMinnville Transportation System Plan. Section 17.53.101 of the McMinnville Municipal Code identifies the right-of-way width for minor collector streets as 56 feet (with no bike lane) or 66 feet (with bike lane).

Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site's SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

Further, Conditions 2 and 22 of Ordinance 4667 require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design and on-site and off-site circulation to ensure that the proposed access to serve future development will be compatible with the surrounding transportation system.

*Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications.*

*2. Major, minor collectors.*

*-Designs should minimize impacts on existing neighborhoods.*

*-Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*

*-On-street parking should be limited wherever necessary.*

*-Landscaping should be required along public rights-of-way. (Ord.4922, February 23, 2010)*

*-As far as is practical, residential collector streets should be no further than 1,800 feet apart in order to facilitate a grid pattern of collector streets in residential areas.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site's SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

*Parking*

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

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

*Bike Paths*

*Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connects residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities. (Ord.4922, February 23, 2010)*

*Policy 131.00 The City of McMinnville shall encourage development of bicycle and footpaths in scenic and recreational areas as part of future parks and activities.*

*Policy 132.00 The City of McMinnville shall encourage development of subdivision designs that include bike and foot paths that interconnect neighborhoods and lead to schools, parks, and other activity areas. (Ord. 4922, February 23, 2010; Ord. 4260, August 2, 1983)*

*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.*

**APPLICANT'S RESPONSE:** Conditions 1 and 2 of Ordinance 4667, and the proposed open space condition, require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design, including off-street parking and bike and pedestrian connections associated with the future development plan.

**FINDING: SATISFIED.** Conditions 1 and 2 require site plan, landscape plan, and building plan review and approval by the Planning Director and Landscape Review Committee, respectively, prior to any development of the subject site. In addition, new conditions of approval proposed by the applicant, conditions 7 and 22, would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site and that open space be provided if the site is developed with multiple family residential uses. These reviews would ensure review of site design, including off-street parking and bike and pedestrian connections associated with the future development plan.

#### *Supportive of General Land Use Plan Designations and Development Patterns*

*Policy 132.27.00 The provision of transportation facilities and services shall reflect and support the land use designations and development patterns identified in the McMinnville Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand—both short-term and long-term planned uses. (Ord. 4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** See response to Policies 117.00 - 121.00 above.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, along with the additional findings provided for Policies 117.00 – 121.00 above.

#### *Public Safety*

*Policy 132.32.00 The safe, rapid movement of fire, medical, and police vehicles shall be an integral part of the design and operation of the McMinnville transportation system. (Ord. 4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site's SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will be completed to existing City standards, which are of a design and operation standard that allows for required movements for fire, medical, and police vehicles.

#### *Livability*

*Policy 132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways. (Ord. 4922, February 23, 2010)*

*Policy 132.41.20 Modal Balance – The improvement of roadway circulation must not impair the safe and efficient movement of pedestrians and bicycle traffic. (Ord. 4922, February 23, 2010)*

*Policy 132.41.25 Consolidate Access – Efforts should be made to consolidate access points to properties along major arterial, minor arterial, and collector roadways. (Ord. 4922, February 23, 2010)*

#### *Pedestrian Programs*

*Policy 132.54.00 Promoting Walking for Health and Community Livability – The City will encourage efforts that inform and promote the health, economic, and environmental benefits of walking for the individual and McMinnville community. Walking for travel and recreation should be encouraged to achieve a more healthful environment that reduces pollution and noise to foster a more livable community. (Ord. 4922, February 23, 2010)*

**APPLICANT'S RESPONSE:** Conditions 1 and 2 of Ordinance 4667, and the proposed open space condition, require site plan review and approval by the Planning Commission prior to any development of the subject site. These reviews would ensure review of site design and on-site and off-site circulation to ensure that the proposed access to serve future development will be compatible with the surrounding transportation system.

**FINDING: SATISFIED.** Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site's SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City standards.

Further, Conditions 1 and 2 require site plan, landscape plan, and building plan review and approval by the Planning Director and Landscape Review Committee, respectively, prior to any development of the subject site. In addition, new conditions of approval proposed by the applicant, conditions 7 and 22, would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site and that open space be provided if the site is developed with multiple family residential uses. These reviews would ensure review of site design and on-site and off-site circulation to ensure that the proposed access to serve future development will be compatible with the surrounding transportation system.

