

ORDINANCE NO. 5154

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3 (MEDIUM-DENSITY, 6000 SF LOT RESIDENTIAL) TO R-4 (MEDIUM, HIGH DENSITY, 5000 SF LOT RESIDENTIAL ZONE) FOR PROPERTY OF APPROXIMATELY 2.93 ACRE LOCATED WEST OF NE NEWBY STREET AND NE HOFFMAN DRIVE INTERSECTION (TAX LOT R4409DC 01100), DOCKET ZC 3 - 24.

RECITALS:

WHEREAS, the Planning Department received a land-use application (Docket ZC 3-24) from applicant Monika Development LLC, on behalf of Monika Development LLC, requesting approval of a Zone Map amendment of a property from R-3 (Medium-Density, 6000 SF Lot Residential) to R-4 (Medium, High-Density, 5000 SF Lot Residential) for the subject property; and

WHEREAS, the subject property is approximately 2.93 acres, located West of NE Newby Street and NE Hoffman Drive Intersection, Tax Lot R4409DC 01100; and

WHEREAS, a duly noticed public hearing before the McMinnville Planning Commission was held on November 7, 2024 after due notice had been provided in the local newspaper on November 1, 2024 and written notice had been mailed to property owners within 300 feet of the affected property on October 16, 2024; and

WHEREAS, at said public hearing, the application materials and a staff report were presented, and applicant and public testimony was received.

WHEREAS, the Planning Commission, being fully informed about said request, found that the requested Zone Map Amendment conformed to the applicable McMinnville Comprehensive Plan goals and policies and review criteria based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

WHEREAS, the Planning Commission, by a vote of 6-2, recommended approval of said Zone Change; and

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

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

1. That the Council adopts the Decision, Conditions, Findings of Fact and Conclusionary Findings as documented in Exhibit A, approving the Zone Change (ZC 3-24); and
2. That the property is hereby rezoned from R-3 (Medium-Density, 6000 SF Lot Residential) to R-4 (Medium, High-Density, 5000 SF Lot Residential) subject to the following conditions:

- a. Yard setbacks shall be established at fifteen (15) feet along the west and north property lines;

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

Passed by the McMinnville City Council this 10th day of December, 2024 by the following votes:

Ayes: Menke, Garvin, Peralta, Geary

Nays: Chenoweth, Payne

MAYOR

Approved as to form:

City Attorney

Attest:

City Recorder

EXHIBITS:

- A. Decision Document for Docket ZC 1-24



City of McMinnville
Community Development
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311
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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPLICATION FOR ZONG CHANGE FROM R-3 (MEDIUM-DENSITY, 6000 SF LOT RESIDENTIAL ZONE) TO R-4 (MEDIUM, HIGH-DENSITY, 5000 SF RESIDENTIAL ZONE) FOR A PROPERTY APPROXIMATELY 2.93 ACRES LOCATED AT TAX LOT R4409DC 01100.

DOCKET: ZC 3-24 (Zone Change)

REQUEST: The application requests approval to change the zoning designation of Tax Lot R4409DC 01100 from R-3 (Medium-Density, 6000 SF Lot Residential) to R-4 (Medium, High-Density, 5000 SF Lot Residential). The subject parcel is approximately 2.93 acres in size. This application only requests a zone change. Any future development will require a separate development application.

LOCATION: West of NE Newby Street and NE Hoffman Drive Intersection
(see attached map)

Map & Tax Lot: R4409DC 01100

CURRENT ZONING: R-3, Medium-Density, 6000 SF Lot Residential Zone

APPLICANT: Monika Development LLC c/o Wendi Kellington
PROPERTY

OWNER: Monika Development LLC c/o Lori Zumwalt

STAFF: Taylor Graybehl, Senior Planner

DATE DEEMED COMPLETE: August 30, 2024

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation to the City Council. A Planning Commission recommendation of approval is transmitted to the City Council for a decision. A Planning Commission decision of denial becomes the final decision unless that decision is appealed to the City Council.

PLANNING COMMISSION

HEARING DATE & LOCATION:

November 7, 2024 at 6:30 P.M., 200 NE 2nd Street, McMinnville, OR 97128.
Zoom meeting ID: 894 0886 2808, Passcode: 608036

DECISION-MAKING

BODY: The McMinnville City Council makes the final decision, unless the Planning Commission decision is denial, in which case that is the final decision unless the Planning Commission decision is appealed to City Council.

MEETING DATE & LOCATION:

November 26, 2024, Kent Taylor Civic Hall, 200 NE Second Street and via Zoom.

December 10, 2024, Kent Taylor Civic Hall, 200 NE Second Street and via Zoom.

PROCEDURE:

An application for a Zone Map 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 Zone Map Amendment is specified in Section 17.74.020 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. The proposal must also be consistent with applicable provisions of state law.

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.

Note: The City's final decision is usually subject to a 120-day processing timeline, including resolution of any local appeal. However, per ORS 227.178(7), the 120-day period does not apply to a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and

Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of State Lands; and Oregon Department of Transportation. Their comments are provided in Section IV of this document.

II. DECISION

Based on the findings and conclusions, the McMinnville City Council finds the applicable criteria are satisfied and **APPROVES** the Zone Change (ZC 3-24).

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DECISION: APPROVAL
////////////////////////////////////

City Council: 


Remy Drabkin, Interim Mayor of McMinnville

Date: 12/13/2024

Planning Commission: 

Sidonie Winfield, Chair of the McMinnville Planning Commission

Date: 12/17/2024

Planning Department: 

Heather Richards, Community Development Director

Date: 12/16/2024

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I. APPLICATION SUMMARY:

Subject Property & Request

The applicant requests an amendment to the Zone Map from R-3 (Medium-Density, 6000 SF Lot Residential) to R-4 (Medium, High-Density, 5000 SF Lot Residential) for a property approximately 2.93 acres in size located west of NE Newby Street and NE Hoffman Drive Intersection (Tax Lot: R4409DC 01100). **See Vicinity Map (Figure 1), Zoning Map (Figure 2).**

The subject property is vacant with sparse ground covering and one (1) street tree; a stream bisects the site from west to east, which has been identified with potential riverine wetlands under the Oregon Department of State Lands (DSL) jurisdiction. Future development will be subject to wetland regulations as implemented by the DSL.

The subject abuts two public rights-of-way, with frontage along the eastern property line (NE Newby Street) and the northern property line (where NE Nuel Drive terminates plugs). NE Newby Street has been improved with curb, gutter, sidewalk, and overhead wires. NE Nuel Drive terminates as a street plug, with the improved street (curb, gutter, sidewalk, and planter strip) butting into the property line. Future development may be responsible for improving public right-of-way abutting the site.

The Applicant has summarized the request as follows:

The Applicant seeks land use approval from the City of McMinnville for a zone change from R-3 to R-4. The subject property is already planned residential. Therefore, no plan amendment is required. The purpose of the zone change is to allow higher residential density on the property. The intended use of the property is to allow for the development of multifamily units.

As noted by the Applicant, the request is for a zone map amendment to allow for the future development of multi-family units. Although the application has identified the purpose of the amendment as to allow multi-family units, no development is proposed or reviewed as part of this application. Future development of the site, such as a multi-family development, will be subject to additional review to ensure compliance with local, state, and federal regulations, which may include building and safety, fire, traffic and parking, architectural standards, building size, landscaping, street trees, stormwater management, and wetlands/stream alteration.

In summary, the proposal is to change the subject site's zone from R-3 to R-4. The decision will be limited to the application and based only on the proposed Zone Map amendment's review criteria; a detailed analysis of the proposal's compliance with review criteria can be found in the Conclusionary Findings below.

