

## Attachment 2 to Staff Report for CPA 1-24/ ZC 4-24

March 20, 2025

### Summary of Public Testimony Received and Staff Responses

The Planning Commission held a public hearing on CPA 1-24/ZC 4-24 on January 16, 2025 and continued the public hearing to February 6, 2025. During the public hearing and public comment period, twenty-eight (28) people have provided testimony in opposition, and two (2) people provided testimony in support. Additionally, Randy Yates and Alex Botten submitted signed petitions with signatures of people in opposition. The petition forms appear to show approximately 138 people who are in opposition, which includes the names of individuals who also testified orally or through written comments in the public hearing and comment periods. Staff did not verify that there were not duplicated names on the petitions.

Of the 28 people who provided testimony, the concerns are primarily focused on seven (7) topics. Responses to these concerns have been provided by staff in this section of the staff report.

#### **Themes of Testimony in Opposition Received**

1. Impacts on Existing Businesses (Northwest Logging Supply & Ed's Transmission Service)
2. Vehicular Capacity Constraints (Trip Generation)
3. Pedestrian and Bicyclist safety at access point to the property and along Stratus Ave
4. Inconsistency with the Three Mile Lane Area Plan and Great Neighborhood Principles (amenities, employment, open space and parks)
5. Natural Hazards
6. Fire Code Regulations
7. Sanitary Sewer System Capacity

## Staff Response to Testimony Received

### 1. ***Impacts on Existing Businesses***

- It is important to realize that the access easement as currently delineated would impact the neighboring businesses regardless if the property was developed as an industrial user (freight trucks and shift workforce vehicles) or residential (residential traffic), so a better access alignment would be necessary regardless. The reason that the applicant bought the smaller parcel north of the larger development parcel is to demolish the building and realign the access drive so that it is linear into the site and can be divided safely from the neighboring businesses' parking lots.
- In the applicant's supplemental materials provided after the January 16 public hearing, the applicant provided a proposed access site plan. The applicant's revised site plan shows more details on the re-location of the shop/apartment currently on the property to accommodate a new access road along the eastern property line.
- City regulations (MMC 17.53.100(C)) allow up to three (3) parcels to utilize a shared access easement. This proposal is in conformance with that standard. It is worth noting that this code citation is found in the Land Division Standards Chapter of code, and so compliance with this standard is not part of the approval criteria for Comprehensive Plan Amendment and Zone Change applications.
- Per Condition of Approval #2 below, the applicant shall be required to clearly delineate on-site vehicular circulation to avoid conflicts between entry access to the site and the parking lot area. These details should be clearly shown on future site plan drawings submitted during the development permitting stage, including the Landscape Plan Review and Three Mile Lane Area Development Review processes.

Condition of Approval #2: The applicant shall be required to clearly delineate on-site vehicular circulation from Stratus Avenue to the development project to avoid conflicts between entry access to the development project on the subject site and the parking lot area of the properties that share access from Stratus Avenue with the development project. These details should be clearly shown on future site plan drawings submitted during the development permitting stage, including the Landscape Plan Review and Three Mile Lane Area Development Review processes, and should include pedestrian and bicycle connectivity adjacent to the access drive as well as physical delineation between the adjacent business parking lots and the access drive that is agreed upon by all property owners impacted.