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

### *Sanitary Sewer System*

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

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

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

### *Storm Drainage*

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

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

### *Water System*

*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.*

**APPLICANT'S RESPONSE:** The surrounding development along SE Norton Lane has been constructed consistent with the Public Facilities Goal and these Policies for specific utilities. All required urban services are currently available and adequate to support development of the property consistent with these policies, assuming that CH2M makes positive findings with their sewer system analysis, being paid for by the applicant.

The proposed amendment will not result in development that will create substantially greater demands on the available services than the types of development that is already allowed.

**FINDING: SATISFIED.** Existing conditions of approval from Ordinance No. 4667, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 12), other utility improvements (Condition 13), and right-of-way improvements (Conditions 17 and 18). This will ensure that the density of the future development is shown to be able to be served by public services. At the time of development, all necessary permits will be required to be obtained by Oregon Department of Transportation (ODOT), as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific



development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

Specifically related to sanitary sewer service, the Engineering Department provided comments on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family residential use on the site.

*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 a 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.*

#### *Water and Sewer – Land Development Criteria*

*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.*

**APPLICANT'S RESPONSE:** Conditions 2, 12, and 13 of the existing Ordinance remain in effect. Additionally, given the nature of the proposal development, application will adhere to the standards of the implementing regulations for the National Environmental Policy Act promulgated by the U.S. Department of Housing and Urban Development in CFR Part 58.

**FINDING: SATISFIED.** An existing conditions of approval from Ordinance No. 4667, which remains in effect, will require that final development plans include the provision of utility improvements (Condition 13). This will ensure that the density of the future development is shown to be able to be served by McMinnville Water and Light services. McMinnville Water and Light was provided an opportunity to review the proposal, and offered no objections to the proposed amendment to the allowable uses on the subject site.

#### *Police and Fire Protection*

*Policy 153.00 The City 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.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Emergency services departments were provided an opportunity to review the proposal, and offered no comments or objections to the proposed amendment to the allowable uses on the subject site.

#### *Parks and Recreation*

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

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

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** Park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

#### *Energy Conservation*

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

#### *Energy Supply Distribution*

*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.*

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** McMinnville Water and Light and Northwest Natural Gas were provided an opportunity to review the proposal, and offered no objections to the proposed amendment to the allowable uses on the subject site.

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

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

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

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

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

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

1. *Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.*
  - a. *Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

**APPLICANT'S RESPONSE:** There are no significant natural features associated with the Subject Site. Approval of this request will not adversely impact sensitive natural features or conditions.

**FINDING: SATISFIED.** The City concurs with the applicant's findings.

2. *Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.*
  - a. *Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.*

**APPLICANT'S RESPONSE:** Surrounding Uses adjacent to the Subject Site do not offer scenic views of natural features, landscapes or vistas. The larger vicinity within which the Subject Site is located do not offer scenic views of natural features, landscape or vistas. Granting the requested changes will not adversely impact a future design's ability to oriented open space or buildings.

No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance.

**FINDING: SATISFIED WITH CONDITION #22.** The City concurs with the applicant's findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to potential scenic views from the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

3. *Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*
  - a. *Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
  - b. *Central parks and plazas shall be used to create public gathering spaces where appropriate.*
  - c. *Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*

**APPLICANT'S RESPONSE:** Open space is a critical element to a successful multifamily family project on the Subject Site.

There is currently no open space adjacent or conveniently located to the Subject Site. As a planned development, open space will be provided within the Subject Site that benefits residents of the site. The applicants proposes a condition will ensure that the residents have access to an area equivalent to 10 percent of the gross size of the Subject site. The proposed condition further allows the Applicant to design the open space to meet the varied needs of residents of the site.

Due to the size of the Subject Site, the Applicant proposes the ability to have multiple areas contributing to the open space requirement. This will allow for parents or guardians to more easily maintain verbal and visual contact with kids from or near their units. A single open space will undoubtedly be far from some units. A closer proximity will benefit family with kids.

Additionally, multiple open spaces allow for a variety of programming of the space. For example, one space could be set up with play equipment for younger kids and another set up with just benches for adults without kids to enjoy.

In a Multi-Family housing setting, the notion of a front yard is functionally different than distinct private and public space. Allowing overlap between the front yard setback and the open space fosters the notion communal space while maintaining the full front yard setback.

**FINDING: SATISFIED WITH CONDITION #7 AND #22.** The City concurs with the applicant's findings, but clarifies that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to the provision of park and open space within the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles. A condition of approval is included to require a minimum amount of usable open space within the subject site if the site is developed with multiple family residential uses.