Figure 1. Vicinity Map

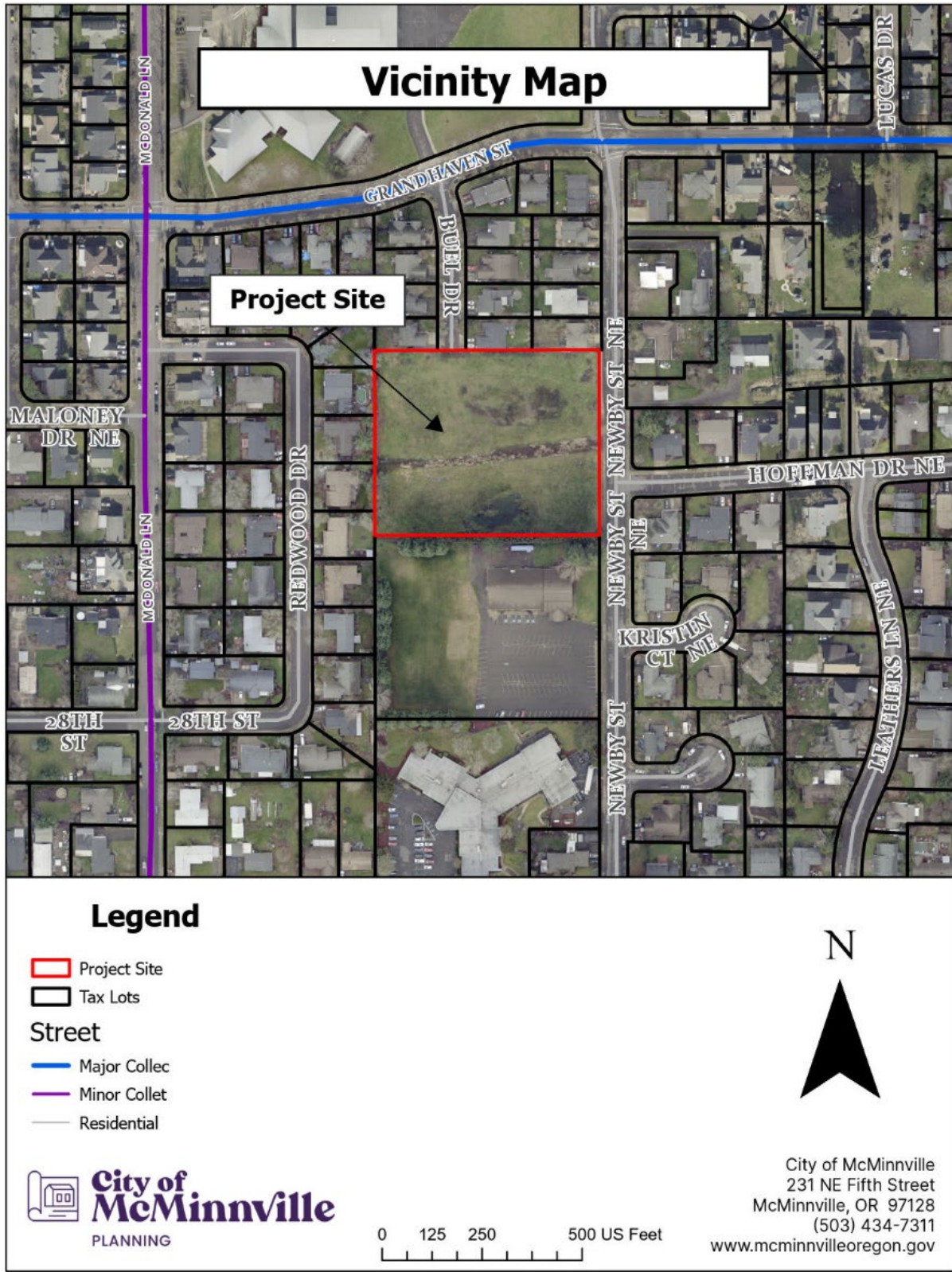


Figure 2. Current Zone Map

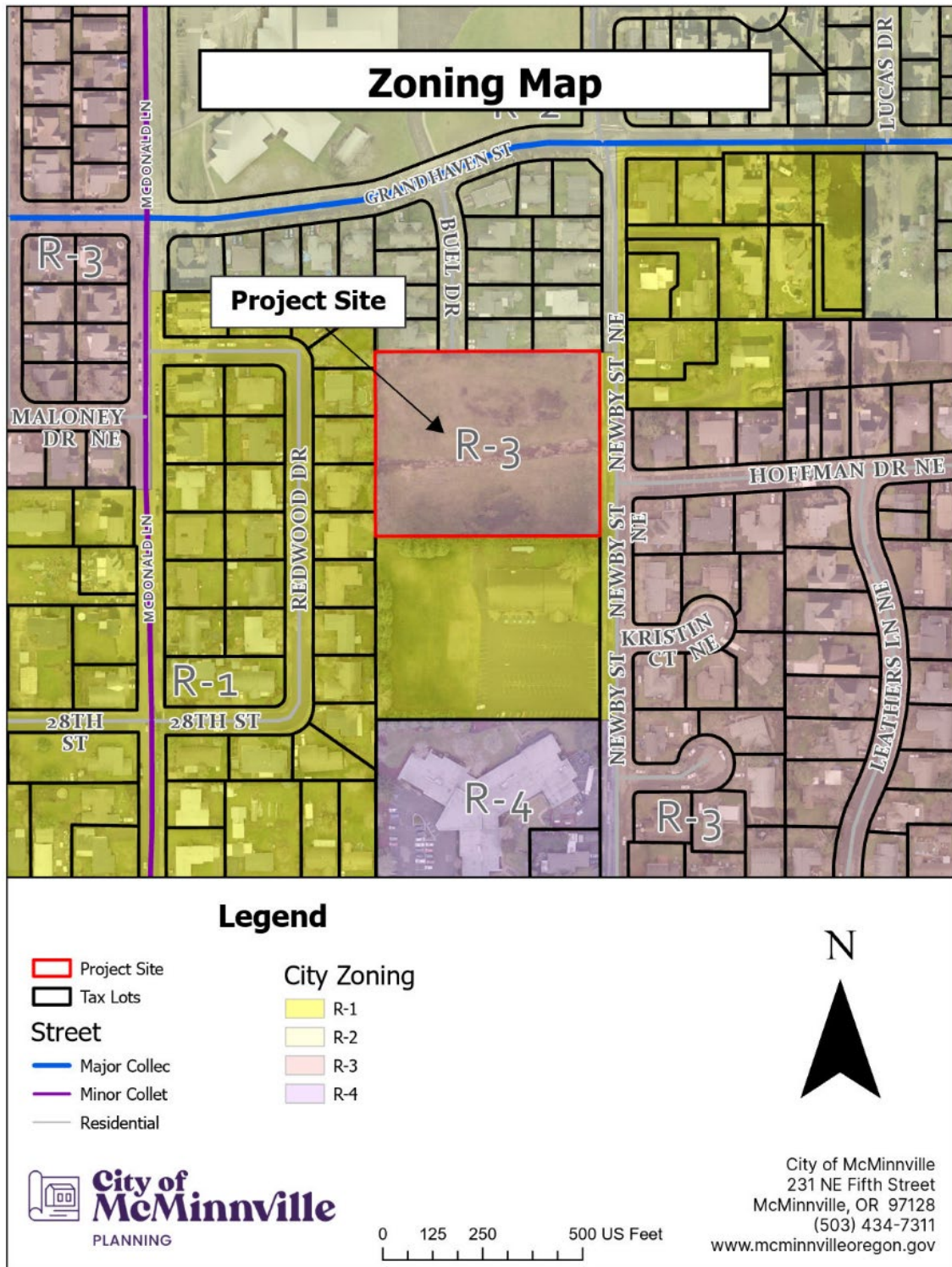
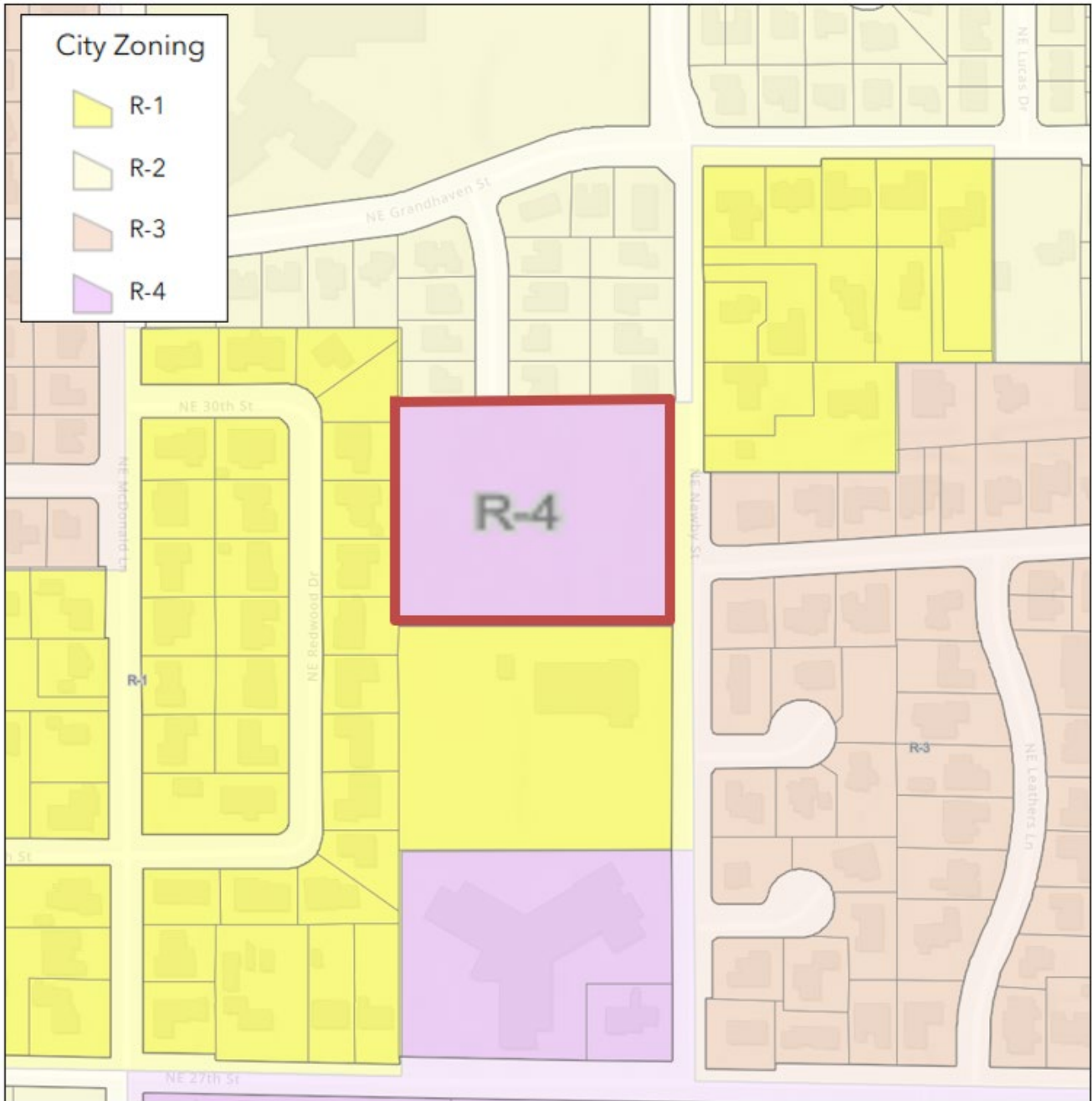


