



City of McMinnville
Planning Department
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MINUTES

July 20, 2017
Planning Commission
Regular Meeting

6:30 pm
McMinnville Civic Hall, 200 NE 2nd Street
McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Erin Butler, Susan Dirks, Gary Langenwalter, Roger Lizut, Lori Schanche, and Erica Thomas

Members Absent: Martin Chroust-Masin and Zack Geary

Staff Present: Chuck Darnell – Associate Planner, David Koch – City Attorney, and Heather Richards – Planning Director

*Note – Due to technical difficulties, the audio recording of the July 20, 2017 Planning Commission did not record and save properly. No audio recording exists for the July 20, 2017 meeting.

1. Call to Order

Chair Roger Hall called the meeting to order at 6:30 pm.

2. Citizen Comments

None.

3. Approval of Minutes:

A. May 18, 2017 Work Session

Chair Hall called for action on the Planning Commission minutes from the May 18, 2017 Work Session. Commissioner Schanche MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Dirks. Motion CARRIED 7-0.

B. May 18, 2017 Public Hearing

Chair Hall called for action on the Planning Commission minutes from the May 18, 2017 meeting. Commissioner Schanche MOVED to APPROVE the minutes as presented; SECONDED by Commissioner Dirks. Motion CARRIED 7-0.

4. Public Hearing (Quasi-Judicial)

A. Conditional Use Permit (CU 3-17)

Request: Approval of a conditional use permit to allow for the expansion of the existing Parkland Village Assisted Living Facility. The expansion would allow for the addition of 24 units to the overall facility, resulting in a total of 74 units between the existing and proposed new buildings.

Location: 3121 NE Cumulus Avenue and more specifically described as Tax Lot 100, Section 22DD, T. 4 S., R. 4 W., W.M.

Applicant: RJ Development

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

Chair Hall 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.

Chair Hall asked if any Commissioner had visited the site. If so, did they wish to discuss the visit to the site? Most of the Commission had visited the site. There was no discussion regarding the visits.

Associate Planner Darnell presented the staff report. This was a request for approval of a Conditional Use Permit to allow for the expansion of the existing Parkland Village assisted living facility located on Cumulus Avenue. The facility would be expanded by 24 units for a total of 92 residential beds. He explained the site location and surrounding area. The site was zoned R-4 PD. The property had been rezoned previously to allow for the assisted living facility to operate. The expansion would be occurring on the north side of existing facility, and it would be 23,134 square feet in size. Parking was based on the number of residential beds in the facility and based on the number of beds after the expansion, they would be required to have 46 spaces. The applicant was proposing to add 4 spaces to the site to bring the total number of parking spaces up to 49, which exceeds the minimum required parking.

Associate Planner Darnell explained that the expansion would be consistent with the existing use. As a residential care facility, the intensity of the use was low and should not have a significant increase in traffic, especially as the residents did not drive. There was a stream that ran along the north side of the property that connected with the Yamhill River and there were many trees on site. The applicant intended to preserve as much of the natural area as possible. A portion of the property was located in the flood plain, but the construction was not located in that area. There were steep slopes on the site on the north side of the property. A geotechnical report had been completed to evaluate the soil. The report identified a 35 foot setback area which was identified in the site plan, as well as recommendations for construction techniques to allow for safe construction within the setback area. Staff recommended a condition of approval regarding the geotechnical report. They included that the construction of the expansion would follow any recommendations from the geotechnical report that the Building Official deemed necessary.

Associate Planner Darnell explained that there were a number of mature trees on the property. The applicant had submitted a tree inventory that identified which trees would need to be removed during the construction of the expansion. 19 trees were identified to be removed. The site contained other mature trees in close proximity to the construction site, so staff recommended that a condition of approval be included to require protection of those trees during construction.

Associated Planner Darnell explained that there were a number of assisted living facilities in this area and the proposed expansion was compatible with the surrounding development pattern. There were single family residential uses to the west. To mitigate for that, a condition of approval was recommended to require that landscaping would be installed along the west to provide screening. The proposed expansion was a single story building and should not have bulk or large visual impact on the adjacent properties. It should also be a quiet facility and there should not be any noise issues. The design would be consistent with the existing building and staff recommended a condition that the design and elevations be provided at the time of the building permit. Landscaping would be required and the landscape plan would be reviewed by the Landscape Review Committee.

