

AGENDA 3 - 16

1. **Approval of Minutes:**      [February 18, 2016](#)

2. **Public Hearing (Quasi Judicial)**

◆      [Docket CU 4-16](#)

Request:      Approval of a conditional use permit to allow a residential facility providing residential care for no more than 15 (fifteen) persons within an existing structure.

Location:      1437 NE 27<sup>th</sup> Street and is more specifically described as a portion of Tax Lot 3900, Section 16AB, T. 4 S., R. 4 W., W.M.

Applicant:      Yamhill County Health & Human Services Department

3. **Old/New Business**

4. **Adjournment**

## MINUTES

Members Present: Chair Stassens, Vice Chair Tiedge, Commissioners Chroust-Masin, Geary, Hall, Hillestad, Morgan, Pietz and Thomas

Members Absent: None

Staff Present: Mr. Pomeroy, Mr. Koch and Mrs. Dyer

### **1. Call to Order**

Chair Stassens called the meeting to order at 6:31 p.m., and welcomed both City Attorney David Koch and Commissioner Zack Geary to their first Planning Commission meeting since their recent appointments. Mr. Koch and Geary each introduced themselves to the Commission and the audience.

### **2. Approval of Minutes: October 15, 2016 and January 21, 2016**

Chair Stassens called for a motion for approval of the Planning Commission minutes. Commissioner Tiedge MOVED to approve the minutes from October 15, 2016 as presented, SECONDED by Commissioner Morgan. Motion passed unanimously. Commissioner Hillestad then MOVED to approve the minutes from January 21, 2016 as presented, SECONDED by Commissioner Pietz. Motion passed unanimously.

### **3. Public Hearing (Quasi Judicial)**

#### **• Docket CU 1-16**

Request: Approval of a conditional use permit to allow a residential facility providing residential care for no more than 15 (fifteen) persons within an existing structure.

Location: 1420 NE Johnstone Court and is more specifically described as Tax Lot 03600, Section 16AB, T. 4 S., R. 4 W., W.M.

Applicant: Yamhill County Health & Human Services Department

Chair Stassens opened the public hearing at 6:39 p.m. and called for abstentions, objections to jurisdiction, and disclosures. There were none. Five Planning Commissioners disclosed that they had visited the subject site. There being no abstentions or objections to jurisdiction, she requested the staff report.

Principal Planner, Ron Pomeroy provided the staff report and stated that staff was recommending approval of the request subject to the conditions listed in the staff report.

Commissioner Tiedge asked who was requesting the license. Mr. Pomeroy clarified that it was the Yamhill County Health and Human Services Department (HHS).

Chair Stassens called for the applicant's testimony at 6:45pm.

The applicant, Silas Halloran-Steiner, 627 Evans St, McMinnville, approached and introduced the staff that accompanied him. Mr. Halloran-Steiner explained the reasoning behind the project and the significance of the program for its clients. He stated that this proposal was only for the housing of women and their dependent children. Mr. Halloran-Steiner stated that the other similar homes they have in operation locally have not generated any complaints or conflicts with the community since their inception. Their plans for modifying the home were mainly limited to interior modifications for safety and maintenance purposes while exterior improvements would be mostly limited to yard maintenance. He stated that they were in support of the staff report and its recommendation along with a proposal to modify condition of approval number two which Mr. Halloran-Steiner read aloud and provided in writing.

Chair Stassens asked for any questions from the Commissioners.

Commissioner Hall asked the applicant why he was proposing a modification to condition number two.

Mr. Halloran-Steiner said that he wanted the condition to be more specific as to the type of approval they would be acquiring from the State.

Commissioner Morgan asked if the house was big enough to accommodate up to 15 people.

Mr. Halloran-Steiner replied that it was a 5 bedroom, 2 bathrooms, 2,000 sq ft. home which was ample size for the number of residents proposed. He stated that they wanted to make it more ADA accessible, update the upstairs, child proof the home, improve the exterior, add an additional half bath and make sure it was compliant to all applicable building and fire codes. He also offered that he believed it was important to have the home located near other similar facilities in the neighborhood so the staff would not be scattered around town and it would be easier to maintain an approximately equal number of individuals in each of the residences.

Commissioner Morgan asked what the dropout and success rate was for those enrolled in the program.

Mr. Halloran-Steiner replied that about 72 percent of participants successfully completed the program.

Marie McDaniel Bellasario, 627 NE Evans Street, McMinnville, representing the applicant, added that anyone who entered the program was a success since they were no longer on the streets.

Commission Morgan asked what the point of the program was.

Ms. Bellasario said it was for the clients to learn parenting and survival skills necessary to help stop the pattern of child welfare and social traumas before they affected the children. She discussed the impact drugs have on children and the trauma of taking children away from their mother. She further stated that the current program was successful because children could be

with their mother who would be working to be more support to the children they were trying to serve.

Commissioner Geary asked what the average stay of a client was.

Mr. Halloran-Steiner said 8-12 months but it depended on affordable housing opportunities.

Commissioner Geary then asked how the residents transition out of the home.

Callie Gamble, 627 NE Evans Street, McMinnville, provided testimony that the program staff have weekly team meetings to know where the residents are so when it is time for them to transition out of the facility, they know what classes to go to and they have learned basic survival skills like budgeting, shopping and schooling. She furthered by saying that sometimes it takes two to four months for a client to fully transition.

Commissioner Chroust-Masin asked if there were other facilities in town like the one proposed.

Mr. Halloran-Steiner said there were two other women's homes in the same neighborhood as the proposed facility.

Commissioner Chroust-Masin asked if there had ever been complaints from neighbors.

Ms. Gamble said that they have received only one complaint in the past five to seven years and that it had involved cigarette smoking. The situation was immediately addressed and has not occurred since.

Commissioner Pietz asked if improvements made to the residence would be completed to the standards of the local Fire Department.

Mr. Halloran-Steiner said they would be completing all improvements to those standards.

Commissioner Hillestad asked if any other organization did what they do by "clumping" people together. He also asked if there was other low cost subsidized housing available in McMinnville.

Mr. Halloran-Steiner stated that there were other such housing opportunities in McMinnville.

Commissioner Hillestad asked what staff being "on call" meant.

Ms. Gamble stated that the staff was onsite seven days a week and that she was also on call as a backup.

Commissioner Hillestad asked if someone was on call 24 hours a day.

Ms. Gamble replied that there was not.

Commissioner Morgan asked how many vehicles would be parked on-site and if parking was available.

Ms. Gamble said most of the residents didn't have cars and that the staff came and went throughout the day. She believed that the house used less parking than the average family home given the lack of vehicles.

Commissioner Morgan asked how many residents had a vehicle.

Ms. Gamble said very few if any had vehicles and the program staff helped them to get to work and obtain their drivers license during recovery.

Commissioner Morgan then asked how the clients get to doctor's appointments, etc.

Ms. Gamble replied that they try to get them to be as self-sufficient as possible and that public transportation is readily available in that area.

Commissioner Morgan asked what the minimum required house size was to accommodate up to 15 people.

Mr. Halloran-Steiner stated that he did not know if there was a minimum but was certain that the home purchased was a good size and that they wouldn't have applied for this application if the home wasn't conducive to the project.

Commissioner Morgan stated that he understood but asked that if the home was a 1 bedroom bungalow, would it be okay to use.