## 2. ***Vehicular Capacity Constraints (Trip Generation)***

- Oregon state statutes provide clear and objective standards for how to evaluate the impact of traffic associated with a proposed development. These standards exist to provide data to the city to help manage the infrastructure system and to ensure that the developer is not unduly burdened with unnecessary transportation improvements. OAR 660-012 describes a three step process that needs to be undertaken for this analysis when a comprehensive plan map amendment is proposed. The first step is to evaluate what is the trip differential (the number of vehicles that will be accessing the subject site in a single day) between the existing reasonable worst case scenario under the existing comprehensive plan designation and the reasonable worst case scenario under the proposed comprehensive plan designation. The rationale for this first step is that the transportation system as designed should at least accommodate the existing comprehensive plan designation. Then if that differential is above a certain number of trips (described as a “significant effect”), the applicant needs to continue to step 2 to do further analysis about how that increased number of trips impacts the roads and intersections around it. The last step is then to evaluate whether or not the increased number of trips on the roads and intersections create a situation where those roads and intersections are no longer safe or cannot function reasonably (described as performance standards). If the increased number of trips creates a situation where the performance standards are no longer retained then the applicant needs to design and build the necessary improvements to mitigate the performance issues. This can be installing more lanes, more stop signs, signals at intersections, etc.
- As is required, the applicant completed a trip generation analysis that estimated an increase of 622 daily trips to the local transportation system based on the proposed comprehensive plan designation. The traffic report identifies that a reasonable worst-case development in the proposed R-4 zone (162 apartment units) generates 622 daily additional trips compared to reasonable worst-case development in the existing M-1 zone (101,060 square-foot general light industrial use). Per state law this is not considered a “significant effect” requiring the next step of analysis when a comprehensive plan map amendment is proposed.
- However, the applicant, after hearing the public testimony and the concerns of those who testified agreed to a “trip cap” for the property, meaning that the property cannot be developed that will generate more trips than the trip cap. Since the developer is only planning to develop the property with 96 units rather than 162 units, which the applicant’s traffic engineer has estimated to generate approximately 691 total daily trips or 199 additional trips, the applicant has proposed to impose a “trip cap” condition of approval for this comprehensive plan amendment and zone change that would limit future development to a total of 715 daily trips, which is a maximum of 222 additional trips than if the property was developed for

industrial uses. This trip cap is captured in Condition of Approval #3.

- There was confusion during public testimony about reviewing the “increase in trips” rather than the “total trips created” considering that the property is not developed right now as an industrial property. The traffic impact needs to evaluate the difference between zoning and land use designations, not current use of the property to a developed state.
- There was also confusion about what type of data is used in a traffic impact analysis. The transportation model and scenario used is based on if the city builds out as planned and not the existing buildout, i.e. it accommodates the planned growth and existing development.
- The City has also added a condition of approval that prior to development of the site, the developer will need to conduct a traffic impact analysis specific to the proposed development, and if the Traffic Impact Analysis shows a differential of 200 average daily trips or an additional 20 pm peak hour trips than the applicant will need to evaluate a series of local intersections for performance impact. This is identified as Condition of Approval #4.

### **3. *Pedestrian and Bicyclist Safety along frontage and Stratus Ave***

- There appeared to be some confusion in the public testimony that Stratus Avenue would not be improved with the development. All streets in McMinnville are classified based on the number of vehicles that they are expected to carry. As development occurs, the streets adjacent to the development must be improved to the standard identified in the McMinnville Transportation Plan which includes curbs, sidewalks and bicycle lanes. If this property develops the on-street conditions for bicycles and pedestrians will improve with new sidewalks, bicycle lanes and street improvements.
- ADA Sidewalk and Driveway Standards are now being applied to all new construction and remodels. These standards are intended to meet the current ADA Standards as shown in the "PROWAG" Design Guidelines. The standards can be found at the following webpage: <https://www.access-board.gov/files/prowag/PROW-SUP-SNPRM-2013.pdf> prior to final occupancy, the applicant shall construct new driveways and sidewalks in the right-of way that conform to these standards. A paved sidewalk not less than five (5) feet wide shall be installed in the center of pedestrian ways.
- The Three Mile Lane Area Plan identifies action items for future enhanced design to accommodate a frontage road design with suitable provisions for pedestrians and bicycles, and the City’s Transportation System Plan identifies projects for multi-modal improvements along Stratus Ave.

- The City’s [Transportation System Plan](#)<sup>1</sup> (Exhibit 6-3) identifies a future bike lane along frontage roads of OR 18 as a part of the Highway 18 Corridor Refinement Plan.

4. ***Inconsistency with the Three Mile Lane Area Plan and Great Neighborhood Principles*** (amenities, employment, open space and parks)

- The comprehensive plan map amendment and zone change proposed for this property is exactly what the Three Mile Lane Area Plan contemplated and recommended.