4. *Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*
  - a. *Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
  - b. *Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*

**APPLICANT'S RESPONSE:** The Three Mile Lane Preferred Alternative identifies land uses and trail systems. Adjacent to the Subject Site on SE Stratus is an existing trail network. Within 75 feet of the site along SE Norton Lane is an existing trail network. Bisecting the site, running east west is an existing trail network.

No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

**FINDING: SATISFIED WITH CONDITION #22.** The City concurs with the applicant's findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to pedestrian connections within and around the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

5. *Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*
  - a. *Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
  - b. *Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*

**APPLICANT'S RESPONSE:** The Three Mile Lane Preferred Alternative identifies land uses and trail systems. Adjacent to the Subject Site on SE Stratus is an existing trail network. Within 75

feet of the site along SE Norton Lane is an existing trail network. Bisecting the site, running east west is an existing trail network.

No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

**FINDING: SATISFIED WITH CONDITION #22.** The City concurs with the applicant's findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to bicycle connections within and around the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

6. *Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*
  - a. *Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
  - b. *Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*

**APPLICANT'S RESPONSE:** No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

**FINDING: SATISFIED WITH CONDITION #22.** The City concurs with the applicant's findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to street improvements adjacent to the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles. Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site's SE Stratus Avenue frontage at the time of development.

7. *Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*
  - a. *To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
  - b. *Design practices should strive for best practices and not minimum practices.*

**APPLICANT'S RESPONSE:** No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed

and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

**FINDING: SATISFIED WITH CONDITION #22.** The City concurs with the applicant's findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to accessibility within the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

8. *Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
  - a. *The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
  - b. *Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
  - c. *Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*

**APPLICANT'S RESPONSE:** No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date. Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

**FINDING: SATISFIED WITH CONDITION #22.** The City concurs with the applicant's findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to accessibility within the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

9. *Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*
  - a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
  - b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
  - c. *Neighborhoods are designed such that owning a vehicle can be optional.*

**APPLICANT'S RESPONSE:** No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date.

Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

**FINDING: SATISFIED.** The proposed amendments to allow for multiple family residential uses on the subject site will introduce an opportunity for a mix of uses and activities within the area

surrounding the subject site. The existing development adjacent to the subject site and in the surrounding area is primarily commercial, which will provide services within walking distance to residential uses that could potentially be developed on the site.

10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*
- a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*

**APPLICANT'S RESPONSE:** Surrounding Uses buffer the Subject Site from adjacent rural land. The Subject Site is located within the Three Mile Lane Planned Development Overlay. The buffering nature of the surrounding uses and the context of the Three Mile Lane Planned Development make Multi-Family uses complement and transitional uses with nearby rural areas.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, but clarifies that the subject site is surrounded by other property that is also within the McMinnville Urban Growth Boundary.

11. *Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*
- a. *A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*

**APPLICANT'S RESPONSE:** Yamhill County is experience is shortage of affordable housing. This fact is documented in the Oregon Housing and Community Service State Housing Plan. Several studies have concluded barriers to the development of housing contribute to the shortage of supply. Housing starts falling short of household creation is a consequence leading to the shortage of housing.

The application is a Housing Authority organized under state law. Their purpose is to develop affordable housing. The applicant intends to develop a Multi-Family housing community consistent with their purpose and state law defining the powers of housing authorities.

As a result, the applicant's development of the subject site will provide Multi-family housing that is not prevalent in the City of McMinnville. Therefore, the creation of affordable housing by the Applicant will contribute to housing opportunities for a greater range of incomes in the City.

**FINDING: SATISFIED.** The City concurs with the applicant's findings, but adds that the type of housing envisioned by the applicant would also increase the range of housing opportunities in this specific area of the City.

12. *Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*
- a. *Neighborhoods shall have several different housing types.*
  - b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

**APPLICANT'S RESPONSE:** No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned



Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date.

Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

**FINDING: SATISFIED WITH CONDITION #22.** The City concurs with the applicant's findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to building form and architectural variety within the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

13. *Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*

- a. *Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*
- b. *Opportunities for public art provided in private and public spaces.*
- c. *Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.*

**APPLICANT'S RESPONSE:** No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date. Future development plan will be subject to design review and development criteria contained in the approved Planned Development overlay ordinance. Connectivity with trails and internal circulation will be proposed and reviewed at a later date.

