

# MINUTES

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**July 21, 2022**  
**Planning Commission**  
**Regular Meeting**

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

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

**Members Absent:** Sylla McClellan and Lori Schanche

**Staff Present:** Heather Richards – Planning Director and Tom Schauer – Senior Planner

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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

- **April 21, 2022**
- **May 19, 2022**

Commissioner Tucholsky moved to approve the April 21 and May 19, 2022 minutes. The motion was seconded by Commissioner Rankin and passed unanimously.

## 4. Public Hearing:

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

**(Continued from June 16, 2022 Meeting)**

***Applicant has requested a continuance to September 1, 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 non-floodplain 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 4 W., W.M.

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

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

**B. Quasi-Judicial Hearing: Comprehensive Plan Map Amendment (CPA 1-22) and Zone Change (ZC 2-22)**

**Request:** An application for a Comprehensive Plan Map Amendment from Industrial to Commercial and a Zone Change from M-1 (Light Industrial) to C-3 (General Commercial) for property of approximately 0.9 acres.

**Location:** The subject site is located at 455 NE Irvine Street, more specifically described at Tax Lots 2400 & 2601, Section 21 BD, T.4S., R 4 W., W.M.

**Application:** Steve Elzinga, Sherman Johnnie & Hoyt, LLP (Property owner Carlton Hub, LLC, c/o Kellan Lancaster)

**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.

Commissioner Tucholsky visited the site and introduced himself to the wine maker.

Staff Presentation: Senior Planner Schauer said this was a request for a Comprehensive Plan Map amendment from Industrial to Commercial and a zone change from M-1 (Light Industrial) to C-3 (General Commercial) for a property of approximately .9 acres on Irvine Street. Staff found that the applicable criteria were satisfied and recommended approval of the application. He discussed the additional exhibits that were entered into the record. He described the subject site, existing/proposed Comprehensive Plan Map designations, existing/proposed Zoning Map designations, existing/proposed zoning, NE Gateway Zone overlay standards, and applicable criteria.

Commission Questions: Commissioner Randall said the property was listed as a historic resource. Did the building still retain the original exterior or had there been modifications? Would there be restrictions on any use of the property from remodeling the exterior? Senior Planner Schauer said any exterior alterations to the structure would require historic review. Most of the north-easterly portion of the structure was the original and there was an addition on the westerly side that provided a false façade that screened the warehouse.

Commissioner Tucholsky asked why this property was just now changing to commercial. Senior Planner Schauer said at the time the NE Gateway District was adopted, the site was being used as a winery and tasting room which was an industrial use that continued instead of changing to commercial.

Applicant's Testimony: Steve Elzinga and Frank Foti, gave a background on the applicants. They agreed with the staff recommendation that the application met all of the decision criteria. They loved the historical significance of the building and that it was a community hub. They had a tenant currently that utilized half of the building as a winery and were working on other uses for the rest of the building. They wanted to have full food service opportunities, which required the commercial zoning. The property was an island of industrial zoning surrounded by commercial zoning. They then discussed the criteria.

Public Testimony: None

Rebuttal: None

Chair Winfield closed the public hearing.

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

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and evidence in the record, Commissioner Tucholsky MOVED to RECOMMEND the City Council APPROVE CPA 1-22/ZC 2-22 subject to the conditions of approval; SECONDED by Commissioner Rankin. The motion PASSED unanimously.

**C. Quasi-Judicial Hearing: Planned Development Amendment (PDA 3- 22), Large Format Commercial Review with Waivers (LFW 1-22), Landscape Plan Review (L 6-22), and Partition (MP 1-22)**

Request: The applications are submitted as part of a proposal to develop a new Burger King restaurant with a drive-through on the subject property. The applications are being considered concurrently through a consolidated review process.

**PDA 3-22.** The subject property is within an existing Planned Development Overlay District that also includes other surrounding commercial property. The proposal includes revisions to the master plan approved as part of the Planned Development, which requires approval of a Planned Development Amendment.

**LFW 1-22.** The property has certain shared features, including access, with a large format commercial building, which also requires review and compliance with the large format commercial standards for this proposal. The applicant's proposal includes a request for waivers to certain standards.

**L 6-22.** The proposal includes a landscape plan, which is required for commercial development.

**MP 1-22.** The proposal would partition the subject 1.8-acre parcel into two parcels, with the northerly 0.94-acre parcel being the site of the proposed Burger King restaurant, and the southerly 0.86-acre parcel being a vacant parcel, which would also include an access point and easement to the northerly parcel.