Mr. Halloran-Steiner re-stated that they wouldn't be at the hearing if the residence was that small.

Chair Stassens said that this was a question for the building department.

Mr. Pomeroy said that comments were solicited from the Building and Fire Departments regarding this application and that neither department had raised occupancy as an issue.

Commissioner Morgan asked for further explanation of the occupancy code.

Mr. Pomeroy said, again, the Fire and Building Departments didn't raise any concerns as to the issue of occupancy.

City Attorney David Koch mentioned that the Commission should be careful about the kind of questions they were asking because it appeared that what they were asking was beyond the scope of the criteria for this conditional use permit request.

Chair Stassens asked if there were any other questions from the Commissioners and there were none.

Chair Stassens asked if there was anyone else in favor of the application that wished to speak.

Elise Hui, Director of the Housing Authority of Yamhill County, 135 NE Dunn Place, McMinnville, approached and mentioned that any house of this size is up to code for housing 15 people, so that was not a concern that needed to be discussed. She also mentioned that she regularly drove by the Galloway residence to ensure it was being run well. She stated that if not for these residences, these women would be on the streets or living in cars and that this opportunity provided a great progression in the community and a great way to focus on health and family.

Chair Stassens asked if anyone else in favor would like to speak and there were none.

Chair Stassens asked if anyone in opposition would like to speak and there were none.

Mr. Pomeroy replied that no public agencies had voiced concern regarding the proposal.

Mr. Halloran-Steiner waived the seven day time period allowed for submittal of final written arguments in support of the application, and Chair Stassens closed the public hearing at 7:21 pm.

Commissioner Chroust-Masin stated that he would be in favor of amending the conditions of approval as requested.

Commissioner Pietz agreed and thanked the applicants for the value of their service.

Commissioner Tiedge commented that he found fault in the zoning ordinance as it did not provide information relative to residential occupancy limits but not in the application, so he agreed with approving the application.

Chair Stassens agreed the application met all the criteria and thanked the applicant.

Commissioner Chroust-Masin MOVED, based on the findings of the fact, the conclusionary findings for approval, and materials submitted by the applicant to APPROVE CU 1-16 subject to conditions of approval as detailed in the staff report and modified as proposed by the applicant; SECONDED by Commissioner Hall. The motion passed unanimously.

#### **4. Docket CU 2-16**

<u>Request:</u>	Approval of a conditional use permit to allow a day care facility within an existing structure.
<u>Location:</u>	470 NE Norton Lane and is more specifically described as a portion of Tax Lot 03700, Section 22, T. 4 S., R. 4 W., W.M.
<u>Applicant:</u>	Tankersley, Wright & Strunk, LLC, representing Chemeketa Community College

Chair Stassens called the public hearing to order at 7:29 p.m. and called for abstentions, objections to jurisdiction, and disclosures. Two Planning Commissioners disclosed that they had visited the subject site. There being no abstentions or objections to jurisdiction, Chair Stassens requested the staff report. Mr. Pomeroy referred to the staff report and the application and entered two additional exhibits into the record: letter submitted by Mr. Kerr on February 15, 2016; letter submitted by Mr. Hinton on February 12, 2016. Mr. Pomeroy mentioned that the application met all criteria required and that staff was recommending approval subject to conditions as noted in the staff report.

Commissioner Geary asked what year the house was built.

Mr. Pomeroy replied that while he did not know, its construction pre-dated the surrounding neighborhood.

Commissioner Geary asked what Chemeketa's purchase date of the residence was.

Mr. Pomeroy replied 2007.

Chair Stassens asked if there were any other questions for staff, and there were none. She then asked for the applicant's testimony.

Joseph Strunk, P.O. Box 625, McMinnville, stated how excited they were for this project and that it was going to be a great addition to McMinnville and similar to the success of Head Start of Yamhill County. He mentioned that Chemeketa concurred with the staff report. Mr. Strunk also addressed the letters that were entered into the record by Mr. Pomeroy. He mentioned that the comments in those two letters were not warranted because the site was properly zoned for the operation of a day care facility. Mr. Strunk also said that the current driveway would not be relied upon for use by the day care facility as they would be utilizing the vehicle circulation pattern identified in the application.

Commissioner Hillestad asked if the existing driveway would be upgraded and if so, what would those upgrades be.

Mr. Strunk said they would improve the driveway approach and the sidewalk.

Commissioner Geary asked if there were any environmental reports or geo-surveys completed prior to the close of the property that would influence health.

Mr. Strunk replied that studies were done and nothing negative was identified.

Commissioner Tiedge asked if the driveway was paved and Mr. Strunk said it was.

Commissioner Morgan asked how old the structure was and if there was a well on the property.

Mr. Strunk replied that it was built in the 1970's so there was a caged well onsite that they may use for irrigation purposes only. Alternatively, Chemeketa may choose to abandon the well entirely.

Chair Stassens asked if there were any other questions from the Commission and there were none. She then asked if there was anyone else in favor who would like to testify in favor of the request and there were none.

Chair Stassens called for any persons that would like to testify in opposition to the request and there were none.

No person that participated in the hearing requested the record remain open or be continued for further testimony. The applicant waived the seven day time period allowed for submittal of further testimony in support of the application and Chair Stassens closed the public hearing at 7:42 p.m.

Commissioner Pietz **MOVED** based on the findings of fact, the conclusionary findings for approval, and materials submitted by the applicant to **APPROVE** CU 2-16 subject to the conditions of approval listed in the staff report; **SECONDED** by Commissioner Hillestad. The motion passed unanimously.

## 5. Old/New Business

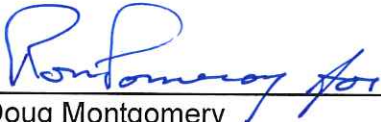
Chair Stassens opened the floor to any old and/or new business.

Mr. Pomeroy stated that the next Planning Commission meeting would be on March 17<sup>th</sup> for review of another Conditional Use application similar to CU 1-16.

Commissioner Pietz stated that this evening was her last meeting serving as a Planning Commissioner because she was expecting a child and would be moving closer to Salem. She was very thankful for her time serving on the Commission and for the excellent staff reports provided to the Commission by City Staff.

