

**ORDINANCE NO. 5058**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION FROM INDUSTRIAL TO RESIDENTIAL ON AN EXISTING PROPERTY AND LOT OF RECORD, AND REZONING SAID PROPERTY FROM M-1 (LIGHT INDUSTRIAL) TO R-4 (MULTIPLE-FAMILY RESIDENTIAL).**

**RECITALS:**

The Planning Department received applications (CPA 1-18 / ZC 1-18) from Daniel Danicic requesting approval of a Comprehensive Plan Map amendment and Zone Change on portions an existing lot of record. The applicant requested that the parcel be amended from an Industrial Comprehensive Plan Map designation to a Residential designation. Concurrent with that request, the applicant requested approval of a zone change on the parcel, rezoning the parcel from M-1 (Light Industrial) to R-4 (Multiple-Family Residential); and

The subject site is located at 1601 NE McDaniel Lane, and is more specifically described as Tax Lot 7100, Section 16DB, T. 4 S., R. 4 W., W.M.; and

A public hearing was held on July 19, 2018 and August 16, 2018, both at 6:30 p.m., before the McMinnville Planning Commission after due notice had been provided in the local newspaper on August 7, 2018, and written notice had been mailed to property owners within 300 feet of the affected property; and

At said public hearings, testimony was received, the application materials and a staff report were presented, and applicant and public testimony was received; and

The Planning Commission, being fully informed about said requests, found that the requested amendments conformed to the applicable Comprehensive Plan goals and policies, as well as the comprehensive plan amendment and zone change review criteria listed in Section 17.74.020 of the McMinnville Municipal Code based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibits A and B; and

The Planning Commission recommended approval of said comprehensive plan amendment and zone change to the Council;

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

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

1. That the Council adopts the Findings of Fact, Conclusionary Findings, Decision and Conditions of Approval as documented in Exhibits A and B; and
2. That the comprehensive plan map designation for the property is hereby amended from Industrial to Residential; and
3. That the property is hereby rezoned from M-1 (Light Industrial) to R-4 (Multiple-Family Residential), subject to the following conditions:

1. That the rezoning be contingent on the Comprehensive Plan Map amendment request (CPA 1-18) being approved by the McMinnville City Council.
2. That a dedicated 10 foot landscaped area be provided along the entire west property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single family uses and the multiple-family site. No improvements shall encroach on the dedicated landscaped area. The exact species and type of fencing shall be approved by the Landscape Review Committee during the review of the landscape plan for any future development of the site.
3. That a dedicated 20 foot landscaped area be provided along the entire south property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 20 foot landscaped area to provide adequate buffering between the multiple-family residential uses and the adjacent railroad corridor. No improvements shall encroach on the dedicated landscaped area, with the exception of a trash enclosure. The exact species and type of fencing shall be approved by the Landscape Review Committee during the review of the landscape plan for any future development of the site.
4. Yard setbacks shall be increased one foot for each foot of building height over thirty-five feet.
5. If the site is developed as multi-family residential, an additional area equivalent to 7 percent of the gross area of the site (or 3,048 square feet) shall be reserved for usable open space for residents of the multiple-family development site. The usable open space area shall be in addition to the required landscape areas along the west and south property lines. The usable open space area shall also be a contiguous area with each dimension being at least 15 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.
6. That, based on the analysis provided in the submitted Traffic Impact Analysis (TIA) (June 25, 2018) and the Transportation Planning Rule memo (June 22, 2018) prepared for the applicant by Associated Transportation Engineering & Planning, Inc., the residential density allowed on this subject site shall be limited to a use that generates a maximum total of 176 trips per day (ADT) as referenced in the Transportation Planning Rule memo (June 22, 2018) unless a subsequent TIA is submitted by the applicant and the conclusions of which are found to be acceptable to the City.

Passed by the Council this 11<sup>th</sup> day of September 2018, by the following votes:

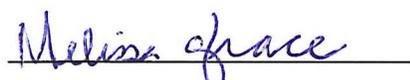
Ayes: Drabkin, Garvin, Menke, Peralta, Stassens

Nays: \_\_\_\_\_

  
MAYOR

Attest:

Approved as to form:

  
CITY RECORDER

  
CITY ATTORNEY



**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128**

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**DECISION, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A COMPREHENSIVE PLAN MAP AMENDMENT FROM AN INDUSTRIAL DESIGNATION TO A RESIDENTIAL DESIGNATION AT 1601 NE MCDANIEL LANE**

- DOCKET:** CPA 1-18 (Comprehensive Plan Map Amendment)
- REQUEST:** Approval to amend the Comprehensive Plan Map designation of a property from Industrial to Residential to allow for the development of residential uses on the subject site.
- LOCATION:** The subject site is located at 1601 NE McDaniel Lane, and more specifically described as Tax Lot 7100, Section 16DB, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site's current zoning is M-1 (Light Industrial).
- APPLICANT:** Daniel Danicic
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** June 5, 2018
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** July 19, 2018 and August 16, 2018. Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- DECISION MAKING BODY:** McMinnville City Council
- DATE & TIME:** September 11, 2018. Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- APPEAL:** An action or ruling of the City Council may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of the decision is mailed.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the Comprehensive Plan Map amendment (CPA 1-18) to the McMinnville City Council.