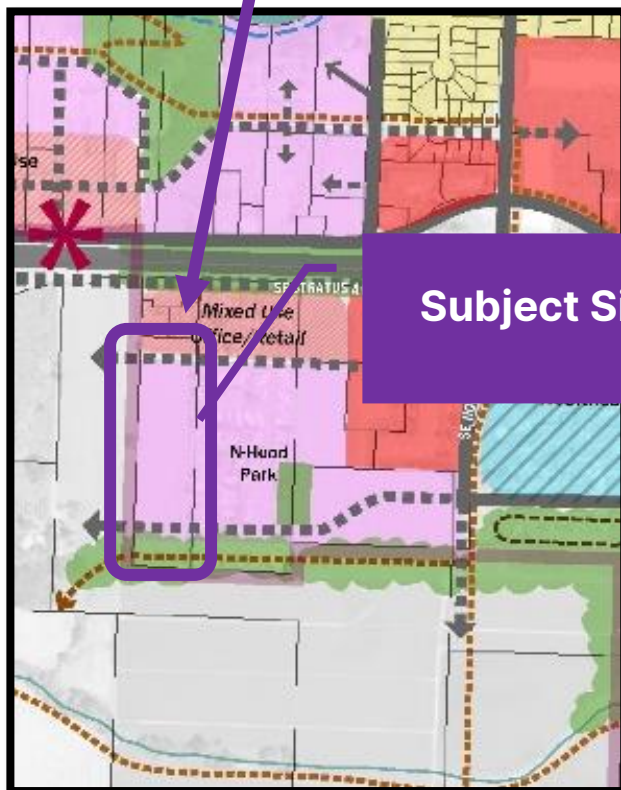
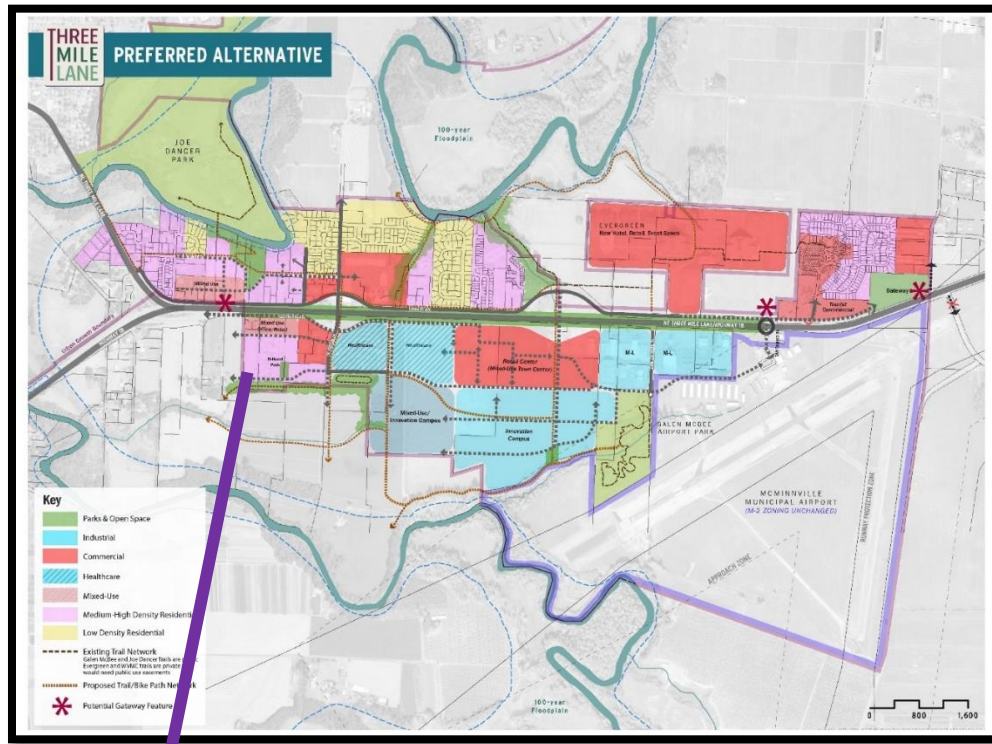
In the Three Mile Lane Area Plan preferred land use concept, the subject properties for this application were assigned two different designations. The smaller, northern property with an existing shop was designated as “Mixed-Use”. The larger, southern property was primarily designated as “Medium-High Density Residential”.

