



# MINUTES

**April 21, 2022**  
**Planning Commission**

**6:30 pm**  
**Hybrid Meeting**  
**McMinnville, Oregon**

**Members Present:** Robert Banagay, Brian Randall, Beth Rankin, Dan Tucholsky, Sidonie Winfield, Matt Deppe, and Sylla McClellan

**Members Absent:** Lori Schanche and Gary Langenwalter

**Staff Present:** Heather Richards – Planning Director, Monica Bilodeau – Senior Planner, Tom Schauer – Senior Planner, and Isaak Staats – Planning Analyst

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## 1. Call to Order

Chair Winfield called the meeting to order at 6:30 p.m.

## 2. Citizen Comments

None

## 3. Minutes

- **March 17, 2022**

Commissioner Tucholsky moved to approve the March 17, 2022 minutes. The motion was seconded by Commissioner McClellan and passed unanimously.

## 4. Public Hearing:

### **A. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-20) and Zone Change, including Planned Development Overlay Designation (ZC 3-20)**

**(Continued from March 17, 2022 PC Meeting)**

***Applicant has requested a continuance to June 2, 2022***

**Request:** Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 37.7 acres of a 90.4-acre property.

The 37.7 acres includes 4.25 acres intended for right-of-way dedication for a future frontage road. The application also shows a portion of the area subject to the map amendment intended for a north-south extension of Cumulus Avenue and future east-west street connectivity.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: The subject site is located at 3310 SE Three Mile Lane, more specifically described at Tax Lot 700, Section 26, T.4S., R 4 W., W.M.

Applicant: Kimco McMinnville LLC, c/o Michael Strahs

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Commissioner Tucholsky MOVED to CONTINUE the hearing for CPA 2-20/ZC 3-20 to June 2, 2022. The motion was seconded by Commissioner McClellan and PASSED unanimously.

**B. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-21) and Zone Change, including Planned Development Overlay Designation (ZC 2-21)**

**(Continued from March 17, 2022, PC Meeting)**

***Applicant has requested a continuance to June 2, 2022***

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-2 (General Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for a property of approximately 8 acres.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: The subject site is located at 3330 SE Three Mile Lane, more specifically described at Tax Lot 600, Section 26, T.4S., R 4 W., W.M.

Applicant: Ken Sandblast, Westlake Consultants, Inc. representing property owner 3330 TML, c/o Bryan Hays

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Commissioner McClellan MOVED to CONTINUE the hearing for CPA 1-21/ZC 2-21 to June 2, 2022. The motion was seconded by Commissioner Tucholsky and PASSED unanimously.

**C. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 2-21) and Zone Change, including Planned Development Overlay Designation (ZC 3-21)**

*(Continued from March 17, 2022, PC Meeting)*

*Applicant has requested a continuance to June 2, 2022*

Request: Approval to amend the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-L (Limited Light Industrial) to C-3 PD (General Commercial with a Planned Development Overlay), for approximately 21.1 acres of an 89.9-acre property, plus an additional 1.5 acres of the 89.9-acre property proposed to be dedicated for right-of-way at the time of development.

The request is submitted per the Planned Development provisions in Section 17.51.010(B) of the Zoning Ordinance, which allows for a planned development overlay designation to be applied to property without a development plan; however, if approved, no development of any kind can occur on the portion of the property subject to the C-3 PD overlay until a final development plan has been submitted and approved in accordance with the Planned Development provisions of the Zoning Ordinance. This requires the application for the final development plan to be subject to the public hearing requirements again at such time as the final development plans are submitted.

Location: The subject site is located at Three Mile Lane and Cumulus Avenue, more specifically described at Tax Lot 100, Section 27, T.4S., R 4 W., W.M.

Applicant: Ken Sandblast, Westlake Consultants, Inc. representing property owner DRS Land, LLC c/o Dan Bansen

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none.

Commissioner Tucholsky MOVED to CONTINUE the hearing for CPA 2-21/ZC 3-21 to June 2, 2022. The motion was seconded by Commissioner McClellan and PASSED unanimously.

**D. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-20) and Zone Change (ZC 1-20)**

*Applicant has requested a continuance to May 19, 2022*

**Request:** An application for a Comprehensive Plan Map Amendment from Residential to Commercial and a Zone Change from County EF-80 to City C-3 (General Commercial) for approximately 1.2 acres of a 50.15-acre property.

The 50.15 acre parcel is within McMinnville’s Urban Growth Boundary (UGB), and it is split by City limits, with approximately 9.5 acres inside City limits and approximately 40.5 acres outside City limits. The proposed map amendment would apply to the northerly 1.2-acre portion of the 9.5 acres within City limits.

The 9.5-acre portion of the property inside City limits has a combination of Comprehensive Plan Map designations and zoning designations: Commercial/C-3 on the front (approximately 7.3 acres), Residential/County EF-80 on the rear (approximately 1.2 acres), and a portion of Floodplain/F-P along the east and north boundaries (approximately 1 acre). The proposed amendment would change the 1.2 acres from Residential/County EF-80 to Commercial/C-3, so all of the nonfloodplain portion inside City limits would then be Commercial/C-3.