Approval of the requested Amendments does not limit choice. Allowing for Multi-Family as a use will allow for residents to reside on the Subject Site.

**FINDING: SATISFIED WITH CONDITION #22.** The City concurs with the applicant's findings, particularly that no specific site development plan is proposed at this time. At the time of review of the master plan and site development plans, more thorough consideration shall be given to design elements within the subject site. Condition 22 requires that the review of the updated master plan be reviewed against the Great Neighborhood Principles.

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

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

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

**APPLICANT'S RESPONSE:** [site public meeting]

**FINDING: SATISFIED.** The process for a planned development amendment provides an opportunity for citizen involvement throughout the process through the neighborhood meeting provisions, the public notice, and the public hearing process. Throughout the process, there are opportunities for the public to review and obtain copies of the application materials and the completed staff report prior to the advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

### **McMinnville Zoning Ordinance**

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

#### **Chapter 17.03. General Provisions**

**17.03.020 Purpose.** The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The purpose of the Zoning Ordinance is met by the proposal as described in the Conclusionary Findings contained in this Decision Document.

#### **Chapter 17.06. Definitions**

##### **17.06.015 General Definitions**

**Apartment House** – See “Dwelling, Multifamily.”

**Dwelling, Multi-Family** – A building containing three or more dwelling units. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**Dwelling Unit** – A residence containing one or more rooms designed for occupancy by one family and having not more than one cooking facility. This includes both buildings constructed on-site and off-site, such as manufactured homes. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**Family** – For the purpose of this Zoning Ordinance, “family” refers to: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or other duly-authorized custodial relationship, living together as one housekeeping unit using one kitchen, and providing means of lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons, excluding servants, living together as one housekeeping unit using one kitchen. (Ord. 4988 §1, 2015; Ord. 4479A §1, 1991; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**APPLICANT'S RESPONSE:** Referencing definitions as a basis for proposed amendments.

**FINDING: SATISFIED.** The City acknowledges the applicant's clarification of the definitions of apartment and multi-family dwelling. The use that is added to the amended Condition 7 of Ordinance 4667 is "multiple-family dwelling" because that is the specific use that is listed as permitted in the C-3 (General Commercial) zone in Section 17.33.010 of the McMinnville Zoning Ordinance.

## **Chapter 17.21. R-4 Multiple-Family Residential Zone**

**17.21.030 Lot size.** In an R-4 zone, the lot size shall not be less than five thousand square feet, except that the lot area for common wall, single-family lots shall not be less than two thousand five hundred square feet per family. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**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. (Ord. 4912 §3, 2009; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**17.21.050 Building height.** In an R-4 zone, a building shall not exceed sixty feet in height. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**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. (Ord. 4796 §1(b), 2003; Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

## **Chapter 17.33. C-3 General Commercial Zone**

**17.33.010 Permitted Uses.** In a C-3 zone, the following uses and their accessory uses are permitted:

- 3. Multiple-family dwelling subject to the provisions of the R-4 zone; [..]

**APPLICANT'S RESPONSE:** The base C-3 zone allows for Multi-Family Dwellings as a permitted use, subject to the R-4 zoning standards and density, per Chapter 17.21.

**FINDING: SATISFIED.** The City acknowledges that multiple-family dwellings are permitted in the underlying C-3 zone, subject to the same development standards, including setbacks, density, and height, would apply to the development of multiple-family dwellings in the R-4 zone.

## **Chapter 17.51. Planned Development Overlay**

**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.

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed amendment to allow multiple family residential use on the subject site would provide for greater flexibility and greater freedom of design in the development of the subject site than is currently allowed by the existing condition of approval. The proposed amendment to add multiple family residential as an allowed use would not remove any ability to develop other uses on the subject site. Currently, and after the proposed amendment, professional office, medical office, or other compatible, small-scale commercial uses such as a delicatessen, florist, or day care facility, would still be allowed on the subject site, along with multiple family residential. This increases the opportunity for mixed uses in the planned development area. The proposed amendment to allow multiple family residential use on the subject site is also not a guise to circumvent the intent of the zoning ordinance, because multiple family residential is a permitted use in the existing, underlying C-3 (General Commercial) zoning district.

The applicant has also requested an amendment to building height to allow for greater flexibility and greater freedom in design in the development of the subject site. Findings related to this amendment to building height are provided below in the findings for the applicable Planned Development Amendment review criteria.