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[https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1305/g\\_chapter\\_6\\_bicycle\\_system\\_plan.pdf](https://www.mcminnvilleoregon.gov/sites/default/files/fileattachments/planning/page/1305/g_chapter_6_bicycle_system_plan.pdf)

Figure 6, Preferred Land Use Concept, page 22 of the Three Mile Lane Area Plan



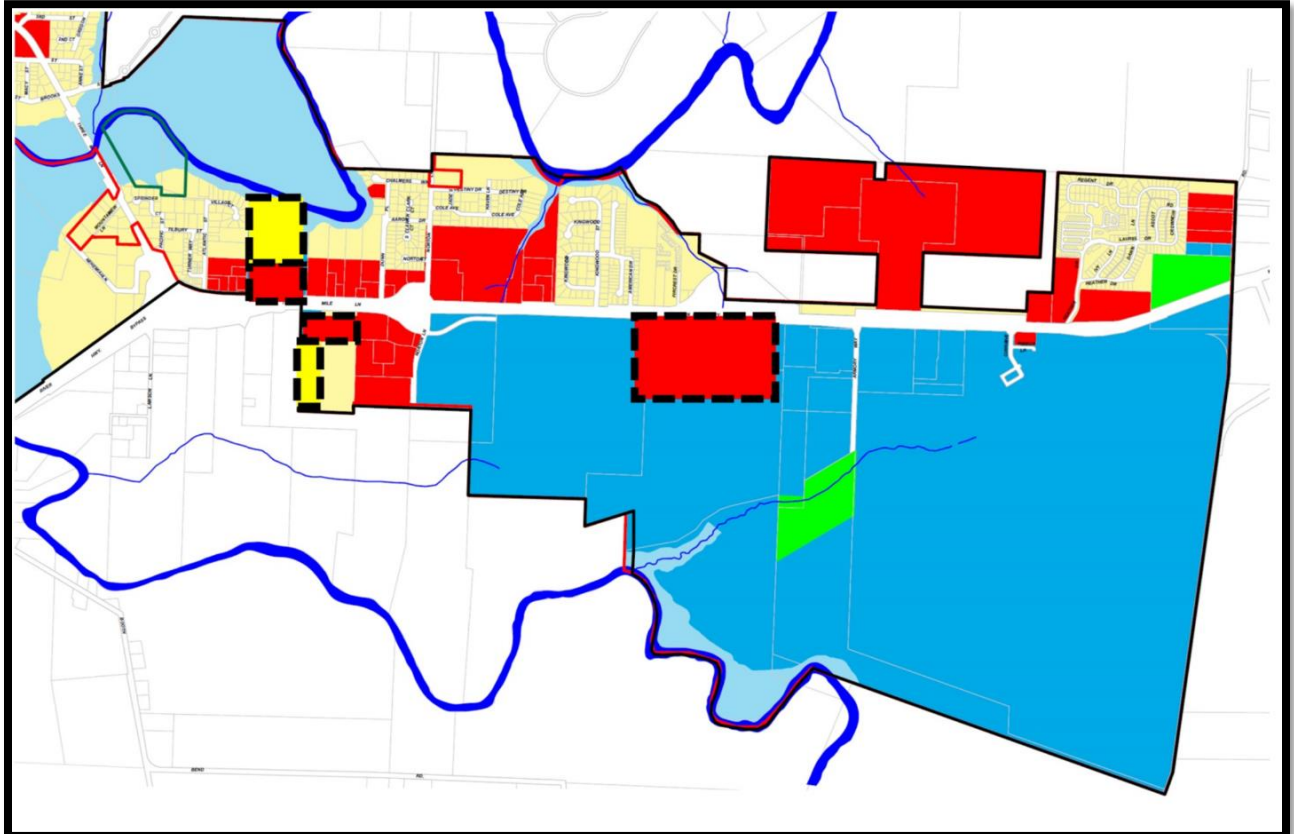
**Subject Site**





Additionally, the Three Mile Lane Area Plan identifies the need to amend the Comprehensive Plan Map to place a residential comprehensive plan designation on this property to accommodate future housing development of the site. Please see Figure 20 from the Three Mile Lane Area Plan below.

*Figure 20, Comprehensive Plan map Amendments, page 40 of the Three Mile Lane Area Plan*



- Three Mile Lane Area Plan land use concept includes planned areas for amenities, retail/shopping, and employment opportunities. Most notably, the Area Plan identified a “Mixed-Use/Town Center Retail Center” and an “Innovation Campus” approximately one (1) mile east of the subject property on the same side of the highway with planned connectivity between the high-density residential development and this employment/commercial center. There was testimony about the lack of existing amenities for the residential development. However, the City cannot deny an application based on the fact that planned amenities are not yet built in the vicinity when the city’s land-use plans show that those amenities will be built in the future.
  - The Innovation Campus concept was identified in the Mac Town 2032 Economic Development Strategic Plan, adopted by

Resolution No. 2019-16, and the Three Mile Lane Area Plan (3MLAP) adopted by Ordinance No. 5126 on November 8, 2022. The 3MLAP identified a community vision of a Retail Center and Innovation Campus on this acreage to serve the community's future needs of commercial development and high density, upwardly mobile employment opportunities.