Figure 3. Proposed Zone Map



II. CONDITIONS:

1. Yard setbacks shall be established at fifteen (15) feet along the west and north property lines;

III. ATTACHMENTS:

1. ZC 3-24 Application and Attachments (on file with the Planning Division)

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands.

Responses were received from the following agencies, provided below:

- McMinnville Engineering Department
- McMinnville Water & Light
- Comcast

Most of the comments do not create conditions of approval for the Zone Map amendment land-use decision but are important comments for the applicant when developing on the property.

Comcast

After review, Comcast has no conflict or comment.

McMinnville Engineering Department

Future development may be responsible for entering into a reimbursement agreement with the City Engineering Department to analyze the capacity of the downstream Sanitary Sewer System. The future applicant will have the following options with this agreement:

- Pay for the City's Consultant to review the analysis provided. If the City's Consultant determines that the applicant's provided analysis is acceptable, no further analysis is needed. If the City's Consultant determines the provided analysis conflicts with the Wastewater Masterplan modeling results, the analysis provided by the applicant will not be deemed acceptable. If not acceptable, the analysis will either need to be revised by the applicant or the City's Consultant can provide an analysis to be paid for by the applicant.
- City's Consultant can provide an analysis at the expense of the applicant.

If the result of the analysis calls for capacity improvements the developer may be required to provide the capacity improvements as a condition of a development permit.

McMinnville Water & Light

Power: Please submit electrical loading information, in addition to design plans for MW&L. MW&L will look at system capacity, along with requests for proposed development and determine power supply path.

Water: No additional comments

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site on October 16, 2024. As of 9:40 A.M. on November 1, 2024, no public testimony was submitted.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The application was submitted with the fee on August 5, 2024.
2. The application was deemed incomplete on August 27, 2024. The letter informed the Applicant that the documentation provided did not adequately demonstrate that a neighborhood meeting had been held in accordance with the provisions of Section 17.72.095 of the Zoning Ordinance.
3. On August 30, 2024, the applicant submitted additional materials, including a written notice that no other information will be provided. The application was deemed complete on August 30, 2024.
4. On September 6, 2024, 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, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, and City Manager; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands.

Comments received from agencies are addressed in Section VI of this Decision Document.

5. On October 2, 2024, notice of the application was provided to the Oregon Department of Land Conservation and Development (DLCD).
6. On October 16, 2024, notice of the application and the November 7, 2024, 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.

7. On November 1, 2024, notice of the application and the November 7, 2024, Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.
8. The Planning Commission held a public hearing on November 7, 2024, to consider the request and recommended approval with conditions.
9. The City Council met on November 26, 2024, to consider the request and the recommendation of the Planning Commission, conducting the first reading of Ordinance No. 5154.
10. The City Council met on December 10, 2024, to consider the second reading of Ordinance No. 5154 approving the zone change application.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:**
 - o **Site Address:** No site address at this time.
 - o **Map & Tax Lot:** R4409DC 01100
2. **Size:** 2.93 acres
3. **Comprehensive Plan Map Designation:** Residential
4. **Current Zoning:**
 - a. **Subject Property:** R-3 (Medium-Density, 6000 SF Lot Residential Zone)
 - b. **Surrounding Properties:**
 - i. **North:** R-2 (Low-Density, 7000 SF Lot Residential Zone)
 - ii. **West:** R-1 (Low-Density, 9000 SF Lot Residential Zone)
 - iii. **South:** R-1 (Low-Density, 9000 SF Lot Residential Zone)
 - iv. **East:**
 1. R-1 (Low-Density, 9000 SF Lot Residential Zone)
 2. R-3 (Medium-Density, 6000 SF Lot Residential Zone)
5. **Overlay Zones/Special Districts:** None
6. **Current Development:** The subject property is vacant with sparse ground covering and one (1) street tree; a stream bisects the site from west to east, identified with potential riverine wetlands under the Oregon Department of State Lands (DSL) jurisdiction.
7. **Inventoried Significant Resources:** None
8. **Other Features:**
 - a. **Slopes:** The property is generally flat.

- b. **Easements:** (E-236) 10' wide permanent pipeline and right-of-way easement to the City of McMinnville
- c. **Trees:** There is one tree that is located along the front of the property adjacent to NE Newby Street.