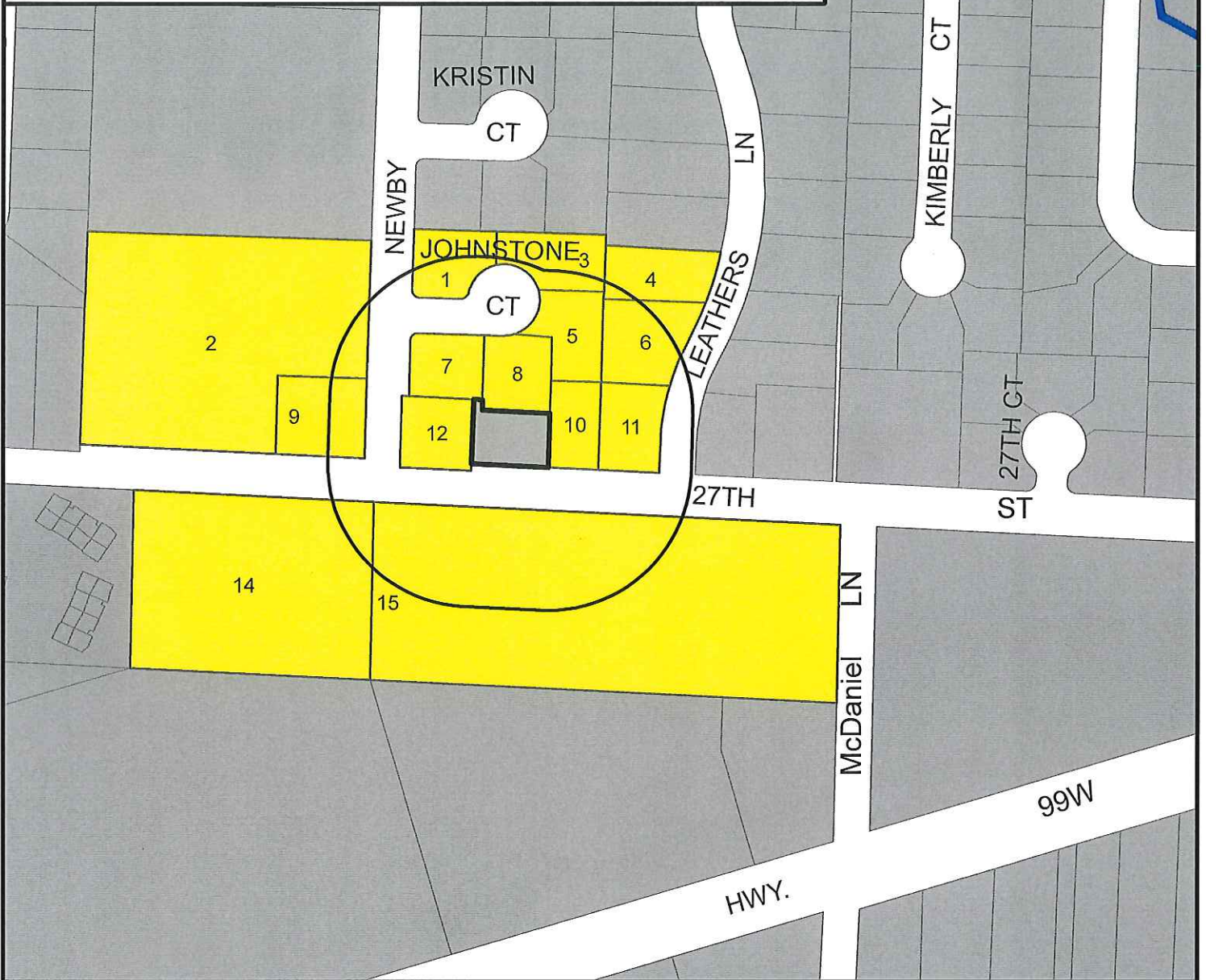
## 6. Adjournment

Commissioner Chroust-Masin MOVED to adjourn the meeting. The motion was SECONDED by Commissioner Geary. Motion PASSED unanimously. Chair Stassens ADJOURNED the meeting at 7:56 p.m.

  
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Doug Montgomery  
Secretary



# Notification Map



CU 4-16  
Yamhill County Health & Human Services  
Department is requesting approval of a  
conditional use permit to allow a residential  
facility providing residential care for no  
more than 15 (fifteen) persons within an  
existing residence.

Recorded Owner:  
Julianne Johnstone  
PO Box 626  
McMinnville, OR 97128



APPROVED BY: PLANNING COMMISSION  
CITY COUNCIL

ATTESTED TO BY: \_\_\_\_\_



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

Request: Approval of a conditional use permit to allow operation of a residential facility with no more than fifteen (15) residents within one-half of an existing duplex.

Location: The subject site is located at 1437 NE 27<sup>th</sup> Street, which is more specifically described as Tax Lot 03900, Section 16 AB, T. 4 S., R. 4 W., W.M.

Applicant: Yamhill County Health & Human Services Department

## **EXHIBITS**

1. Staff Report
2. CU 4-16 Application and Fact Sheet
3. Applicant's narrative
4. Applicant's site plan
5. List of property owners to whom notice was sent
6. Affidavit of Publication
7. Vicinity Sketch
8. Referrals

## **SUBJECT SITE**

The subject site is located along the north side of NE 27<sup>th</sup> Street, east of its intersection with NE Newby Street. The subject site comprises roughly the eastern one-half of a rectangularly shaped lot that is approximately 8,051 square feet in size. A two-story residential duplex is located in the approximate center of the lot with attached garages located at opposite ends of the duplex. The site is virtually flat with the side yards and backyard being enclosed by residential wood fencing along the property lines with access provided to the front yard by chain-link access gates. The site is landscaped with turf and a variety of shrubs, flowers and ornamental trees.

For the purposes of this report, all further references to "the site" will refer only to the eastern of the two residences within this duplex and the eastern portion of the lot on which the duplex is located. The site is provided access by a paved driveway that extends north from NE 27<sup>th</sup> Street. Northeast 27<sup>th</sup> Street is classified as a minor collector street and is paved and improved with curb, gutter and sidewalk along the frontage of this property.

The lot on which this duplex is located is zoned R-3 (Two-Family Residential) as are properties located to the north, east and west, all of which are developed with single-family residences. Property to the south, across NE 27<sup>th</sup> Street, is zoned C-3 (General Commercial) and developed with the Town Center Apartments. All adjacent lots are designated as Residential on the McMinnville comprehensive plan map.

## **OBSERVATIONS**

- The applicant, Yamhill County Health and Human Services Department (HHS), is in the process of purchasing the subject property with the intent of housing a residential facility within the eastern portion of the existing residential duplex. The applicant proposes to utilize this facility to accommodate up to four (4) women recovering from drug and/or alcohol addiction; up to eleven (11) dependent children may also reside at this site. The applicant

also proposes to utilize the residence located within the western portion of the duplex to house one or more women who are also clients of this same recovery support program and their dependent children up to a maximum of five individuals. As five or fewer individuals living together as a housekeeping unit are defined as a family, no conditional use review is necessary regarding the western portion of the duplex.

- Off-street parking for this site is provided by an existing concrete driveway extending northward from NE 27<sup>th</sup> Street leading to a single-wide garage. The driveway widens leading to a paved "RV" pad located behind the gate and adjacent to the east side of the garage resulting in a total of four onsite vehicle parking spaces. The applicant has indicated that, because its residents typically cannot afford to own and operate a vehicle, demand for off-street parking is very limited. The history at other similar residential facilities currently owned and operated by the Yamhill County Health and Human Services Department, and housing similar numbers of individuals, is that there is rarely more than one vehicle parked at each facility at a time. Staffing parking is typically experienced at a rate of only one vehicle at a time and, on rare occasion, perhaps two. As the zoning ordinance requires the provision of two on-site paved vehicle parking spaces to meet the typical needs of a four or fewer bedroom home, the on-site parking provided for this four bedroom home exceeds this requirement.
- The criteria under which a conditional use permit request is to be reviewed are provided in Section 17.74.030 of the McMinnville Zoning Ordinance, and are repeated in Exhibit "A," attached to this report. In narrative form, the applicant's submittal speaks to these elements. In permitting a conditional use permit, the Planning Commission may impose conditions it finds necessary to avoid "detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole." Examples of allowable types of conditions are noted in Section 17.74.040. Based upon staff's review of this request, some conditions are recommended, should the Commission find in favor of this proposal.
- The applicant's narrative (Exhibit 3) provides a brief history of the Transitional Treatment Recovery Services program managed by Yamhill County Health and Human Services (HHS). Although previously operating as the "Reflections" program, this outreach and assistance program has operated successfully in McMinnville since 1992. There are currently three such residential facilities managed by HHS in the same neighborhood as the proposed site. One such residence is located northwest of the subject site and fronts onto NE Newby Street. The second such residence is located east of and adjacent to the subject site and fronts onto NE 27<sup>th</sup> Street. The third such residence is located north of and adjacent to the subject site, fronts onto NE Johnstone Court and was the subject of a public hearing before the Commission in February, 2016, for review of a similar conditional use request. The first two residential facilities noted above have been in operation for approximately two years each with the third one being approved by the Commission last month; some eleven months ago, in April of 2015, the McMinnville zoning ordinance was amended making establishment of a residential facility a conditional use in the R-1, R-2 and R-3 zones. No neighborhood complaints or concerns have been received by the Planning Department during their tenure of these adjacent facilities.
- In 1988, Congress amended the federal Fair Housing Act to classify people with disabilities as a protected class for which cities must make "a reasonable accommodation" in their zoning codes. A 1995 U.S. Supreme Court case<sup>1</sup> upheld the Act's application to zoning. Since the passage of these amendments, there has been a great deal of litigation concerning the Act's effect on the ability of local governments to exercise control over group living arrangements, particularly for persons with disabilities.