Associate Planner Darnell explained that the applicant had worked with the McMinnville Fire Department to ensure that the expanded facility would meet all fire code and emergency access requirements. In order to achieve adequate fire access, an emergency fire route was added around the east and north side of the existing building to provide emergency fire access to the new building on the north side of the site. The applicant has stated that they will design the fire access route to operate as a pedestrian walkway when not being used for emergency access, with the installation of grasscrete and bollards at the entrance to enhance the aesthetics of the fire access route and make it appear to be more of a pedestrian walkway. Staff recommended approval of the application.

Commission Dirks expressed some concern with the number of trees being removed from the site, and asked whether they would be required to replace the trees. Associate Planner Darnell stated that there is no specific requirement that they replace every tree that they remove, but that a landscape plan would need to be submitted and may include trees.

Commissioner Schanche also was concerned with the proposed tree removals, but understood the need for removal. She asked whether the condition related to the protection of trees could be amended to ensure better protection of the trees that would remain.

Commissioner Langenwaller asked about the geotechnical report and to what level of a seismic event the geotechnical analysis considered.

Commissioner Butler asked about the pedestrian walkways around the building and how they would be designed for safety near the top of the steep slope. Associate Planner Darnell stated that the applicant could provide more information on the design of the walkways.

Applicant: Josh Snodgrass was representing the Parkland Village Assisted Living facility. Their demand study had shown that assisted living facilities were a need in the community, and they wanted to explore options for adding additional units. Their updated analysis and geotechnical materials provided information on what would be required to expand the footprint of the facility near the steep slope on the north side of the property. They were willing to follow any

recommendations as may be required by the Building Official. They intended to preserve as much of the existing natural areas and trees as possible, and the building would be completely out of the flood zone.

Mr. Snodgrass stated that the pedestrian walkways near the steep slope would have barriers to prevent anyone from falling down the steep slope. These barriers would be required by the State of Oregon, who oversees the licensing and inspections of this type of assisted living facility. The applicant intends to comply with all safety and health standards that are required for this type of facility. This would be a low impact development. It would be a one story building and they were keeping the current architecture of the existing building.

Commissioner Dirks asked whether any other building footprints were explored to preserve natural areas on the site. Mr. Snodgrass stated that they explored many options, but to fit the number of units they were hoping for, the proposed layout was the best for the constrained site. They made every attempt to avoid construction near the steep slope, and have only one corner of the building encroaching into a 10 foot setback area as recommended by the geotechnical engineer.

Proponents and Opponents: None.

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

Chair Hall closed the public hearing.

Commissioner Dirks stated that she would not be voting in favor of the application, based on the proposed location near the steep slope and the fact that it impacted the surrounding natural environment and resulted in the loss of mature trees.

Commissioner Langenwaller asked if the Planning Commission could include an additional condition of approval to require that the building be constructed to withstand a high magnitude earthquake. Planning Director Richards stated that the City is required to follow the Oregon State Building Code, and they cannot require any construction above the minimum standards in the building code. Staff explained that the City would continue to rely on the Building Official to determine what is meeting minimum building code requirements, and that the recommendations from the geotechnical report would be followed as required by the building official.

Commissioner Schanche stated that she agreed with Commissioner Dirks and had concerns about the trees being removed.

Commissioner Thomas stated that she was comfortable with allowing the tree removals because the removals would be limited to the area required for the construction site and she did not feel it was realistic to leave mature trees in very close proximity to the new building that would be constructed.

Commissioner Schanche stated that she was more concerned with the protection of trees that would be remaining. Associate Planner Darnell stated that the condition related to tree protection could be amended to require protection within the critical root zone of all trees in close proximity to the construction site, rather than requiring protection within the dripline as the

condition was originally proposed by staff. Commissioner Schanche stated that she was supportive of that amendment.

Commissioner Lizut stated that he was no longer a licensed engineer, but after years of professional experience in that field, he believed that the geotechnical analysis provided was sound and would allow for construction to the highest engineered standards available. He was comfortable with the condition that the applicant would be required to follow the recommendations from the geotechnical report, as determined by the Building Official.

Chair Hall stated that he appreciated the concerns with the removal of trees and natural areas, but that the overall project satisfies other criteria and is a needed housing product in the city.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the applicant, Commissioner Schanche MOVED to approve CU 3-17 subject to the staff recommended conditions of approval and the amendment related to the tree protection condition. SECONDED by Commissioner Thomas. The motion CARRIED 6-1, with Commissioner Dirks voting in opposition.