**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. (Ord. 4128 (part), 1981; Ord. 3380 (part), 1968).

**APPLICANT'S RESPONSE:** None.

**FINDING: SATISFIED.** The proposed amendment to allow multiple family residential use on the subject site will not be inconsistent with the comprehensive plan or zoning designation of the subject site, because multiple family residential is a permitted use in the existing, underlying C-3 (General Commercial) zoning district. The density of any eventual residential development will be determined by the existing regulations in the underlying C-3 zone.

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

- A. 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:
  - 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;

**APPLICANT'S RESPONSE:** No specific site development plan is proposed at this time. Applicant intends to submit an application at a later date.

**FINDING: SATISFIED WITH CONDITION #22.** Section 17.51.030 is satisfied in that the Commission will have an opportunity to review a future development plan, per new condition 22 as proposed by the applicant, which would require that an updated master plan be submitted to the Planning Commission for review and approval prior to any development of the existing, undeveloped portions of the subject site. The updated master plan will be required to identify existing developed portions of the Planned Development Overlay District, and will replace the previously approved master plan. The master plan is required to incorporate all necessary shared access, parking, and utility easements to allow the existing developed portions of the Planned Development Overlay District to continue to operate without disruption. The condition specifies that the updated master plan be reviewed by the Planning Commission, be processed as a Planned Development Amendment but with the Planning Commission making the final decision, and that the master plan review would be subject to the Planned Development Amendment review criteria and the Great Neighborhood Principles in the McMinnville Comprehensive Plan.

In addition, conditions 1 and 2 require site plan, landscape plan, and building plan review and approval by the Planning Director and Landscape Review Committee, respectively, prior to any development of the subject site. Findings for the criteria listed in subsection A are provided below, as those criteria are the review criteria for a Planned Development Amendment, as found in 17.74.070 of the McMinnville Municipal Code.

**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.

**APPLICANT'S RESPONSE:** Applicant has submitted a Planned Development Amendment request to be reviewed by the Planning Commission.

**FINDING: SATISFIED.** The City concurs with the applicant's findings.

**17.74.070. Planned Development Amendment – Review Criteria.** [...] An amendment to an existing planned development may be authorized, provided that the proposal satisfies all relevant requirements of this ordinance, and also provided that the applicant demonstrates the following:

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

**APPLICANT'S RESPONSE:** The base zone of this site is C-3, which permits R-4. This amendment will restore the ability to include Multi-Family dwellings on this site. Developing Multi-Family housing in McMinnville will address the shortage of housing supply resulting from a decline in housing starts compared to households created, which is behind the rise in housing cost in Yamhill County. Oregon Housing and Community Services' statewide housing plan estimated the shortage of housing in Yamhill County affordable to families earning less than 80% of the Area Median Income to be 4,945 units. More supply of housing is needed in the City of McMinnville.

The prior master plan called for the development of an office park with one or two story buildings. For this master plan, 35 feet was feasible. A residential project may include buildings that are three floors or greater. In an R-4 zone, a building shall not exceed sixty feet in height (17.21.050). This amendment restores the base zone requirements. Additionally, the project is subject to design review which will allow for consideration of design criteria prior to issuing a permit. This change is consistent with the height limited on the property to the south with the same zone. The Comfort Inn Suites, Medical Center and Chemketa Community College are nearby buildings that each exceed 35 feet.

**FINDING: SATISFIED WITH CONDITIONS #2, #3, #7, #16 AND #20.** The City generally concurs with the applicant's findings, but does provide some clarifying points and additional findings below. Specifically, clarifying findings for the requested building height are provided below.

The most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a deficit of over 1,000 acres of land for housing in Table B-11 of Appendix B. More specifically, the analysis identified a need of 162 acres of R-4 (higher density) zoned land. The City of McMinnville is currently updating its Residential Buildable Lands Inventory and Housing Needs Analysis, and while these reports are not finalized or acknowledged, the analyses are identifying a deficit of land zoned for residential dwelling units. The proposed amendment to allow multiple family residential on the subject site would not increase the amount of land designated specifically for higher density residential use, but it would increase the potential for the development of higher density residential uses on a property with an existing, underlying zone that already permits multiple family residential use (C-3 General Commercial zone). The special objective of providing an opportunity for a housing type that is needed in the community warrants the departure from the existing Planned Development Overlay District's limitation on uses on the subject site. Therefore, condition 7 is amended to allow for multiple family dwellings and also to allow community buildings associated with residential uses.