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<sup>1</sup> City of Edmonds v. Oxford House, Inc. 514 U.S. 725 (1995)

The Fair Housing Act prohibits a broad range of practices that discriminate against individuals based on race, color, religion, sex, national origin, familial status, and disability. Persons with disabilities (handicaps) are individuals with mental or physical impairments that substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, intellectual development disorder (IDD), alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term "major life activity" may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Act does not pre-empt local zoning laws. However, it does prohibit local governments from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities.

The Fair Housing Act makes it unlawful --

- To utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities, or a specific type of disability, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.
- To take action against, or deny a building permit for, a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons who were hearing or seeing impaired.
- To refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.

The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

A local government would break the law if it rejected a housing development proposal in a community because of neighbors' prejudice that such housing would be occupied by persons of a certain religion, race or national origin. Similarly, a local government can violate the Fair Housing Act if it blocks a residential care facility or group home in response to neighbors' fears or prejudices about persons with one or more disabilities. If the evidence shows that the decision-makers were responding to the wishes of their constituents, and that the constituents were motivated in substantial part by discriminatory concerns, which could be enough to prove a violation.

If the record shows that there were valid reasons for denying an application that were not related to the disability of the prospective residents, the courts will give little weight to isolated discriminatory statements. If, however, the purportedly legitimate reasons advanced to support the action are not objectively valid, the courts are likely to find that there has been discrimination.

- As of the date this report was written, the Planning Department had received no citizen comment. Of the public agencies contacted, the Planning Department has received comment from the McMinnville Fire Department and McMinnville Building Department. Their comments are provided below.

McMinnville Fire Department:

"We have no issues with this request. We have talked with the applicant and they understand they must install residential fire sprinklers and an alarm system."

McMinnville Building Department:

- Occupancy Group – Residential R-4 occupancy, Condition 1 (Social rehabilitation facility) Oregon Structural Specialty Code Section 310.6.
  - Provide a residential NFPA 13D Sprinkler System – Oregon Structural Specialty Code Section 903.2.8.3.
  - Provide a NFPA 72 Fire Alarm System in accordance with Oregon Structural Specialty Code, Section 907.2.10.
  - Seismic upgrades will not be required where no structural changes occur in either building.
- The Findings of Fact and Conclusionary Findings are attached as Exhibit "A" to this report and are by this reference herein incorporated.

**RECOMMENDATION**

In deliberating the merits of this conditional use permit, the Commission should keep in mind that McMinnville, like all cities in the United States, is significantly restricted by state and federal laws as to how such facilities are treated and regulated and, most importantly, that we must follow state and federal anti-discrimination housing laws. These laws are embodied within the federal Fair Housing Act (FHA), as well as State statutes and court cases. The FHA prohibits housing discrimination against handicapped persons, which by definition includes persons with mental or physical impairments that substantially limit one or more major life activities. According to the FHA, handicapped persons include recovering drug and substance users, which is the population served by this proposed residential facility. The federal policy supports the unrestricted location of such facilities and further restricts the ability of cities to decide how and where they can be located.

State law affects us as well. Residential facilities are not considered businesses and therefore have the right to locate in residential zones. Within the confines of State and Federal law, cities can implement zoning regulations to a limited extent. Cities can adopt regulations, as McMinnville did, to specify how such facilities can be approved in each residential zone.

Our local land use and zoning regulations and activities must comply with federal and state fair housing laws that prohibit discrimination in housing against individuals with disabilities. Local zoning laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. In short, the Commission's consideration of this request must be blind to the population being served to avoid violation of the federal Fair Housing Act, unless it can be shown that the population would present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

Beyond these federal rules, and more specific to the application currently before the Commission, it is staff's observation that the applicant has operated similar adjacent facilities in McMinnville with strong "zero tolerance" policies for its residents. Additionally, the Planning Department is aware of no history of neighbor complaints regarding either of these two adjacent facilities. This is important to recognize in that the federal rules do not allow us to make

distinctions between the populations that occupy this property when considering this conditional use permit request. Because of this and for the reasons cited previously, the information provided in the applicant's submitted materials, and the attached conclusionary findings for approval, staff recommends that the requested conditional use permit (CU 4-16) be approved, subject to the conditions as follows:

1. That the residential facility be limited to occupancy by women and their dependent children, to a maximum of 15 (fifteen) individuals at any one time.
2. That prior to the use of the subject site for residential facility purposes, the applicant shall secure appropriate approval or licensing from the Oregon Health Authority and provide proof of such approval or licensing to the McMinnville Planning Department. Use of this property for residential facility purposes shall be contingent upon the requirements of this conditional use permit and maintenance of valid state approval or license. Should this approval or license be revoked or suspended, use of the subject site for residential facility purposes shall cease immediately.

#### **MOTION**

The Planning Department recommends the Commission make the following motion for approval:

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION APPROVES CU 4-16, SUBJECT TO THE CONDITIONS AS RECOMMENDED BY STAFF.**

RP:msd

**EXHIBIT "A"**  
**FINDINGS OF FACT AND CONCLUSIONARY FINDINGS**  
**DOCKET CU 4-16**

**FINDINGS OF FACT**

1. The applicant is requesting approval of a conditional use permit to allow operation of a residential facility with no more than fifteen (15) residents within one-half of an existing duplex. The subject site is located at 1437 NE 27<sup>th</sup> Street, which is more specifically described as a portion of Tax Lot 03900, Section 16 AB, T. 4 S., R. 4 W., W.M.
2. The subject property is currently zoned R-3 (Two-Family Residential) and is designated as Residential on the McMinnville Comprehensive Plan Map.
3. Sanitary sewer and municipal water and power are all available to the site. The municipal waste treatment plant has sufficient capacity to accommodate expected waste flows resulting from use of this property for residential facility purposes.
4. The City of McMinnville Engineering, Building, and Parks Departments; McMinnville Fire Department; City Manager; City Attorney; McMinnville School District No. 40; McMinnville Police Department; McMinnville Water and Light; Yamhill County Planning Department, and County Public Works; Frontier Communications; Comcast Cable; and, Northwest Natural Gas have been provided an opportunity to review the proposal. As of the date of this report, no comments in opposition to the request have been received.
5. Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 which are applicable to this request include:

Goal V 1: To promote development of affordable, quality housing for all city residents.