9. **Utilities:**

- a. **Water:** McMinnville Water & Light has power facilities along NE Newby Street.
- b. **Sewer:** The development will not likely reach a point where sewer capacity improvements are warranted. If sewer capacity increases are required, the City may require improvements through applicable standards at the time of development.
- c. **Stormwater:** Adequate stormwater infrastructure will be required by the City's Engineering Division at the time of development. No concerns regarding stormwater facilities have been raised at this time.
- d. **Power:** McMinnville Water & Light has power facilities along NE Newby Street.

10. **Transportation and Access:** NE Buel Drive and NE Newby Street are classified as Local Streets in the Transportation System Plan (TSP). The Transportation System Plan (TSP) Future Local Street Connections (Exhibit 2-1) identifies the extension of Local Streets through the subject site.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria and standards for a Zone Change are found in Chapter 17.74 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 a 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.

Amendments to the City's adopted and acknowledged planning documents, including amendments to the Zoning Map, are also subject to certain Statewide Planning Goals and associated statutes and administrative rules.

MCMINNVILLE ZONING ORDINANCE (TITLE 17 OF THE MUNICIPAL CODE)

The following Sections of the Zoning Ordinance provide criteria applicable to the request:

CHAPTER 17.74. REVIEW CRITERIA

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

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

APPLICANT'S RESPONSE: The proposal is consistent with the City comprehensive plan. See responses to IV Application Question 2 below.

FINDING: SATISFIED. The applicant responded to all applicable Comprehensive Plan Goals and Policies. Staff found that the application and all applicant responses satisfied the goals and policies. Findings for Comprehensive Plan Goals and Policies are provided below.

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

[...]

When the proposed amendment concerns needed housing (as defined in the McMinnville Comprehensive Plan and state statute), criterion "B" shall not apply to the rezoning of land designated for residential use on the plan map.

APPLICANT'S RESPONSE: Per MDC 17.74.020, this standard does not apply. This is because MDC 17.74.020 expressly states that it does not apply where the applicant is seeking a zone change concerning needed housing. State law defines "needed housing" in ORS 197A.018 to include any type of housing that the City's Housing Needs Analysis indicates there is a deficiency of.

The City's Housing Needs Analysis describes "apartment buildings" as a needed housing type for the City. HNA p 93. The proposed zone change to R-4 will allow an apartment building on the subject property and, therefore, is for needed housing. That means that per its express terms, that this standard is inapplicable

FINDING: NOT APPLICABLE. The City concurs with the applicant's response that criterion B does not apply because the proposal concerns needed housing, and the subject site is land designated for residential use on the Comprehensive Plan Map. The proposal would change the subject site's zoning classification from R-3 to R-4, allowing for "apartment buildings," which have been identified as needed housing in the City's Housing Needs Analysis. The project sites' Comprehensive Plan Map designation is Residential. As the proposed rezoning would allow for needed housing and is land designated for residential use on the plan map, criterion B does not apply.

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

APPLICANT'S RESPONSE: The Applicant's engineer confirms that utilities can be efficiently provided to the subject property per Exhibit F to this application. See also IV Application Question 7 response.

The Applicant's request to change zoning from R-3 to R-4 is consistent with the housing policies of the McMinnville Comprehensive Plan. The application provides appropriate emphasis on City plan policies that support providing needed housing for all citizens of the City.

FINDING: SATISFIED. The subject property has access to all necessary public services, at a level needed for urban development. When given the opportunity to provide comments on the proposed zone change, McMinnville Water and Light and the City's Engineering Division did not identify any concerns for utility services. At time of future development, McMinnville Water and Light and the City's Engineering Division will analyze if the system capacity can handle the proposed development. If capacity increases are required, the McMinnville Water and Light or the City's

Engineering Division may require improvements through applicable standards at the time of development.

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 many of the goals, policies, and proposals as they apply to quasi-judicial land use applications 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 certain applications, and are not addressed below

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

CHAPTER II. NATURAL RESOURCES

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed zone change from R-3 to R-4 should not have significant impacts on the quality of air, water, and land resources. The proposed R-4 zoning allows higher densities of development in comparison to the existing R-3 zoning; however, any potential impacts will be mitigated or prevented through the enforcement of applicable standards at the time of development.

Policies – Land

2.00 *The City of McMinnville shall continue to enforce appropriate development controls on lands with identified building constraints, including, but not limited to, excessive slope, limiting soil characteristics, and natural hazards.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. A portion of the subject site has been identified as potential wetlands subject to the Oregon Department of State Lands (DSL) jurisdiction. Although the application has identified the potential future use of the subject site as multi-family housing, no development has been proposed or reviewed as part of this application. Future development, including multi-family housing, and its impacts on those potential wetlands will be forwarded to the Oregon Department of State Lands for review.

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

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

General Housing Policies:

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

59.00 *Opportunities for multiple dwelling 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.*

APPLICANT'S RESPONSE: None

FINDING: SATISFIED. The proposed zone change to R-4 allows for more housing types and increased densities than permitted in the R-3 zone. Multiple dwelling development is an allowed land use in R-4 while not in the R-3 zone. As noted in Policy 59.00, multiple dwelling developments may lead to lower-cost rentals or owner-occupied housing.

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.

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.*

APPLICANT'S RESPONSE: 70.00 is satisfied. The proposal provides for an efficient and intensive use of undeveloped urban land that is already planned and zoned for urban residential use. The proposal is to enable a greater residential density than is otherwise possible, thus promoting a residential development pattern that makes an efficient residential use of scarce urban land resources and promotes energy efficiency.

FINDING: SATISFIED. The application proposes changing the subject site's zoning designation from R-3 to R-4. The R-4 zone allows for more housing types and densities than the R-3 zone; specifically, the R-4 zone allows for multi-family housing (apartments), while the R-3 zone does not. The proposal would allow for a greater variety of housing types and densities in compliance with Policy 70.00.

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.

APPLICANT'S RESPONSE: 71.00 is satisfied. The subject property is designated "Residential." This plan provision requires the City to allow the entire spectrum of residential zones in residentially designated areas, such as the subject property. The R-4 zone is a residential zone and the subject property is designated as Residential. Therefore, per this policy the proposal "shall be allowed."

FINDING: SATISFIED. The subject property is designated as "Residential" on the City of McMinnville Comprehensive Plan Map. The proposed R-4 zoning classification is identified as a residential zoning classification and is allowed per Policy 71.00.

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: 71.05 is satisfied. The proposed zoned change to R-4 is consistent with the City's goals to increase the five-year supply of buildable land for the "apartment building" needed housing type identified in the City's HNA.

FINDING: SATISFIED. The proposed rezoning is consistent with the Comprehensive Plan Map (see Policy 77.00 above) and would allow for more needed housing types, including multi-family housing (apartment buildings) (see Policy 70.00 above).

The City of McMinnville's most recent Draft Housing Needs Analysis (HNA) estimates that the City will need to add 4,657 dwelling units by 2041 to accommodate its projected growth in population, with 33% of these new units being for multi-family development. Based on these estimates, the HNA projects that the City of McMinnville does not have enough land to accommodate the needed housing, with a deficit of 1,101 dwelling units. Approving the upzoning of the subject site from R-3 to R-4 will allow for additional density than otherwise permitted and potentially accommodate the needed housing in McMinnville, satisfying Policy 71.05.

71.09 *Medium and Medium-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 dwelling units per net acre). Medium density residential development uses include small lot single dwelling detached uses, single dwelling attached units, duplexes, triplexes, quadplexes, townhouses, and cottage clusters. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments:*

1. *Areas that are not committed to low density development;*
2. *Areas that have direct access from collector or arterial streets; or a local collector street within 600' of a collector or arterial street;*

3. *Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
4. *Areas where the existing facilities have the capacity for additional development;*
5. *Areas within one-quarter mile of existing or planned public transportation. (Ord. 5098, December 8, 2020; Ord. 4961, January 8, 2013; Ord. 4796, October 14, 2003)*

APPLICANT'S RESPONSE: Plan 71.09 (1-5). This goal is satisfied by the proposal. Plan 71.09 characterizes R-3 and R-4 zones interchangeably and treats Medium and Medium High Density zoning the same. Because the subject property is already zoned R-3, it is prima facie appropriately zoned R-4 under this policy. The area is not "committed to low density development." Rather, the area includes a mix of R-1, R-2, R-3 and R-4 zones. Specifically, land designated R-1 is located to the west and northeast and is residentially developed with lots meeting R-1 requirements. Adjacent R-1 land to the south is developed with a conditional use for a Church property. Adjacent land to the north is zoned and residentially developed to R-2 standards and land to the east across Newby Street from the site is zoned and residentially developed commensurate with R-3 standards. Both R-4 and C-3 zoned lands are located across 27th Street further to the south and are developed with uses and densities appropriate to those zones.