B. Zoning Text Amendment (G 3-17)

Request: Approval to amend Ordinance No. 4401, which is the existing Historic Preservation Ordinance. The amendments will result in the creation of a Historic Preservation chapter of the McMinnville Zoning Ordinance. A majority of the amendments are being proposed to ensure consistency with updated Oregon Administrative Rules (OAR 660-023-0200) related to the protection of historic resources, including protection of National Register historic resources, owner consent processes, updated application review criteria, and updated standards and guidelines for the alteration of historic landmarks. Another amendment being proposed is the creation of a certificate of approval process to ensure that proposed alterations meet the historic preservation requirements.

Applicant: City of McMinnville

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

Associate Planner Darnell provided a staff report on the proposed zoning text amendments. The amendments being proposed included amendments to the existing Historic Preservation ordinance (Ordinance No. 4401), the Downtown Design Standards and Guidelines chapter (Chapter 17.59), and the Applications and Review Process chapter (Chapter 17.72) of the McMinnville Zoning Ordinance. The majority of the proposed amendments to the City's Historic Preservation regulations and program were triggered by recent updates to the Oregon Administrative Rules (OAR) related to the preservation of historic resources. The Historic Landmarks Committee had reviewed these updates to the OAR language, and had oversaw the development of the proposed zoning text amendments. At their June 28, 2017 meeting, the Historic Landmarks Committee endorsed and recommended approval of the zoning text amendments that are being presented to the Planning Commission.

Associate Planner Darnell explained the proposed repealing of the existing Historic Preservation ordinance and the adoption of a new Historic Preservation chapter within the McMinnville Zoning Ordinance. Much of the existing ordinance language would remain, but would be reformatted to fit into the Zoning Ordinance. The amendments to the Historic Preservation chapter to ensure consistency with the updated OARs included new review criteria for historic resource designation, definitions and processes related to owner consent, updated preservation standards and guidelines based on the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, and processes for the protection of national register resources.

Associate Planner Darnell explained another amendment to the Historic Preservation chapter, which was the removal of the building permit clearance process and creation of a certificate of approval process. Many of the historic preservation standards and guidelines apply to alterations that can be completed without a building permit, and the review of these types of alterations was only triggered if a building permit was required. This had resulted in alterations occurring that were inconsistent with standards and with the historic character of historic landmarks throughout the city. The certificate of approval process would correct for this by requiring the review of any exterior alteration that results in a change in design, materials, or appearance. The Planning Director would have the ability to determine whether a proposed alteration results in a change in design, materials, or appearance.

Associate Planner Darnell explained that a similar issue existed in the review process for the Downtown Design Standards and Guidelines, in that the review was only triggered by a building permit. Therefore, the proposed amendments to the Downtown Design Standards and Guidelines chapter (Chapter 17.59) would result in the provisions of the chapter applying to any exterior building or site alteration. The Planning Director would again have the ability to determine whether any proposed alteration would be subject to review, and would also have the ability to approve minor alterations. Major alterations would be reviewed by the Historic Landmarks Committee. Finally, Associate Planner Darnell explained some amendments to the Applications and Review Process chapter (Chapter 17.72) that were required to be consistent with the amendments being made to the various historic preservation and downtown design processes. Staff recommended that the Planning Commission recommend approval of the zoning text amendments to the City Council.

Commissioner Langenwaller asked for clarification on the criteria that must be met in order for a property owner to request and automatically be granted removal from a local inventory. Staff responded that the language proposed related to the owner consent process was intended to be the exact same as is included in the updated Oregon Administrative Rules. Staff checked the language in the Oregon Administrative Rules and realized that a minor type existed, which could be amended prior to consideration by the City Council.

Chair Hall closed the public hearing.

Based on the findings of fact, conclusionary findings for approval, and materials submitted by the City of McMinnville, Commissioner Schanche MOVED to recommend approval of G 3-17 to the City Council, subject to the amendment related to consistency with the Oregon Administrative Rules. SECONDED by Commissioner Thomas. The motion CARRIED 7-0.

5. Old/New Business

None.

6. Commissioner Comments

None.

7. Staff Comments

None.

8. Adjournment

Chair Hall adjourned the meeting at 8:10 p.m.



Heather Richards
Secretary