Housing and Residential Development:

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

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

67.00 Subsidized low-cost housing shall be dispersed throughout the McMinnville urban area. Dispersal plans shall be coordinated with appropriate agencies.

Parking:

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

Sanitary Sewer System:

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

Storm Drainage:

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

Water System:

- 144.00 The City of McMinnville, through the City Water and Light Department, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.
- 147.00 The City of McMinnville shall continue to support coordination between City departments, other public and private agencies and utilities, and the City Water and Light Department to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with the City Water and Light Department in making land use decisions.

6. The following sections of the McMinnville Zoning Ordinance (No. 3380) are applicable to this request:

General Provisions:

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

Definitions:

"17.06.015 General Definitions.

[..] Residential Facility – A residential care, residential training or residential treatment facility, as those terms are defined in OS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals (excluding staff) who need not be related."

Use:

"17.18.020 Conditional uses. In an R-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 17.72 and 17.74:

[..] (P) Residential Facility as defined in Chapter 17.06 (Definitions)."



Parking:

17.60.060(A)(5) Single-family and two-family dwelling: Two spaces per dwelling with four or fewer bedrooms, and one additional space for every two additional bedrooms.

Signs:

"17.62.40 (P) One indirectly illuminated or nonilluminated wall sign not exceeding one and one-half (1.5) square feet in area placed on any residential building. This type of sign is typically used as a name or address plate.

Section 17.74.030 of the McMinnville Zoning Ordinance states:

"Authorization to grant or deny conditional uses. A conditional use listed in this ordinance shall be permitted, altered, or denied in accordance with the standards and procedures of this chapter. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area, or an alteration of any structure shall conform with the requirements for conditional uses. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the City;
- B. That the location, size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development;
- C. That the development will cause no significant adverse impact on the livability, value, or appropriate development of abutting properties of the surrounding area when compared to the impact of permitted development that is not classified as conditional;
- D. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants;
- E. The proposal will preserve environmental assets of particular interest to the community;
- F. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes."

Section 17.74.040 of the McMinnville Zoning Ordinance states in part:

"Placing conditions on a permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole [...]"

## CONCLUSIONARY FINDINGS FOR APPROVAL

1. The subject request complies with applicable goals and policies of the McMinnville Comprehensive Plan, 1981 (Finding of Fact No. 5) as follows:
  - a. Goal V 1 is satisfied in that approval of this request will help to provide additional affordable, quality housing for city residents.
  - b. Policies 58 and 64 are satisfied in that the Yamhill County Health and Human Services Department proposes establishment of a residential facility to provide quality housing for individuals of lower income and who are covered by the federal Fair Housing Act.
  - c. Policy 67.00 is satisfied in that, while the proposed facility would be co-located with three nearby and adjacent existing residential facilities in order to better realize staffing benefits through economies of scale, other similar residential facilities operated by diverse agencies are dispersed throughout McMinnville and have operated for years to no demonstrable detriment upon the surrounding neighborhoods. Further, this policy is specific to subsidized low-cost housing of which this proposed facility is but one type.
  - d. Policy 126.00 is satisfied in that provision of adequate, paved, off-street parking sufficient to support the proposed use is currently available.
  - e. Policies 136.00, 142.00, 144.00, and 147.00 are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, presently and adequately serve the site. Additionally, the Water Reclamation Facility has adequate capacity to continue to sufficiently serve the proposed use of this site. All municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards, and the City shall continue to support interagency cooperation to insure the coordinated provision of utilities to developing and redeveloping areas.
2. The subject request complies with the applicable requirements of the McMinnville Zoning Ordinance (Finding of Fact No. 6) as follows:
  - a. Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.
  - b. Section 17.06.015 is satisfied by the request in that the proposed use complies with the adopted definition of a residential facility.
  - c. Section 17.18.020(P) is satisfied in that the required conditional use review process is being adhered to prior in order to make possible the establishment of the desired use.

- d. Section 17.60.060(A)(5) is satisfied in that while two off-street parking spaces are required to support the proposed use, four such spaces are currently provided onsite.
  - e. Section 17.62.040 (P) is satisfied by the request in that no signage is being proposed for the site.
3. The proposal complies with the requirements of Section 17.74.030 as follows:
- a. The subject site is properly designated and zoned for the proposed use on the McMinnville Comprehensive Plan Map, 1980, and the McMinnville Zoning Map 1980, respectively. A residential facility is a conditional use allowed in the R-3 zone as stated in Section 17.18.020 (P).
  - b. Use of this property as a residential facility will have little or no impact on the livability or appropriate development of the surrounding properties and neighborhood when compared to the impact of any single-family residence or other uses permitted in the R-3 zone. Vehicular access to and from the parking area will be provided by a paved residential driveway intersecting NE 27<sup>th</sup> Street (a Minor Collector) which is designed to accommodate the vehicle traffic generated by this use. Adequate public facilities and services necessary to serve the proposed use are available to and presently serve the site.
  - c. Operation of the proposed facility will be compatible with the surrounding neighborhood and is not anticipated to result in any significant adverse impact on the livability, value, or appropriate development or use of abutting properties.
  - d. The existing residence is presently designed, landscaped, and situated in a manner that is complementary to existing development, and does not visually detract from the surrounding area.
  - e. There are no known environmental assets of particular interest to the community on this site.
  - f. The applicant has a bona fide intent and capability to use the site as proposed. There is no known inappropriate purpose for submitting the proposal.
4. Section 17.74.040 allows additional conditions to be imposed on a new conditional use. In this instance, in addition to those requirements provided in the McMinnville Zoning Ordinance and building, fire, life, and safety codes, the City has determined that two conditions of approval be adopted as noted above.



Planning Department  
231 NE Fifth Street • McMinnville, OR 97128  
(503) 434-7311 Office • (503) 474-4955 Fax  
[www.ci.mcminnville.or.us](http://www.ci.mcminnville.or.us)

<b>Office Use Only:</b>	
File No.	<u>CU 4-16</u>
Date Received	<u>2-12-16</u>
Fee	<u>1055.<sup>00</sup></u>
Receipt No.	<u>16M0009</u>
Received by	<u>[Signature]</u>

## Conditional Use Application

### Applicant Information

Applicant is:  Property Owner    Contract Buyer    Option Holder    Agent    Other \_\_\_\_\_

Applicant Name Yamhill Co. Health & Human Services Phone 503-434-7527

Contact Name Silas Halloran-Steiner Phone 503-435-7572  
*(if different than above)*

Address 627 NE Evans

City, State, Zip McMinnville, OR 97128

Contact Email halloras@co.yamhill.or.us

### Property Owner Information

Property Owner Name <sup>ccs</sup> Same as above, Julie Johnstone Phone 503-472-9555  
*(if different than above)*

Contact Name Julie Johnstone Phone \_\_\_\_\_

Address PO Box 912 626

City, State, Zip McMinnville, OR 97128

Contact Email \_\_\_\_\_

### Site Location and Description

*(If metes and bounds description, indicate on separate sheet)*

Property Address 1437 NE 27th Street, McMinnville, OR 97128

Assessor Map No. R416 AB - 03900 Total Site Area 8,051 sqft.