Urban facilities are in place to serve the property. See Exhibit F. The natural storm drainage that bisects the property limits single family layout options and requires impacting wetlands to develop any reasonable number of SFDs. This application enables more flexible development options, while increasing the allowable density enabling the City to come closer to meeting its needs for housing over the planning period.

FINDING: SATISFIED. The proposed zone change from R-3 to R-4 complies with policies 71.09 as detailed below.

Policy 71.09

1. This subsection is satisfied as the subject site is not committed to low density. The subject site's existing zoning classification of R-3 Medium-Density 6000 SF Zone (underline added for emphasis) is identified as "Medium" and not "Low."
2. This subsection is satisfied as the subject site is within 600 feet (approximately 400 feet) of Grandhaven Street, identified as a Major Collector in the City of McMinnville Transportation Plan.
3. This subsection is satisfied as the majority of the site is developable, even with possible development limitations due to the potential presence of wetlands.
4. This subsection is satisfied as facilities exist in the surrounding area that support additional development.
5. This subsection is satisfied as public transit (bus stops) is within a quarter mile of the subject site, including a bus stop on 27th Street adjacent to Orchard Plaza, approximately 1/8 mile from the site.

Residential Design Policies:

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

80.00 *In proposed residential developments, distinctive or unique natural features such as wooded areas, isolated preservable trees, and drainage swales shall be preserved wherever feasible.*

APPLICANT'S RESPONSE: Plan Policies 79.00 and 80.00 are satisfied by this proposal. The precise housing type and proposed residential density will be established upon submission of a site plan consistent with the R-4 Zone and Residential Design Standards for the housing type. The housing types allowed by the R-4 zone, such as, in the example of multi-family units, allows a concentrated housing density in one area and can better accommodate for the land constraint of the open storm drain. Therefore, the R-4 zone will better accommodate Plan Policy 80.0 because it enables the existing drainage swale to remain but allowing the concentration of housing in other areas that are not possible under the current R-3 zoning. Please note that a particular housing type, site plan or a Planned Development designation is not requested as part of this land use proposal.

FINDING: SATISFIED. A portion of the subject site has been identified as potential wetlands subject to the Oregon Department of State Lands (DSL) jurisdiction. Although the application has identified the potential future use of the subject site as multi-family housing, no development has been proposed or reviewed as part of this application. Future development, including multi-family housing, and its impacts on those potential wetlands will be forwarded to the Oregon Department of State Lands for review.

Urban Policies:

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: Plan 99.00 is satisfied in that all utilities are available to the subject site and have adequate capacity. See Goal VII 1 Policy 151.00 answer.

[*STAFF NOTE:* The applicant's Goal VII 1 Policy 151.00 answer is provided below]

Water: There is currently a 6" water main present along the frontage of Newby Street and an 8" water main is present in Buel Drive.

Sewer: There is a 12" sewer main that crosses the subject property from west to east within a 10' wide City sewer easement. Additionally, there is a 15" sewer main present in Newby Street. Westech Engineer Josh Wells has prepared a report that is Exhibit F to this application that demonstrates that there is adequate capacity in the city sewer system to serve the property if it is zoned R-4. Additionally, please see answer to sewer capacity in response to Question #7,

Storm: There is an open drainage swale that traverses the site from west to east that collects storm water from adjacent residential development to the west. This open drainage ditch flows into a 30" wide pipe located at the subject property's east edge. From the east edge, the drainage flows in a culvert under Newby Street and continues piped for approximately 200' before daylighting again where it continues as a natural open drainage to the North Yamhill River. This open drainage has been identified by the National Wetland Inventory as a riverine wetland.

Electrical: There is electrical service at the Buel Drive entrance close to the site that can be extended to service the site. Also, the power supply could come from the overhead power line on the east side of Newby Street, according to McMinnville Water and Light.

FINDING: SATISFIED. The subject property has access to all necessary public services at a level needed for urban development. When given the opportunity to provide comments on the proposed zone change, McMinnville Water and Light and the City's Engineering Division did not identify any concerns for utility services. At the time of future development, McMinnville Water and Light and the City's Engineering Division will analyze if the system capacity can handle the proposed development. If capacity increases are required, the McMinnville Water and Light or the City's Engineering Division may require improvements through applicable standards at the time of development.

CHAPTER VI. TRANSPORTATION SYSTEM

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.

Policies – Streets:

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

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

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

APPLICANT'S RESPONSE: Goal VI 1 and Policies 117.00, 118.00 are satisfied by this zone change. (117.00). The existing roadway network has a local residential street that connects to a Major Collector from Buel Drive to Grandhaven Drive and a connection of Newby Street, a local residential street, north to a Major Collector, Grandhaven Drive, and South to a Minor Collector 27th Street. This satisfies 117.00 as the street network will be the same and provide safe and easy access to the parcel. Policy 118.00: Applicant is not requesting approval for development of the site, but has included a traffic analysis for the "worst case" scenario for expected traffic volume when the subject property's zone is changed from R-3 to R-4. See answer to Question #8 concerning potential traffic impacts from the requested R-3 to R-4 zone change.

FINDING: SATISFIED. The applicant has adequately demonstrated that the proposed Zone Map Amendment satisfies policies 117.00 and 118.00. The subject site has safe and easy access from two rights-of-way. The development of roads is not included in this

application, and the applicant has demonstrated that potential “worse case” scenario traffic volumes under the R-4 zoning classification do not exceed applicable thresholds. Additional analysis is provided for Goal 11 of the Statewide Planning Goals below.

Policies – Complete Streets:

132.26.00 *The vehicle, pedestrian, transit, and bicycle circulation systems shall be designed to connect major activity centers in the McMinnville planning area, increase the overall accessibility of downtown and other centers, as well as provide access to neighborhood residential, shopping, and industrial areas, and McMinnville’s parks and schools.*

132.26.05 *New street connections, complete with appropriately planned pedestrian and bicycle features, shall be incorporated in all new developments consistent with the Local Street Connectivity map. (Ord. 4922, February 23, 2010)*

APPLICANT’S RESPONSE: Plan 132.26.00 and 132.26.05 are satisfied as the subject property is in an established neighborhood with established vehicle, pedestrian, transit and bicycle circulation systems that are designed to connect to major activity centers, i.e. Grandhaven Elementary School, Town Plaza, Anytime Fitness, Harbor Freight, McDonalds, and other food and banking needs, as well as Chegwyn Farms Neighborhood Park all within a 1/2 mile of the site. Further connections may be addressed upon a proposed future site plan.

FINDING: SATISFIED. No new streets, pedestrian, or bicycle facilities are proposed as part of the application or required for approval. Required improvements, including street connections or pedestrian and bicycle improvements, will be reviewed at the time of development application.

CHAPTER VII. COMMUNITY FACILITIES AND SERVICES

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

Policies Water and Sewer-Land Development Criteria

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: Policy 99.00 (1-5) and Goal VII 1 Policy 151.00 are satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply are available to the site, as explained in greater detail below.

Utility Specifics:

Water: There is currently a 6" water main present along the frontage of Newby Street and an 8" water main is present in Buel Drive.