**Location:** The subject site is located at the southwest corner of Booth Bend Road and Highway 99, more specifically described at Tax Lot 300, Section 29 CA, T.4S., R 4 W., W.M.

**Applicant:** InSite Real Estate Investment Properties LLC, c/o Andrew Johnson (Property owner Richard D. Rice)

**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.

Commissioner Tucholsky visited the site.

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.

**Staff Presentation:** Senior Planner Schauer said these were multiple applications in conjunction with development of a Burger King restaurant with drive-through. Staff found that the applicable criteria were satisfied with conditions and recommended approval. He entered additional exhibits into the record. He described the subject site, zoning, existing/approved PD Master Plan, proposed PD Master Plan, proposed partition tentative plan, proposed site plan, proposed landscape plan, proposed elevations, and key issues/conditions.

**Commission Questions:** Commissioner Randall asked if there was a requirement for two points of ingress/egress. Senior Planner Schauer said no, there was not.

**Applicant's Testimony:** Andrew Johnson, representing the applicant, said they planned to use the parapets to screen the mechanical equipment. If that changed in the final design, they would make sure the equipment was screened. They were comfortable with all of the conditions.

Public Testimony: None

Rebuttal: None

Chair Winfield closed the public hearing.

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

Commissioner Rankin suggested the use of permeable pavement where possible.

Commissioner Tucholsky asked about the timing of the traffic signal on Booth Bend Road and 99W, especially since this would add more traffic. Planning Director Richards said they could request ODOT look at the timing, although it could take a few years to get it changed.

Commissioner Randall was concerned about the current traffic on Booth Bend Road and the right in, right out proposed for the Burger King site. He thought it should be eliminated. Planning Director Richards said she could go back to the Engineering and Fire Departments to make sure there were no concerns about closing that access. Closing it would put more pressure on the other access point coming out of Lowe's.

Mr. Johnson understood the traffic concerns and planned to work with staff to address them.

Chair Winfield noted there were a lot of conditions for these applications to work with staff, and staff time was already limited. She thought a lot of them could have been met prior to the hearing.

Mr. Johnson said they would be amending the application from a waiver to a review of the large format commercial design standards. They applied for four applications at once, which was a robust process with many conditions to meet.

Based on the findings of fact, conclusionary findings for approval, materials submitted by the applicant, and evidence in the record, Commissioner Langenwaller MOVED to RECOMMEND the City Council APPROVE PDA 3- 22/LFW 1-22/L 6-22/MP 1-22 subject to the conditions of approval and an added condition that the mechanical equipment would be screened; SECONDED by Commissioner Randall. The motion PASSED unanimously.

## 5. Action Item

### A. Oak Ridge Meadows Land Use Extension Request (S 3-18)

Request: This is the second request for a land-use decision extension for Oak Ridge Meadows Development, Docket S 3-18, a Tentative Subdivision. The applicant is now requesting an additional year extension to August 22, 2023.

Location: Generally north of Baker Creek Road and the multi-phased Oak Ridge residential development, and south of Baker Creek (Tax Lot 1300, Section 17, T. 4 S., R 4 W., W.M. and Tax Lot 602, Section 7, T. 4 S., R 4 W., W.M.)

Applicant: Lori Zumwalt, Premier Development, LLC

Disclosures: Chair Winfield 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.

Commissioner Tucholsky visited the site.

Planning Director Richards said this was approval of a land use extension letter. The code allowed the Planning Director to approve a one year extension on a land use decision but if a second one year extension was needed, it had to come to the Planning Commission. The delay was due to the complexities of the site with a wetland mitigation and road construction.

Lori Zumwalt, applicant, said they were in full swing of construction right now, however everything would not be completed by August 22, and she needed an extension.

Commissioner Tucholsky asked about the proposed chip path and meeting ADA requirements. Ms. Zumwalt said it was not required to be an ADA path. Planning Director Richards said it would be part of the park system and there would be ADA access points along the path.

Commissioner Tucholsky MOVED to APPROVE S 3-18, extension of the Oak Ridge Meadows development to August 22, 2023; SECONDED by Commissioner Langenwalter. The motion PASSED unanimously.

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

None

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

None

#### **8. Adjournment**

Chair Winfield adjourned the meeting at 7:51 p.m.

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Heather Richards  
Secretary