- The City is currently going through a [planning process](#)<sup>2</sup> for this area, including: Master planning the site to determine a preferred growth scenario, public infrastructure feasibility analysis, which will include wastewater, water, transportation, electricity, broadband, etc.
- It was noted that this area of the city is experiencing a significant amount of residential construction, with recent approvals for the developments at "Norton Landing" (138 units) and "Stratus Village" (175 units) that are happening just east of the Evergreen Mobile Home Park at 2400 SE Stratus Ave. This is a reality, however, it is worth noting that the Three Mile Lane Area Plan envisioned residential development for all of these properties, and so this zone change and comprehensive plan amendment is consistent with the Implementation Plan for the Three Mile Lane area.
- There was also testimony that there are no existing park amenities in the vicinity. However, there is a planned neighborhood park identified in both the Three Mile Lane Area Plan and the recently adopted Parks, Recreation and Open Space plan in this area. That park is currently being master planned as part of the Innovation Campus project.
- It is also worth noting that apartments are required to provide common open spaces on 15% of the property and have at least 20% of the property landscaped, per MMC 17.11.090. All future apartment developments on this site will need to meet those standards.

## 5. ***Natural Hazards***

- There was testimony that the city's current "Natural Hazards" planning has identified some potential natural hazard areas on the subject site that would be problematic for development. The Potential Wildfire Impact draft map does show areas of the subject property with risk for wildfires. At this point, the City has not formally adopted the Natural Hazards Inventory, but if and when it does, the City will also adopt development regulations requiring the appropriate technical analysis of the site to determine exactly what the natural hazards are and how the site should be developed to avoid harm to people and property. Documents available on the City's website are DRAFT versions.

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<sup>2</sup> <https://www.mcminnvilleoregon.gov/innovation-campus-project>



- DRAFT code amendments have been discussed in public meetings. The code contemplates requiring mitigation, including the preparation of a Wildfire Hazard Assessment and Mitigation Plan. If the code amendments are adopted prior to a development application for this site, the applicant would be subject to all Wildfire Prevention/Mitigation requirements, including characteristic such as future landscaping (to be fire resistant) and existing vegetation (reviewed for retaining vs removal).

#### 6. **Fire Code Regulations**

- McMinnville Fire District's Fire Marshal, Ty Darby, reviewed this application and did not have any comments or concerns at this time. Additional review will take place at the time of development to ensure that all fire code and life safety requirements are met in accordance with applicable laws. Just like transportation regulations, fire safety is governed by clear and objective standards adopted by state law.

#### 7. **Sanitary Sewer System Capacity**

- During the initial review of this application by the City's Engineering Division, the following comment was provided, *"The existing sanitary system serving this property has capacity constraints. Changing zoning from M-1 to R-4 results in an increase from 360 (gpnad) to 2,848 (gpnad). Depending on the proposed density within the R4 zone there may or may not be a capacity concern."* This concern was brought up as a specific concern from one individual who submitted both written and verbal comments.
- To better address this concern, the Planning Commission continued the Public Hearing to March 20, 2025 so that analysis could be completed to determine if the proposed zone change from M-1 to R-4 would result in a capacity concern for the sanitary sewer network.
- The City has now completed the capacity analysis, and it has been found that there is adequate capacity in the existing sanitary system to serve this property with minimal surcharging as allowed per the City's Wastewater Master Plan modeling. The assumptions for the analysis were based on the information provided from the applicant and include changing zoning from M-1 to R-4 with an assumption of 20 residential units per acre.
- If at the time of development, the applicant proposes a density that exceeds twenty (20) residential units per acre, the City may require the applicant to enter into a reimbursement agreement with the City for modeling the impacts of the additional proposed sanitary impacts. This analysis would need to be completed prior to any building permit issuance. Depending on the results of this analysis the applicant may be responsible for associated costs for improvements to increase system capacity. This is identified as Condition of Approval #1.