Sewer: There is a 12" sewer main that crosses the subject property from west to east within a 10' wide City sewer easement. Additionally, there is a 15" sewer main present in Newby Street. Westech Engineer Josh Wells has prepared a report that is Exhibit F to this application that demonstrates that there is adequate capacity in the city sewer system to serve the property if it is zoned R-4. Additionally, please see answer to sewer capacity in response to Question #7,

Storm: There is an open drainage swale that traverses the site from west to east that collects storm water from adjacent residential development to the west. This open drainage ditch flows into a 30" wide pipe located at the subject property's east edge. From the east edge, the drainage flows in a culvert under Newby Street and continues piped for approximately 200' before daylighting again where it continues as a natural open drainage to the North Yamhill River. This open drainage has been identified by the National Wetland Inventory as a riverine wetland.

Electrical: There is electrical service at the Buel Drive entrance close to the site that can be extended to service the site. Also, the power supply could come from the overhead power line on the east side of Newby Street, according to McMinnville Water and Light.

FINDING: SATISFIED. The subject property has access to all necessary public services at a level needed for urban development. When given the opportunity to provide comments

on the proposed zone change, McMinnville Water and Light and the City's Engineering Division did not identify any concerns for utility services.

Policies – Police and Fire Protection:

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

APPLICANT'S RESPONSE Policy 153.00 will be satisfied by the City sending agency notice to McMinnville Fire. Fire requirements will be met when a development application is submitted for the property per the McMinnville Fire District Fire Code. We note that to the extent required, that the proposal meets the McMinnville Fire District Fire Code Applications Guide page 5, Multiple Access Roads:

"MULTIPLE ACCESS ROADS: Developments of one- and two-family dwellings where the number of dwelling units exceeds 30, multiple-family residential projects having more than 100 dwelling units and where vehicle congestion, adverse terrain conditions or other factors that could limit access, as determined by the fire code official, shall be provided with not less than two approved means of fire department access. Exceptions may be allowed for approved automatic sprinkler system. The approval of fire sprinklers as an alternate, in lieu of adequate fire apparatus access, shall be accomplished in accordance with OFC 104.8. (OFC 503.1.2, D106 & D107)."

In a multi-family dwelling proposal, the Police and Fire Protection Policy 153.00 is satisfied by provision of two accesses to the property from Buel Drive and Newby Street providing required access, including fire department access.

FINDING: SATISFIED. The McMinnville Fire District was notified of the proposed application.

No development is reviewed or approved as part of this application. Future development and major land use decisions will be subject to applicable local, state, and federal standards, including fire code regulations. At the time of major land use decisions, McMinnville Fire will be notified and provided an opportunity to comment.

CHAPTER VIII. ENERGY

GOAL VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.

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

APPLICANT'S RESPONSE: None.

FINDING: The proposed zone change to R-4 allows for a more compact development pattern by increasing the maximum density allowed. Locating higher-density

development near pedestrian facilities, access to public transit, and commercial land uses may reduce emissions caused by personal vehicles.

CHAPTER IX. URBANIZATION

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

GOAL IX 2: TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMinnville Comprehensive Plan

181.10 When evaluating areas for future urbanization, the City shall consider the "7 Guiding Principles for Future Land Use" contained in the MGMUP:

[...]

Principle 5: Density. Adopt policies that allow the market to increase densities, and push it to do so in some instances.

[...]

APPLICANT'S RESPONSE: Goal IX 1 and 181.10 are satisfied in that the site is located within both the McMinnville City boundary, as well as this site is already designated as residential and zoned R-3 on the Comprehensive Plan Map. Changing the zone from R-3 to R-4 will allow potential new residential development to increase residential density at the site and meet Principle 5 of the McMinnville Guiding Principles for Future Land Use, encouraging increased densities on the site and more efficient use of land and urban facilities and services.

FINDING: SATISFIED. Although no development proposal has been submitted, the applicant's submittal contemplates the development of multi-family housing in the future. For this reason, it is worth noting that the City's recently updated Housing Needs Analysis, adopted under Ordinance 5141 on February 27, 2024 outlined McMinnville's housing needs over a 20-year period of 2021 to 2041. It is forecasted that McMinnville will need 4,657 new dwelling units by 2041. Rezoning properties to medium- and high-density residential zoning (R-4/R-5) is one approach to reaching housing targets. Rezoning for increased density satisfies both Goal IX 1 and Policy 181.10.

Great Neighborhood Principles

Policies:

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.

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.

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.

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.

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.

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.

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.*
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).*
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.*
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.*
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.*
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).*
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.*
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.*
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.*
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.*
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. (Ord 5066 §2, April 9, 2019)*

APPLICANT'S RESPONSE: Because no specific development is proposed, many of these policies do not apply. The following Great Neighborhood Principles are addressed as pertinent to the proposed zone change.

#1. There is a natural open storm drainage the flows through the property that can be preserved while at the same time offering the City efficient use of this urban residential land by allowing increased density in an area that is away from the natural resource.

2 The surrounding views are residential neighborhoods with the exception of a church to the south. There are no particular scenic views that are potentially impacted by the proposal.

#3 The property is within 1/2 mile of Chegwyn Farms Neighborhood Park.

#4 and 5 In relation to Pedestrian and Bike Friendliness, there are existing sidewalks abutting and alongside the property for pedestrian use and the existing Newby Street leads north to Grandhaven Elementary School and south to the commercial area.

#6. The TSP suggests that there might someday be a local city street connecting Buel Drive to Hoffman Drive. But the proposal does not seek approval of any development to justify any exaction in this regard. Relatedly, no site design proposal is included or required with this zone change and therefore no streets are appropriate or proportional to require with this proposal that merely changes the zone of the subject property. In this regard, it is well-established that merely because a city adopts an ordinance that requires or contemplates street improvements, does not give the city the right to demand those improvement or land dedications for them. Rather, any local government seeking exactions from a private property owner, regardless of whether the requested exaction is based upon a city code standard, must be able to write proportionality findings establishing that the impacts of the proposal are proportional to requested exactions. *Koontz v. St. Johns River Water Mgmt. Dist*, 570 U.S. 595, 606-07 (2013) (local government cannot escape the constitutional requirements of *Dolan v. City of Tigard*, 512 U.S. 374 (1994), by artful phrasing of ordinance requirements), *Hill v. City of Portland*, 293 Or App 283 (2018) (merely adopting an ordinance requiring exactions, does not give city the right to demand exactions that violate the rough proportionality principle of *Dolan v. City of Tigard*), *McClure v City of Springfield*, 37 Or LUBA 759, 768-69 (2000) (city's enactment of dedication

requirements did not relieve it of the obligation to make particularized findings showing that any resulting exactions were roughly proportional to the impact of the proposed development), McClure v. Springfield, 175 Or App 425 (2001) (findings adopted by city on remand were inadequate to meet the city's burden under United States Supreme Court's decision in Dolan v. City of Tigard), Brown v. City of Medford, 251 Or App 42 (2012) (requirement that landowner grant easement to city as a condition of partition approval violates Dolan rough proportionality requirement because the partition of itself had no impacts to which the exaction could be roughly proportional to), Community Participation Organization 4m v. City of Tigard, 2023 WL 2388669 (2023) (when faced with an ordinance that requires unconstitutional exactions, city is free not to apply such ordinance), Columbia Riverkeeper v. Clatsop County, 58 Or LUBA 235, 242 (2009) (same for counties). There is no justification for imposing any exaction here.

#7. The property is accessible through Buel Drive and Newby Street.

#8. This criteria shall be addressed upon a site development proposal submission to the City.

#9. The property is within close proximity of many commercial services, public parks and Yamhill County Transit.

#10. This is an infill parcel surrounded by existing residential properties. The addition of more housing will fit appropriately in this residential area of town.

#11-13. These principles are properly addressed upon a development proposal submission to the City.

FINDING: SATISFIED WITH CONDITION OF APPROVAL #1. No development is proposed or approved as part of this application. Future development will be subject to the standards of the Comprehensive Plan, Transportation System Plan, Great Neighborhood Principles, and Zoning Ordinance. Findings are outlined below for each of the thirteen Great Neighborhood Principles.