The unincorporated portion of the property within the UGB and outside City limits is approximately 40.5 acres. It is within the Floodplain Comprehensive Plan Map designation. It has County EF-80 zoning, with the entirety also being within the County’s Floodplain Overlay Districts. The proposal would not change the Comprehensive Plan designation or county zoning of this unincorporated portion of the parcel.

**Location:** The subject site is located at 3225 NE Highway 99 West, more specifically described at Tax Lot 1500, Section 10, T.4S., R 4W., W.M.

**Applicant:** Cascade Steel Rolling Mills, c/o Jennifer Hudson representing property owner White Top Properties LLC

**Disclosures:** Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Winfield asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. She asked if any Commissioners had visited the site. There was none.

Commissioner McClellan MOVED to CONTINUE the hearing for CPA 1-20/ZC 1-20 to May 19, 2022. The motion was seconded by Commissioner Tucholsky and PASSED unanimously.

**E. Quasi-Judicial Hearing: Zone Change (ZC 1-22), Planned Development (PD 1-21), and Subdivision Tentative Plan (S 1-21)**

**Request:** Proposed Zone Change from R-1 to R-3, Planned Development, and 18-lot Subdivision Tentative Plan for a 3.79-acre parcel.

**Location:** The subject site is located on Meadows Drive, more specifically described at Tax Lot 204, Section 18, T.4S., R 4 W., W.M.

Applicant: Westech Engineering, c/o Josh Wells representing property owner VJ2 Developers  
c/o Don Jones

Disclosures: Chair Winfield opened the public hearing and asked if there was any objection to the jurisdiction of the Commission to hear this matter. There was none. She asked if any Commissioner wished to make a disclosure or abstain from participating or voting on this application. There was none. Chair Winfield asked if any Commissioner needed to declare any contact prior to the hearing with the applicant or any party involved in the hearing or any other source of information outside of staff regarding the subject of this hearing. There was none. She asked if any Commissioner had visited the site. Every Commissioner had, but did not wish to discuss their visits.

Staff Presentation: Senior Planner Bilodeau said this was a request to approve the zone change, planned development, and subdivision for the Elysian Subdivision project. She reviewed the subject site, project summary, site plan, rezone from R-1 to R-3, applicable review criteria, planned development overlay, Great Neighborhood Principles, and comments received from Commissioner Rankin. The concerns from Commissioner Rankin were in regard to the wetlands, setbacks, allowing 25% of the subdivision to be purchased by other entities, specific instructions about the trees, lot size, 20 foot minimum setback for the garage, and zone change. Staff recommended approval of the application subject to the proposed conditions.

Commission Questions: Commissioner Rankin said the driveways were 20 feet, however 10 feet was taken up by the planter strip and sidewalk. That made the driveways 10 feet, and only one vehicle could park there. In a cul-de-sac there would probably be no curb side parking. Senior Planner Bilodeau said the property line started behind the curbs, so the sidewalk and planter strip were in the public right-of-way. The property line was behind those and that was where the 20 feet would start.

Commissioner Rankin said curb side parking for the cul-de-sac might not be available, and she wanted to recognize that parking deficit. She asked if the Fire Department realized parking would be on both sides of the street. Senior Planner Bilodeau said yes, the street section for Fendle Way met the complete streets requirements. She clarified there would be three curb cuts on the cul-de-sac.

Commissioner Rankin asked about the purpose of the zone change, especially with the new missing middle provisions. Senior Planner Bilodeau said the applicant could explain it.

Commissioner McClellan asked about the driveway between lots 7 and 18. Would it also be access to the park? Senior Planner Bilodeau said it would be a private driveway with a public access easement. The public would have access to it, but it would be maintained by the homeowners.

Commissioner McClellan asked about the parking for these two lots. Senior Planner Bilodeau said they would have parking on site. The driveway was more of an access drive.

Commissioner McClellan asked how the property owners would be aware of their responsibility to maintain the driveway. Senior Planner Bilodeau said there would be a clear public access easement and a realtor or the City could provide that information.

Commissioner McClellan asked about the minimum lot size for a duplex. Planning Director Richards said it was less than 6,000 square feet.

Commissioner McClellan said potentially these lots could have duplexes built on them. Could the City require a duplex? Planning Director Richards did not think they could require duplexes. She explained the zone change allowed for more density through a reduction in the side yard setbacks. Fire separation was a building code issue which allowed 6 feet of separation.

Commissioner Randall suggested changing it to a minimum of 25% of the lots would be sold and to eliminate the plastic inserts proposed for the fence.

Commissioner Tucholsky preferred not to have a chain link fence and the irrigation pipe should not be bright white. He wanted to know the percentage of the wetlands that would be preserved. He wanted to make sure the wetlands were being retained for stormwater runoff and wildlife. Senior Planner Bilodeau said the applicant would know that.

Commissioner Tucholsky asked about lighting requirements for the pedestrian access on Fendle Way. Senior Planner Bilodeau said no lighting was proposed, but it could be added to the conditions.

Commissioner Tucholsky thought they should amend the condition for trees to include the applicant would replace trees that were damaged unintentionally.