Subdivision Julian Add Block \_\_\_\_\_ Lot 2

Comprehensive Plan Designation Res Zoning Designation R-3 PD

1. State nature of the request in detail: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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2. Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance: \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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3. Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development: \_\_\_\_\_  
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6. Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how? \_\_\_\_\_

\_\_\_\_\_  
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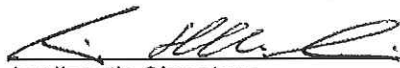
7. Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes: \_\_\_\_\_

\_\_\_\_\_  
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In addition to this completed application, the applicant must provide the following:

- A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), clearly showing existing and proposed features within, and adjacent to, the subject site, such as: Access; lot and street lines with dimensions; distances from property lines to structures; structures and other proposed and existing improvements; north direction arrow; and significant features (slope, vegetation, adjacent development, drainage, etc.).
- A legal description of the property, preferably taken from deed.
- Payment of the applicable review fee, which can be found on the Planning Department web page.

I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.

  
Applicant's Signature

2/12/16  
Date

DocuSigned by:  
  
Property Owner's Signature

2/12/2016 | 3:52 PM PT  
Date

**Conditional Use Application**  
**Detailed Responses**  
**From Yamhill County Health and Human Services**  
**1437 NE 27<sup>th</sup> Street, McMinnville, OR 97128**

**State nature of the request in detail:**

Yamhill County Health and Human Services is requesting a Conditional Use Permit for a Residential Facility under 17.18.020 P of the Zoning Code for the R-3 Two-Family Residential Zone. Yamhill County Health and Human Services would like use the existing single-family duplex for the Transitional Treatment Recovery Services (TTRS) drug treatment program operated by Yamhill County Adult Behavioral Health. The 4-bedroom unit, 1437 NE 27<sup>th</sup> Street, will be occupied by up to four women in treatment and their children. If approved, it will not be used by the operators as a residence and will house no more than fifteen people not related to the operator, and thus meets the requirements for a Residential Facility. The other side of the duplex, 1427 NE 27<sup>th</sup> Street, will be occupied by one family with no more than five occupants which is permitted in the R-3 Zone.

What was once known as the “Reflections” program, the Transitional Treatment Recovery Services program has operated successfully in McMinnville since 1992. At the time, Reflections was licensed as a “transitional residential” facility by the state Addictions and Mental Health Division and was developed as one of two pilot project sites to reduce demand on the residential substance abuse treatment facilities in Oregon. The model was so successful that these facilities were licensed for over 20 years, even through periods of massive state budget cuts to substance abuse treatment. In mid-2013, Yamhill County Health and Human Services joined with Oregon’s Strengthening, Preserving and Reunifying Families Program and expanded Reflections into what is now known as the Transitional Treatment Recovery Services program. These homes seem to work best where access to core services is relatively easy due to relatively short travel distances, yet the area is large enough to have a continuous need for this level of housing and services. The adult residents are women receiving state-approved outpatient substance abuse treatment who have been in recovery for a minimum of thirty days. Since the opening of the TTRS homes in May 2014, the two women’s homes have housed twenty-six women and forty-two of their children; all of whom were homeless by the Housing Authority standards.

Program acceptance criteria for women include that the women are actively engaged in substance abuse treatment, are working hard at it, have demonstrated at least thirty days of success, but do not currently have a living situation which supports recovery from substance abuse. Many women will be working with Child Welfare to maintain or regain custody of their children, avoiding expensive and problematic permanent foster care placements. The TTRS program is designed to promote the return of children to their parent’s care sooner or eliminate entirely the need to place the children in foster care. TTRS does this by providing support and guidance to these women and their families in transition to a self-sufficient lifestyle. These women have many barriers; however, with effective support and services, they are able to become productive citizens and better parents.



Onsite TTRS staff observes residents daily. The multi-disciplinary team working with the residents includes probation officers, courts, mental health, public health, Provoking Hope, Lutheran Community Services, mental health therapists, and substance abuse counselors; all of whom communicate regularly about the residents' performances. Urine samples are taken onsite and lab tested. Any documented drug use (including alcohol) may result in immediate termination. There is a full-time TTRS Coordinator and other staff, yet there is not a 24-hour, daily staffing plan. The state administrative rule pertaining to transitional substance abuse facilities provides for this as long as there is a designated resident to handle emergency situations. TTRS exceeds this requirement as all residents are trained to handle emergency situations. In addition, program staff carry a 24-hour pager (cell phone) for immediate access.

There are currently three other existing Residential facilities located in McMinnville operated by the Yamhill County Health and Human Services Department. As these facilities were established prior to recent zoning ordinance amendments making a Residential Facility a conditional use, these existing facilities are legally grandfathered. One of the three facilities has been in operation since 1992 and the other two for almost two years. We recently acquired a fourth facility which is currently under review by the Planning Department for a Conditional Use Application with the hearing scheduled for Thursday, February 18, 2016. To date, our program has not received any complaints about the program's operation process, noise levels, or any other concerns. In addition, the R-3 Two-Family Residential Zone allows as many as fifteen residents in one home which our program will comply with as this residence will only have five adults and their children with no more than ten children at any one time.

Input from the women served has been obtained continuously since before 1992. Current and past residents relate how Reflections and now, the TTRS program have helped them solidify their recovery, regain custody of their children, start a good rental history, and provide safety and stability for their families.

**Describe in detail how the request will be consistent with the McMinnville Comprehensive Plan and the objectives of the zoning ordinance:**

As a house, this request falls primarily under Comprehensive Plan Chapter V, Housing and Residential Development. Below is a list of Policies from Chapter V applicable to this application with an explanation of how the proposal would further this policy:

*58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.* Explanation: This request would provide housing for an element of the community for which there is a limited but important supply. The existing residence would provide a safe and supportive home for women in treatment for drug addiction and their children. The duplex itself is of typical design for the neighborhood and is within allowed density for the area. The proposal meets this policy.

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

County Health and Human Services is the one bringing this request to accommodate an important need for affordable housing. As mentioned above, all residents for the past several years qualified as homeless, clearly persons in need of better housing opportunities and improved housing conditions. The proposal meets this policy.

*67.00 Subsidized low cost housing shall be dispersed throughout the McMinnville urban area. Dispersal plans shall be coordinated with appropriate agencies.* Explanation: The Yamhill County Health and Human Services Department coordinates placement of such facilities with other area social service agencies in order to better meet clients' needs. In this instance, there are two similar facilities adjacent to the subject site that have operated seamlessly in the neighborhood for almost two years with an additional facility under review by the Planning Department for a Conditional Use Application. By co-locating with adjacent homes, we are being good stewards of public funds due to economies of scale achieved with program co-location. Other similar residential facilities operated by diverse agencies are dispersed throughout McMinnville and have operated for years to no demonstrable detriment upon the surrounding neighborhoods. Additionally, the Transitional Treatment Recovery Services program strives to be near transit lines where feasible to provide mobility for those without vehicles. The proposal meets this policy.

As for the requirements of the R-3 zone, this lot is in compliance as follows:

17.18.030 Lot size: The lot is approximately 8,228 square feet in size and exceeds the 7,000 square foot minimum. The proposal meets this zoning ordinance requirement.

17.18.040 Yard requirements: As shown on the attached site plan, the duplex currently meets all setback requirements. The proposal meets this zoning ordinance requirement.