1. Natural Feature Preservation. Wetlands, which are identified as a natural feature, appear to be located on the subject site. The proposal does not include development or alteration of the wetlands. Future development will be subject to the Great Neighborhood principles and wetland regulations implemented by the Oregon Department of State Lands.
2. Scenic Views. The subject property does not provide a scenic view of any of the listed attributes (significant natural features, landscapes, vistas, skylines, and other important features).
3. Parks and Open Spaces. The subject property is located near Chegwyn Farms Neighborhood Park. Additional park or open space may be required on-site at the time of development, in accordance with applicable regulations.
4. Pedestrian Friendly. The property has existing sidewalks along Newby Street and terminating into the property from Buel Drive. Future development may be required to provide pedestrian connections to meet connectivity standards,

including connectivity to schools like the neighboring Grandhaven Elementary School.

5. Bike Friendly: Newby Street and Buel Drive are classified as local streets, which are to provide shared bike lanes per the Complete Street Design Standards. Future development may be required to provide bike connections to meet connectivity standards, including connectivity to schools like the neighboring Grandhaven Elementary School.
6. Connected Streets. No development is proposed as part of the application. At the time of future development, the project must comply with the Comprehensive Plan, Transportation System Plan, Great Neighborhood Principles, and Zoning Ordinance standards. Future development may be required to provide street connections that are compliant with applicable standards and design requirements.
7. Accessibility. At the time of development, the City shall enforce all applicable accessibility requirements on the subject site.
8. Human Scale Design. Great Neighborhood principles require buildings and spaces designed to be comfortable at a human scale. The Planning Commission found that an increased yard setback from the adjacent single-family properties located on the subject site's west and north property lines is necessary to comply with Great Neighborhood principle 8.a to ensure development size, form, and proportionality are designed to function and be balanced with the existing built environment.
9. Mix of Activities. This neighborhood currently has neighborhood-serving commercial uses, religious assembly, and schools. The availability of sidewalks, and public transit stops provides residents with an alternative to owning a vehicle.
10. Urban-Rural Interface. This is not applicable because all neighboring properties are within the Urban Growth Boundary.
11. Housing for Diverse Incomes and Generations. The proposed zone change to R-4 expands the housing types and densities allowed. This generally introduces expanded housing options for different income levels and age groups.
12. Housing Variety. The proposed zone change to R-4 expands the housing types and densities allowed. This promotes increased housing variety.
13. Unique and Integrated Design Elements. At the time of development, the subject property may include unique and integrated design elements.

CONDITION OF APPROVAL #1: Yard setbacks shall be established at fifteen (15) feet along the west and north property lines;

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

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

188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for

review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

189.00 *The City of McMinnville shall establish procedures for amending the Comprehensive Plan, Volumes I and II, and the implementation ordinances and measures in Volume III, which allow for citizen review and comment.*

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The requested land use action is to change the Zoning Map designation from R-3 to R-4. As required, citizens have the opportunity to comment on the proposed map amendments at public hearings before the Planning Commission and City Council prior to issuance of the land use decision. Properties within three hundred (300) feet of the subject property received notice of the application and the Planning Commission public hearing. Notice of the application and the Planning Commission public hearing was published in the News-Register. The Planning Commission held a public hearing on November 7, 2024.

STATEWIDE PLANNING GOALS AND APPLICABLE STATE LAW

Goal 1: Citizen Involvement

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The requested land use action is a change to the Zoning Map designation for the size from R-3 to R-4. As required, citizens will have the opportunity to comment on the proposed map amendments at public hearings before the Planning Commission and City Council.

Goal 2: Land Use Planning

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The decision-making is based on the City's adopted and acknowledged Comprehensive Plan and Land Use Regulations, including the factual base and procedures. Determination of consistency with the applicable statewide planning goals and associated administrative rules is also based on an adequate factual basis.

Goal 3: Agricultural Lands

APPLICANT'S RESPONSE:

FINDING: SATISFIED. The subject site is located within the City of McMinnville City Limits, zoned for Urban Development, and not identified as farmland (EFU) per the Comprehensive Plan. The proposed Zone Map amendment will not impact farmlands protected by Goal 3.

Goal 4: Forest Lands

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The subject site is located within the City of McMinnville City Limits, zoned for Urban Development, and not identified as forest land per the Comprehensive Plan. The proposed Zone Map amendment will not impact forest lands protected by Goal 4.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. No natural resources, scenic, or historic areas are identified on the subject site.

Goal 6: Air, Water and Land Resources Quality

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed Zone Map amendment does not include the development of the property; before the site's development, a separate permit will be required for review and approval. The permitting process will ensure compliance with local, state, and federal air, water, and land resource quality standards.

Goal 7: Areas Subject to Natural Hazards

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. No natural hazards, as identified in the City of McMinnville Comprehensive Plan, are identified on the subject site.

Goal 8: Recreation Needs

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed Zone Map amendment does not include the development of the property; before the site's development, a separate permit will be required for review and approval. Future development will be required to pay applicable System Development Charges (SDCs) for parks to help fund the implementation of the

City's adopted Parks Plan, which has been adopted to address recreational needs in the community.

Goal 9: Economic Development

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Although no development proposal has been submitted as this time, the applicant's submittal contemplates the development of multi-family housing in the future. For this reason, it is worth noting that the City's recently updated Housing Needs Analysis, adopted under Ordinance 5141 on February 27, 2024 outlined McMinnville's housing needs over a 20-year period of 2021 to 2041. It is forecasted that McMinnville will need 4,657 new dwelling units by 2041. Rezoning properties to medium- and high-density residential zoning (R-4/R-5) is one approach to reaching housing targets.

Goal 10: Housing

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. Housing choice and affordability are two key challenges facing both Oregon and McMinnville. The proposed zone change from R-3 to R-4 would expand the residential uses that are allowed on the property to include multi-family development. The subject property is designated as Residential in the City's adopted Comprehensive Plan. The subject property meets the R-4 zoning designation criteria that are established in the Comprehensive Plan policies. The zone change is also consistent with the findings outlined in City's adopted Housing Needs Analysis.

Goal 11: Public Facilities and Services

APPLICANT'S RESPONSE:

[**Staff note:** the below response is to Policies 99.00 and 151.00; however, the response addresses Goal 11 and is provided for clarification]

Policy 99.00 (1-5) and Goal VII 1 Policy 151.00 are satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply are available to the site, as explained in greater detail below.

Utility Specifics:

Water: There is currently a 6" water main present along the frontage of Newby Street and an 8" water main is present in Buel Drive.

Sewer: There is a 12" sewer main that crosses the subject property from west to east within a 10' wide City sewer easement. Additionally, there is a 15" sewer main present in Newby Street. Westech Engineer Josh Wells has prepared a report that is Exhibit F

to this application that demonstrates that there is adequate capacity in the city sewer system to serve the property if it is zoned R-4. Additionally, please see answer to sewer capacity in response to Question #7,

Storm: There is an open drainage swale that traverses the site from west to east that collects storm water from adjacent residential development to the west. This open drainage ditch flows into a 30" wide pipe located at the subject property's east edge. From the east edge, the drainage flows in a culvert under Newby Street and continues piped for approximately 200' before daylighting again where it continues as a natural open drainage to the North Yamhill River. This open drainage has been identified by the National Wetland Inventory as a riverine wetland.

Electrical: There is electrical service at the Buel Drive entrance close to the site that can be extended to service the site. Also, the power supply could come from the overhead power line on the east side of Newby Street, according to McMinnville Water and Light.

FINDING: SATISFIED. The subject property has access to all necessary public services at a level needed for urban development. When given the opportunity to provide comments on the proposed zone change, McMinnville Water and Light and the City's Engineering Division did not identify any concerns for utility services. At the time of future development, McMinnville Water and Light and the City's Engineering Division will analyze if the system capacity can handle the proposed development. If capacity increases are required, the McMinnville Water and Light or the City's Engineering Division may require improvements through applicable standards at the time of development.