Applicant's Testimony: Josh Wells, representing the applicant, and Don Jones, applicant, concurred with the conditions. They explained the fence was not intended to have slats in it. They intended to sell the lots off individually and would sell them to both builders and individuals. The wetlands that would be preserved would be a small sliver at the end of the wetlands and a small piece in the park. The rest would be filled in order for the lots to drain properly and to build the streets, lots, and utilities. They explained the new stormwater drainage plan and the areas that would be replanted. They could put in a black irrigation pipe. They described the proposed lighting along the streets and sidewalks. There would be "no parking" signs on the driveway.

Proponents: None

Opponents: Charlene Dolan, McMinnville resident, lived in this area. They had very wet backyards and she was concerned about the fill creating more flooding or other water issues. She did not see the need for this development when there were many houses being built on the other side of Baker Creek Road. This development was being placed on top of Cozine Creek and she did not think mitigation would compensate for losing this water area. Traffic signals along Baker Creek would be needed for the traffic trying to get on Baker from the adjacent streets.

Planning Director Richards explained the plans for a signal at the intersection of Baker Creek and Michaelbook.

Sherry Belding, McMinnville resident, was concerned about the parking on the cul-de-sac and the small lots. She thought this would add more of what they already had in the City. She did not think there was any variety. She was not in favor of the zone change, which she thought would cause a lot of congestion.

Dominique Marcelli, McMinnville resident, was concerned about Meadows Drive going through Baker Creek to Wallace, particularly the traffic and negotiating the left turn off of Meadows Drive onto Wallace. He suggested that those living in this development could exit onto Baker Creek and the barrier that was there now could remain to make Meadows safer. Putting stop signs on Wallace would also help. He collected 25 signatures from neighbors who agreed with these suggestions.

Preston Probasco, McMinnville resident, was concerned about speeding, lowering property values, effects of reducing the wetlands, and safety of the left hand turn from Meadows onto Wallace. Planning Director Richards explained the Transportation System Plan model for this area. She was aware of the concerns about Wallace, however she thought more people would use Baker Creek than Wallace.

Rebuttal: Mr. Wells said regarding traffic on Meadows, it was part of the TSP as a minor arterial and they would follow that plan. Regarding the stormwater and drainage, they would be meeting the City's stormwater design standards as well as DEQ's and national standards. He explained how they proposed to take care of the stormwater drainage so it would not affect any of the neighboring lots. Regarding lot size, there were lots nearby that were smaller than what they were proposing. This application provided a mixture of lot sizes for variety. The only way they could get to the preferred lot sizes with some flexibility on side yards was the zone change to R-3.

Chair Winfield closed the public hearing.

The applicant waived the 7 day period for submitting final written arguments in support of the application.

Deliberation: Commissioner Banagay asked about flooding in the neighborhood and if this application would exacerbate the issue. Planning Director Richards said part of the review process was the applicant would have to show how they were going to handle the stormwater runoff. The changes the developer was going to make to the existing drainage occurring on the site and wetland, they would need to show where that water would go and be held. It would be reviewed and approved by the Engineering Department.

Commissioner Tucholsky thought the applicant had done their due diligence and the Engineering Department would follow the requirements, however there was a significant amount of water in this area already and he was concerned that this project would enhance the problem. He suggested the drainage be looked at again by the Engineering Department. Planning Director Richards suggested continuing the deliberation to the next meeting for staff to come back with additional conditions of approval. During that time, they could also ask Engineering staff about another review.

Commissioner Rankin MOVED to CONTINUE the hearing for ZC 1-22/PD 1-21/S 1-21 to May 19, 2022. The motion was seconded by Commissioner Tucholsky and PASSED unanimously.

## 5. Action Items

### **One Year Land-Use Decision Extension for Partition MP 1-20**

Request: One year land use decision extension for Partition MP 1-20

Location: The subject site is located on Riverside Dr. between Miller St. and Colvin Ct., more specifically described as Parcel 3, Partition Plat 2001-35; Tax Lot 3402, Section 15, T.4S., R 4 W., W.M.

Applicant: Bryce Roberts on behalf of Trumpt LLC

Planning Director Richards said staff approved administratively a minor partition in 2020. Minor partition approvals were only good for a year. The code allowed for staff to administratively approve a one year extension, but if the applicant needed additional time it had to come to the Planning Commission. The applicant had already received a one year extension in 2021 and was requesting another extension. Staff recommended approval.

There was discussion regarding the reasons for the expiration and why the extension was being requested.

Dan Domicic, representing the applicant, explained how they were making progress on the project.

Commissioner McClellan MOVED to APPROVE the one year land-use decision extension for Partition MP 1-20 to April 25, 2023. The motion was seconded by Commissioner Rankin and PASSED unanimously.

#### **6. Commissioner Comments**

None

#### **7. Staff Comments**

Planning Director Richards said the current City Attorney would be resigning and going to the City of Wilsonville and Spencer Parsons would be filling in.

#### **8. Adjournment**

Chair Winfield adjourned the meeting at 8:41 p.m.

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Heather Richards  
Secretary