The applicant has also requested an amendment to remove an existing limitation on building height, which prohibits buildings from exceeding a height of 35 feet. As noted by the applicant, the master plan for the subject site that was originally adopted by Ordinance 4667 envisioned an office park and the limitation to 35 feet may have been feasible for the type of development proposed at that time. However, the underlying zoning district (C-3) allows for a maximum



building height of 80 feet. The subject site is also located within the Horizontal Zone of the Airport Overlay Zone, which has a height limitation of 309 feet above mean sea level. The subject site has an elevation of approximately 150 to 155 feet. Even if construction was allowed to the maximum height of the C-3 zone, the building height would not conflict with the Airport Overlay Zone standards.

There are multiple examples of buildings in the surrounding area that exceed 35 feet in height, including the Chemeketa Community College and Willamette Valley Medical Center. Also, since the time of adoption of Ordinance 4667, the “future development” area within the master plan has been developed. The Comfort Inn and Suites hotel building that was developed within the “future development” area was allowed by Ordinance 4851 to be constructed up to 45 feet in height. During that review process, 45 feet was determined to be an acceptable building height on the parcel immediately to the north of the subject site and within the same Planned Development Overlay District. However, this previous allowance for a height of 45 feet was only approved after more detailed building plans had been submitted to ensure the development was compatible with the Three Mile Lane Planned Development Overlay District. In addition, the same 35 foot building height limitation is included on a number of Planned Development Overlay Districts in the Three Mile Lane corridor. This limitation has resulted in a limit on building form and bulk from dominating the horizon along the corridor, where there is also a minimum 120 foot setback from the center of the highway and a pattern of lower-scale and horizontal building forms with distinctive roof features and patterns.

The applicant's request for the removal of the building height limitation is to allow for flexibility in the process of developing plans for the buildings on the subject site. The City finds that this additional flexibility could be consistent with the purpose of the Planned Development Overlay District, which includes allowing for greater flexibility and greater freedom of design in the development of land, to facilitate a desirable aesthetic and efficient use of open space, and to create public and private common open spaces. However, the City finds that additional information should be required prior to allowing building heights to exceed the current limitation of 35 feet. Other existing and new conditions of approval require that an updated master plan (condition #22) and detailed building plans (condition #2) to be submitted to the City for review. These future review processes will allow for more detailed analysis of building design and how those buildings are oriented on the site, which will provide an opportunity for the City to address and mitigate any potential impact of a taller building on the subject site. Therefore, condition #3 is updated to provide an opportunity for the applicant to request additional building height at the time that the updated master plan and building plans are submitted for review by the City. The condition requires that the request for additional building height include an analysis and survey of the height and setback of surrounding buildings in the Three Mile Lane Planned Development Overlay District, and that the height and setback of any proposed building on the subject site is similar to and consistent with the height and form of other buildings in the Three Mile Lane corridor and Three Mile Lane Planned Development Overlay District. The condition specifies that the Planning Commission shall review the request for additional building height, and that the Planning Commission also take into consideration the proposed architectural and building form for its compatibility with the architecture and building form of other buildings in the Three Mile Lane Planned Development Overlay District.

Some other conditions of approval are updated to reflect current City policies and development review procedures, to avoid confusion in the next steps in the development review process. These include: changes to condition #2 to reference the Three Mile Lane Development Review process that is currently followed by the City to satisfy the development review process required in the overarching Three Mile Lane Planned Development Overlay District (Ordinances 4131 and 4572); changes to condition #16 to clarify that only the final master plan approved for the

Planned Development Overlay District become part of the zone and binding on the owner and developer; and removal of language in condition #20 that is related to the previously approved master plan which is now required to be updated.

**17.74.070(B).** *Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;*

**APPLICANT'S RESPONSE:** Findings supporting the claim that allowing Multi-Family Dwellings on this site is not inconsistent with the Comprehensive Plan Volume II objectives are contained in Section IV of this supplemental information.

Removing Condition 3 would not result in a condition inconsistent with the Comprehensive Plan objectives. By removing the condition, the 60' height limit permissible in the base zone would be allowed. This height is consistent with the development pattern, character of the surrounding area, and the intent of the Three Mile Lane Development Plan.

**FINDING: SATISFIED.** The City concurs with the applicant's findings. The proposed Planned Development Amendment would not be inconsistent with the applicable 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 City notes that the amendments to the building height were to allow buildings up to 45 feet in height, not to remove the existing condition of approval entirely.