Goal 12: Transportation

APPLICANT'S RESPONSE:

[**Staff note:** Below are extract excerpts from the Transportation Planning Rule Analysis memo provided by the applicant]

The applicant is requesting a zone change for a 2.93-acre parcel located on NE Newby St between NE Grandhaven St and NE 27th St (Tax Lot 1100) in McMinnville, OR. The owner desires to rezone the property from Medium-Density Residential (R-3) to Medium/High-Density Residential (R-4). The proposed zone change would result in a net increase of 123 weekday trips and net increase of 8 AM peak hour trips and 10 PM peak hour trips based on reasonable worst-case development scenarios.

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660- 12-0060) is to ensure that future land use and traffic growth is

consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

Based on the reasonable worst-case trip generation evaluation, the proposed zone change would result in a net increase of less than 400 daily trips (ODOT threshold) and fewer than 200 daily trips or 20 peak hours trips on any roadway segment or intersection (City threshold). As such, no additional traffic analysis is required.

Additionally, the average daily trips generated by the proposed zone change will not cause the nearby streets to change functional classification or cause the streets to be inconsistent with the functional classification.

It can be concluded that the proposed zone change will not have a significant effect on the surrounding transportation system. Therefore, this request complies with TPR and City of McMinnville requirements.

FINDING: SATISFIED. As the applicant has proposed a Zone Map amendment, traffic analysis is required in accordance with the Transportation Planning Rule to ensure that future land use and traffic growth are consistent with the Transportation System Plan and do not create a significant impact on the surrounding transportation system beyond currently allowed uses. This analysis is part of a two-step process, and at the time of future development, additional traffic analysis will be conducted to ensure compliance with the Transportation System Plan.

The applicant has adequately demonstrated that the proposed Zone Map amendment will not have a significant impact on the surrounding transportation system and complies with the Transportation Planning Rule requirements. As shown by the applicant in the Transportation Planning Rule Analysis memo, the proposed zone amendment will not allow for a reasonable worst-case development scenario that exceeds City thresholds. The project will not generate more than 200 average daily trips (ADT) or 20 Peak P.M. trips or cause a street to exceed the maximum number of allowed average daily trips (ADT).

The Transportation Planning Rule Analysis memo compares the reasonable worst-case trip generation for the existing R-3 zoning (Table 2) to that for the proposed R-4 zoning (Table 4). Table 3 provides the expected average trip generation rates by housing type, examining the currently permitted single-family attached housing type as permitted in the R-3 zone and mid-rise apartments as permitted in the R-4 zone.

Table 2 shows that under the current R-3 zoning classification, the “reasonable worst-case trip generation” would be 85 single-family attached homes that generate 612 average daily trips and 49 peak P.M. hour trips.

TABLE 2: REASONABLE WORST-CASE TRIP GENERATION FOR EXISTING R-3 ZONING

LAND USE (ITE CODE)	SIZE	TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
SINGLE FAMILY ATTACHED HOME (215)	85 dwellings	612	41	49

Table 3 shows the expected trip generation rates for different housing types by ITE code. As shown in Table 3, a mid-rise apartment unit generates fewer average daily trips and fewer P.M. peak hour trips than a single-family attached home. While single-family attached homes generate fewer average daily trips and fewer P.M. peak hour trips than single-family detached homes.

TABLE 3: TRIP GENERATION RATES FOR PERMITTED LAND USES UNDER R-4 ZONING

LAND USE (ITE CODE)	UNITS	TRIP GENERATION RATES		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
SINGLE FAMILY DETACHED HOME (210)	Dwelling Units	9.43	0.70	0.94
SINGLE FAMILY ATTACHED HOME (215)	Dwelling Units	7.20	0.48	0.57
MID-RISE APARTMENTS (221)	Dwelling Units	4.54	0.37	0.39

Table 4 analyzes the reasonable worst-case scenario by looking at single-family attached and mid-rise apartments under the proposed R-4 zoning classification. Table 4 increases the number of units expected by worst-case trip generation for single-family attached home ITE classification from 85 (under current R-3) to 102 for the R-4 zone.

As shown in the table below, 102 single-family attached homes would generate the greatest traffic impact at 735 daily trips and 59 P.M. peak hour trips.

TABLE 4: REASONABLE WORST-CASE TRIP GENERATION FOR PROPOSED R-4 ZONING

LAND USE (ITE CODE)	SIZE	TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
SINGLE FAMILY ATTACHED HOME (215)	102 Dwelling Units	735	49	59
MID-RISE APARTMENTS (221)	120 Dwelling Units	545	44	47

By comparing the reasonable worst-case trip generation of Table 2 (existing R-3 zone) to Table 4 (proposed R-4 zone), it is found that the project would increase the reasonable worst-case trip generation number of average daily trips by 122 and peak P.M. trips by 10 (see below).

Zoning Classification	Average Daily Trips	Peak P.M Trips
R-3	612	49
R-4	734	59
Difference	+122	+10

The expected trip generation is less than 200 average daily trips and 20 peak P.M. trips; therefore, the project complies with Goal 12.

Table 5 examines the proposed project's impact on Grandhaven Street, 27th Street, and Newby Street, analyzing if the future number of average daily trips would exceed the maximum number of average daily trips, as allowed by City standards.

TABLE 5: ESTIMATED DAILY TRAFFIC VOLUMES ON NEARBY STREETS

STREET	FUNC. CLASS.	MAXIMUM ADT PER TSP	EXISTING ADT ^A	ADDITIONAL ADT FROM R-3 ZONING ^B	ADDITIONAL ADT FROM ZONE CHANGE ^B	FUTURE ADT WITH ZONE CHANGE
GRANDHAVEN STREET	Major Collector	16,000 vpd	975 vpd	+305 vpd	+65 vpd	1,345 vpd
27 TH STREET	Minor Collector	10,000 vpd	5,125 vpd	+305 vpd	+65 vpd	5,495 vpd
NEWBY STREET	Local Street	1,200 vpd	525 vpd	+305 vpd	+65 vpd	895 vpd

^A Existing ADT for Grandhaven Street and Newby Street was collected in July 2024. ADT for 27th Street was collected by the Oregon Department of Transportation in 2022.

^B The estimated additional ADT generated by the proposed zone change is based on engineering judgement and surrounding land uses, with the assumption that future access to the site would be via Buel Drive and Newby Street. Approximately 50% of trips were assumed to travel along Grandhaven Street while the other 50% of trips were assumed to travel along Newby Street and 27th Street.

The expected average daily trips on neighboring Grandhaven Street, 27th Street, and Newby Street are less than the maximum permitted; therefore, the project complies with Goal 12.

Goal 13: Energy Conservation

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The proposed zone change to R-4 allows for a more compact development pattern by increasing the maximum density allowed. Locating higher-density

development near pedestrian facilities, access to public transit, and commercial land uses may reduce emissions caused by personal vehicles.

Goal 14: Urbanization

APPLICANT'S RESPONSE: None.

FINDING: SATISFIED. The subject property is within the Urban Growth Boundary. The proposed zone change promotes a more efficient use of land within an urbanized area by allowing higher densities.

Goal 15: Willamette River Greenway

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. The subject site is not located within the Willamette River Greenway planning area.

Goal 16: Estuarine Resources

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. The subject site does not contain an estuary as it is not located at the tidal mouth of a river and, therefore, is not subject to Goal 16.

Goal 17: Coastal Shorelands

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. The subject site is not a "costal shoreland" as it does not border an estuary, ocean shore, or coast lake, and, therefore, is not subject to Goal 17.

Goal 18: Beaches and Dunes

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. The subject site is not a beach or dune and, therefore, is not subject to Goal 18.

Goal 19: Ocean Resources

APPLICANT'S RESPONSE: None.

FINDING: NOT APPLICABLE. The subject site is not the open sea, nor does it propose to impact the sea, and, therefore, is not subject to Goal 19