17.18.050 Building Height: The duplex is two stories and less than thirty-five feet in height. The proposal meets this zoning ordinance requirement.

17.18.070 Signs: There will be no sign designated for this project. The proposal meets this zoning ordinance requirement.

**Describe how the location size, design, and operating characteristics of the proposed development are such that it can be made reasonably compatible with, and have the minimum impact on, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets; and to any other relative impact of the development:**

Viewed from the public street or other nearby properties, the duplex does not look different from any of the other homes in the area, so it is compatible with the neighboring houses. The duplex is in "harmony" with the rest of the residences in that neighborhood. The utilization of public facilities and utilities are similar to any single-family house in the neighborhood.

Due to the income levels of the women residing at TTRS, most do not have vehicles. In addition to possibly one or two resident vehicles being parked at this residence, there is typically a vehicle present from Yamhill County Adult Behavioral Health. The amount of traffic generated at the site is not exceptional, certainly less than a family of four with two teenage drivers that would be allowed outright in the R-3 zone. One of the reasons this location was selected was its proximity to the City transit route. From our experience in this community, operation of this proposed Residential Facility will operate seamlessly within the neighborhood which is the history of our other local Residential Facilities.

**Describe what impact the proposed development may have on the livability, value, or appropriate development of abutting properties or the surrounding area when compared to the impact of permitted development that is not classified as conditional:**

As described in the previous response, the duplex fits right in to the neighborhood. To the casual passerby there will be nothing to indicate that this residence is not occupied as a typical single-family home. The abutting and surrounding properties should see women occasionally, coming and going to attend to their daily responsibilities, and they should see a few children playing in the yard; activities normal for the neighborhood.

**Describe how the location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants:**

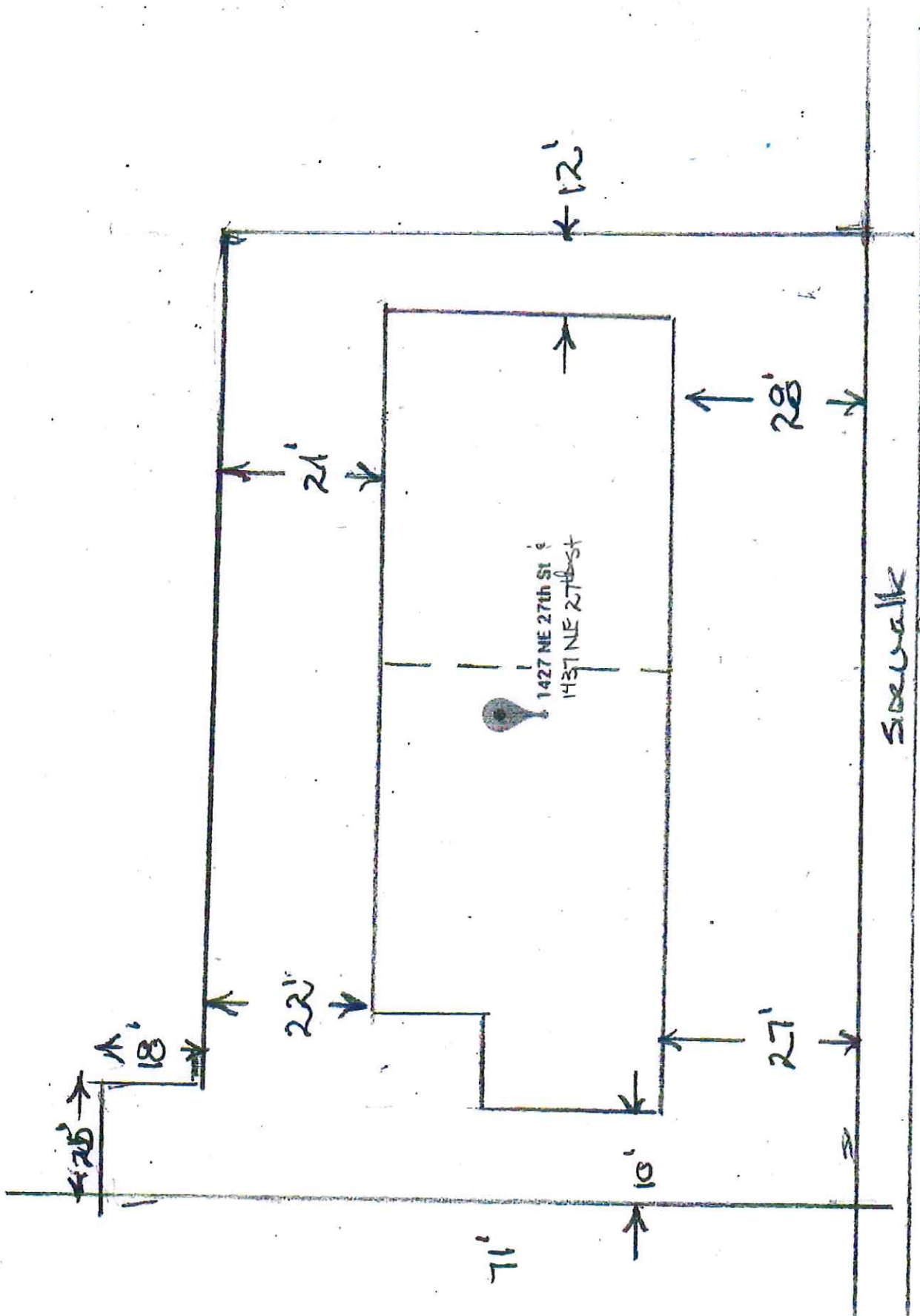
The duplex is constructed in a fairly traditional manner on a typical subdivision lot. See attached drawing with setback measurements.

**Has the development been specifically designed to preserve any environmental assets or unique topography or vegetation of the site? If so, how?**

There are no unique environmental assets, vegetation or topography on this residential lot.

**Explain how the development and use of the land as proposed has no inappropriate purpose, such as to artificially alter property values for speculative purposes:**

The use is exactly as stated above with no attempt to affect property values.