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

**APPLICANT'S RESPONSE:** Access to the Subject Site is from SE Stratus Avenue, which connects from SE Norton Lane and Highway 18. This proposed amendment does not alter access to the site or increase demand beyond estimated trip generation attributable to the current Planned Development Overlay Ordinance.

**FINDING: SATISFIED.** Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site's SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City and Oregon Department of Transportation (ODOT) standards.

**17.74.070(D).** *The plan can be completed within a reasonable period of time;*

**APPLICANT'S RESPONSE:** The applicant is under contract to purchase the Subject Site. Closing will occur either before July 1, 2020 or (for reasons related to tax implications, after January 1, 2021). The applicant is in the process of engaging an architectural and engineering team need to support the creation of a master plan. Development efforts will continue in earnest.

**FINDING: SATISFIED.** The City concurs with the applicant's findings.

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

**APPLICANT'S RESPONSE:** The existing streets serving the property are designed and constructed to City standards, with adequate capacity, based on the C-3 zoning. As part of the Planned Development Amendment process resulting in Ordinance 5072 for the property to the

south, the owner commissioned a Traffic Impact Report, prepared from Lancaster Engineering, which is part of the public record. The report compares the Multi-Family traffic impacts to those of the allowed commercial offices and Multi-Family housing. Below is a table reflecting the trip generation information.

Type Use	Average Weekly Trip Rate	Total Weekly Trips	PM Peak Hours Trips
Senior Apartments *	3.70/unit	463	.26/hx = 33
Multi-Family Apartments **	7.32/unit	842	.56/hx = 64
Medical Office ***	34.8/1,000 sf	4,486	3.46/hx = 446

\*Senior units estimated using R-4 standards, at 25/acre = 125 units, with 1-2 bed units, 2-story structures.  
 \*\*Multi-Family estimated using R-4, at 23/acre = 115 units, with 2, 3 & 4 bed units, and mix of 2 and 3-story structures.  
 \*\*\*Office use estimated at 128,900 square feet.

**FINDING: SATISFIED.** Conditions 17 and 18 of Ordinance 4667 will require right-of-way improvements to City standards on the site's SE Stratus Avenue frontage at the time of development. These required right-of-way improvements will ensure that adequate access will be provided to the subject site, and the improvements will be completed to existing City and Oregon Department of Transportation (ODOT) standards. At the time of development, all necessary permits will be required to be obtained by ODOT, as Stratus Avenue is a facility under ODOT jurisdiction. Depending on intensity of development and specific development type, ODOT permitting and review may require additional analysis of the eventual proposed use's impact on the surrounding transportation network.

The applicant has also provided a copy of a recently completed traffic impact analysis report for an immediately adjacent property that analyzed the trip generation of the proposed multiple family residential use against other uses currently allowed under the existing Planned Development conditions of approval. The analysis determined that some of the existing uses, specifically medical office, could generate more daily trips than the proposed multiple family residential use. Therefore, the use allowed by the proposed amendment would not be more detrimental to the surrounding street network or transportation system than other uses currently allowed on the subject site by Ordinance No. 4667.

**17.74.070(F).** *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;*

**APPLICANT'S RESPONSE:** All necessary public and franchise utilities are available to the site. Stormwater services are also available and will be made part of a larger stormwater management plan once the project is fully designed.

**FINDING: SATISFIED.** Existing conditions of approval from Ordinance No. 4667, which remain in effect, will require that final development plans include a detailed storm drainage plan (Condition 12), other utility improvements (Condition 13), and right-of-way improvements (Conditions 17 and 18). This will ensure that the density of the future development is shown to be able to be served by public services.

Specifically related to sanitary sewer service, the Engineering Department provided comments on the proposed Planned Development Amendment, and noted that a recently completed analysis of the sanitary sewer conveyance system indicated that there is adequate system capacity to support the proposed amendment and eventual development of multiple family

residential use on the site. In addition, McMinnville Water and Light and other utility providers were provided an opportunity to review the proposal, and offered no objections to the proposed amendment to the allowable uses on the subject site.

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

**APPLICANT'S RESPONSE:** The noise, air, and water pollutants caused by the Multi-Family development allowed by this amendment will not result in any substantial change as compared to the current list of allowed uses, in particular the senior housing, which is substantially similar in potential impacts.

**FINDING: SATISFIED.** The City concurs with the applicant's findings.

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