Sidewalk  
NE 27th Street

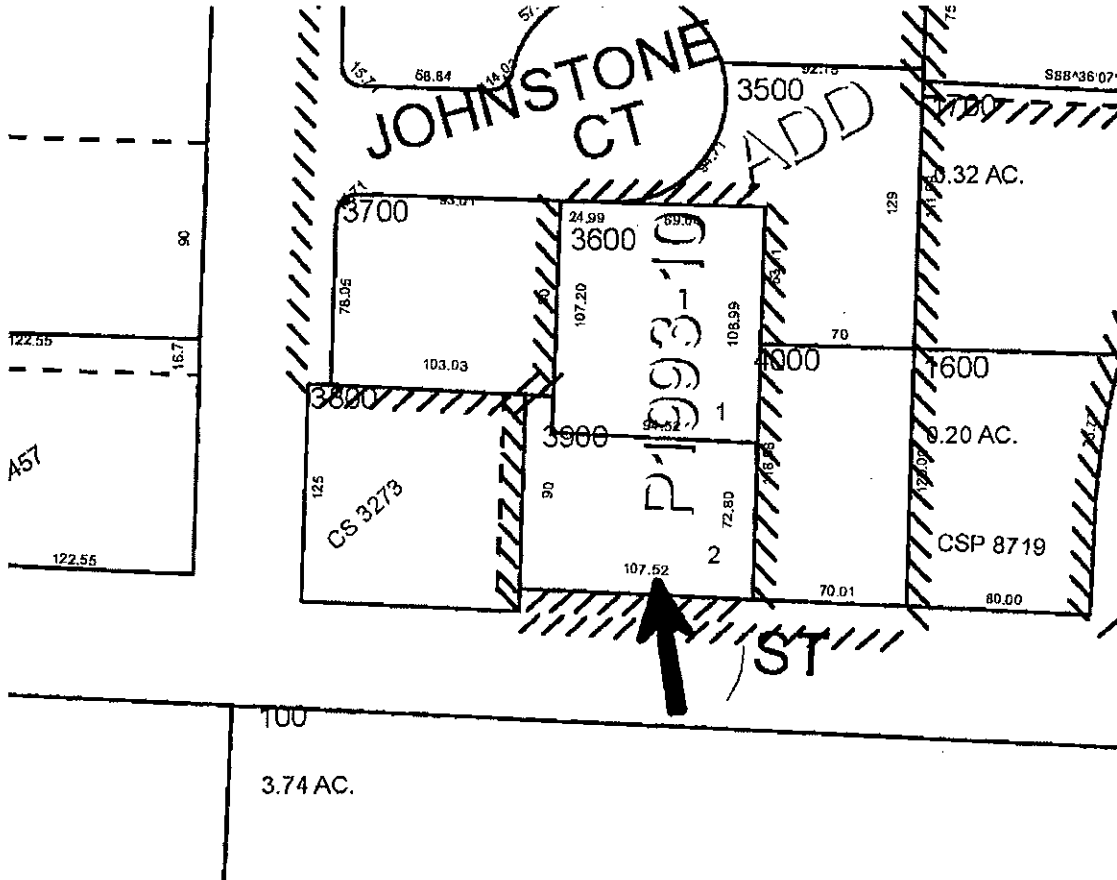
Google



First American



This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey



# NOTICE

NOTICE IS HEREBY GIVEN that the McMinnville Planning Commission will hold a public hearing on the 17th day of March, 2016, at the hour of 6:30 p.m. in the McMinnville Civic Hall Building located at 200 NE Second Street in the City of McMinnville, Oregon, to take testimony and evidence on the following matter:

DOCKET  
NUMBER

CU 4-16 Yamhill County Health & Human Services Department is requesting approval of a conditional use permit to allow a residential facility providing residential care for no more than 15 (fifteen) persons within an existing residence. The subject site is located at 1437 NE 27<sup>th</sup> Street and is more specifically described as a portion of Tax Lot 03900, Section 16AB, T. 4 S., R. 4 W., W.M.

Persons are hereby invited to attend the McMinnville Planning Commission hearing to observe the proceedings, to register any statements in person, by attorney, or by mail to assist the McMinnville Planning Commission in making a decision.

The Planning Commission's decision on the above public hearing item must be based on findings that a specific set of criteria have been or have not been met. Testimony and evidence at the public hearing must be directed toward those criteria, which are generally as follows:

1. The goals and policies of the McMinnville Comprehensive Plan.
2. The requirements of McMinnville Ordinance No. 3380 (the Zoning Ordinance) with particular emphasis on Section 17.03.020 (Purpose), Chapter 17.18 (R-3 Two-Family Residential Zone), Chapter 17.72 (Applications and Review Process), and Chapter 17.74 (Review Criteria).

Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Planning Commission opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Commission to respond to the issue precludes an action for damages in circuit court.

The decision-making criteria, application, and records concerning this matter are available in the McMinnville Planning Department office at 231 NE 5th Street, McMinnville, Oregon, during working hours.

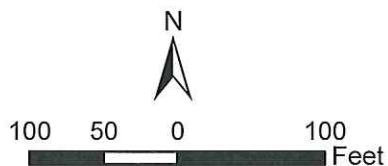
For additional information contact Ron Pomeroy, Principal Planner, at the above address, or phone (503) 434-7311.

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

  
\_\_\_\_\_  
Doug Montgomery  
Planning Director

(Map of area on back)

# Vicinity Map



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

Map No.	Tax Lot	Site Address	Owner	Attn:	Mailing Address	City State	Zip
1	R4416AB03300	1421 NE JOHNSTONE CT	LUCAS JUAN	LUCAS JUAN C	1421 NE JOHNSTONE CT	MCMINNVILLE OR	97128
2	R4416AB04200	1309 NE 27TH ST	MCMINNVILLE REAL ESTATE INVESTORS LLC	C/O LIFE CARE CENTERS OF AMERICA	3570 KEITH ST NW	CLEVELAND TN	37312
3	R4416AB03400	1433 NE JOHNSTONE CT	MID VALLEY	MID VALLEY REHABILITATION INC	16700 S HIGHWAY 99W	AMITY OR	97101
4	R4416AB01800	2743 NE LEATHERS LN	PARKS-BROWN SALLY	PARKS RONALD B	2743 NE LEATHERS LN	MCMINNVILLE OR	97128
5	R4416AB03500	1457 NE JOHNSTONE CT	MID VALLEY	MID VALLEY REHABILITATION INC	16700 S HIGHWAY 99W	AMITY OR	97101
6	R4416AB01700	2725 NE LEATHERS LN	BARTON KYLER	BARTON ALEXANDRA S	2725 NE LEATHERS LN	MCMINNVILLE OR	97128
7	R4416AB03700	2732 NE NEWBY ST	YAMHILL COUNTY HEALTH AND HUMAN SERVICES	ATTN SILAS HALLOLAN-STEINER	627 NE EVANS	MCMINNVILLE OR	97128
8	R4416AB03600	1420 NE JOHNSTONE CT	FEDERAL HOME	FEDERAL HOME LOAN MORTGAGE CORP	5000 PLANO PKWY	CARROLLTON TX	75010
9	R4416AB04300	1341 NE 27TH ST	KNUTZ MIKE	KNUTZ TAMMY	1341 E 27TH ST	MCMINNVILLE OR	97128
10	R4416AB04000	1461 NE 27TH ST	YAMHILL COUNTY HEALTH AND HUMAN SERVICES	ATTN SILAS HALLOLAN-STEINER	627 NE EVANS	MCMINNVILLE OR	97128
11	R4416AB01600	1505 NE 27TH ST	DOTY BRIAN	DOTY TONI D	1505 NE 27TH ST	MCMINNVILLE OR	97128
12	R4416AB03800	1415 NE 27TH ST	THAYER JACK	THAYER JACK S	14855 TIDELAND RD	NEHALEM OR	97131
14	R4416AB00106	1310 NE 27TH ST	ORCHARDS LHTC LLC	% GUARDIAN MANAGEMENT LLC	PO BOX 5668	PORTLAND OR	97228
15	R4416AB00100	1500 NE 27TH ST	TOWN CENTER	TOWN CENTER APARTMENTS LLC	1805 CATALINA AVE	SEAL BEACH CA	90740
Applicant			YAMHILL COUNTY HEALTH AND HUMAN SERVICES	ATTN SILAS HALLOLAN-STEINER	627 NE EVANS	MCMINNVILLE OR	97128
Owner	R4416AB03900	1427 NE 27TH ST	JOHNSTONE JULIANNE	JOHNSTONE JULIANNE	PO BOX 626	MCMINNVILLE OR	97128

Date Sent 2/24/12  
 Sent By [Signature]