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**DECISION: APPROVAL**  
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City Council: Scott A. Hill Date: 9/13/2018  
Scott Hill, Mayor of McMinnville

Planning Commission: Roger Hall Date: 9/18/2018  
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: [Signature] Date: 9/17/18  
Heather Richards, Planning Director

**APPLICATION SUMMARY:**

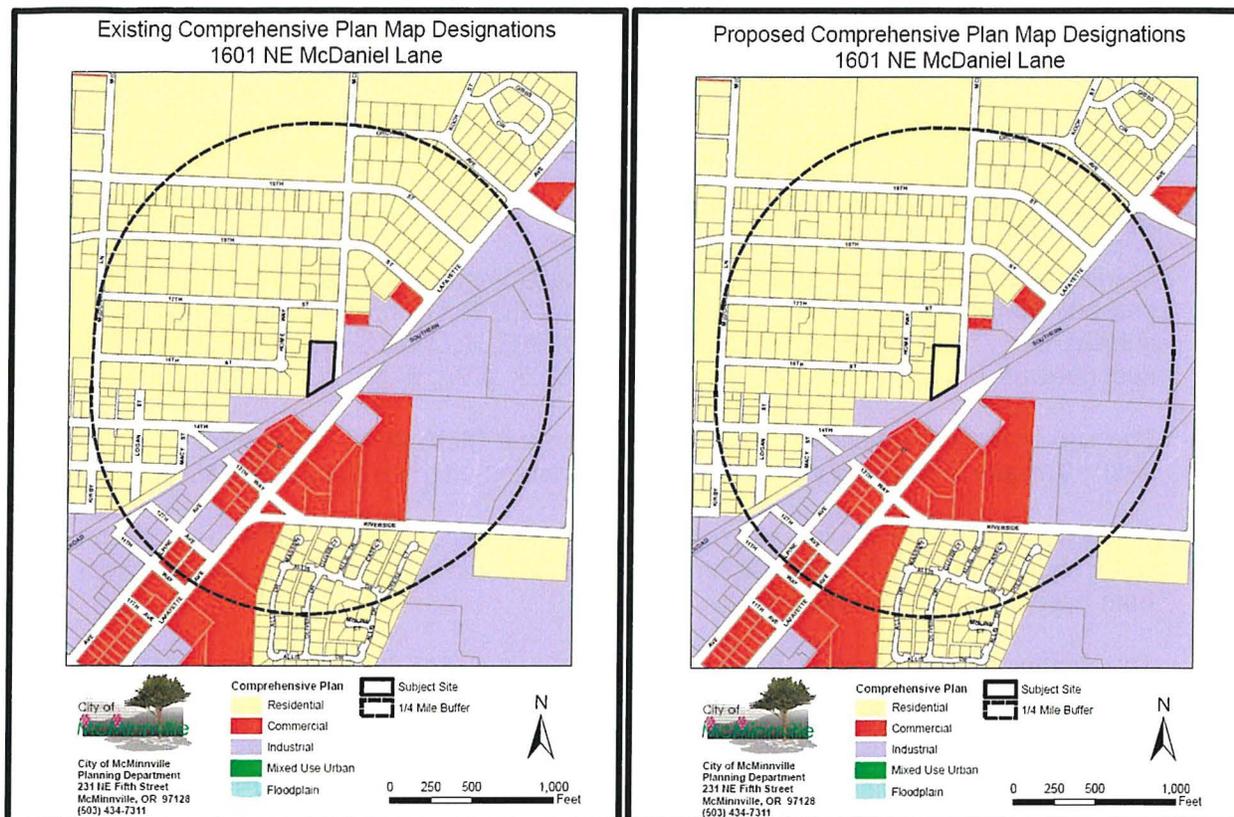
The application is a request to amend the Comprehensive Plan Map designation of the property at 1601 NE McDaniel Lane from Industrial to Residential to allow for the development of residential uses on the subject property.

The subject site is currently used industrially as a concrete contractor's shop and storage yard. The site is developed with one building on the southern portion of the site, and the remaining northern portion of the site is open gravel area used as parking and equipment and material storage. The site is bounded on the east by NE McDaniel Lane and on the south by the Southern Pacific Railroad corridor. To the east across NE McDaniel Lane is a vacant industrially zoned property, and to the south across the railroad corridor is another industrial property that is in the process of being redeveloped into a marijuana processing and production facility. The property to the north is zoned R-4 (Multiple-Family Residential) and the existing use is a single story apartment complex. The property to the west is zoned R-2 (Single Family Residential), with existing single family homes immediately adjacent to the subject site in the Montrose Subdivision.

The subject site is identified below:



Reference maps showing the existing and proposed Comprehensive Plan Map designations of the subject site and the surrounding properties are provided below:



## ATTACHMENTS:

1. CPA 1-18 Application and Attachments (on file with the Planning Department)
2. Public Testimony – Jody & Tricia Fisher via email on July 17, 2018 (on file with the Planning Department)

## COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

- McMinnville Engineering Department

We have reviewed proposed CPA 1-18 / ZC 1-18, and note the following:

- The submitted information from the applicant's traffic engineer indicate that the proposed zone change will not significantly impact the transportation system; and
- The adopted Wastewater Conveyance System Master Plan anticipated an industrial flow contribution of 12 dwelling unit equivalents (EDU's) from this site. The 12 additional units (24 units total) under the proposed zone change will not significantly impact the City's wastewater system.

## **Additional Testimony**

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, August 7, 2018. As of the date of the Planning Commission continued public hearing on August 16, 2018, one item of public testimony had been received by the Planning Department. That testimony was provided by Jody and Tricia Fisher at 1508 NE 16<sup>th</sup> Street, and was in opposition to the requests based on the potential height of the apartment buildings, the loss of privacy, and more traffic and noise from the development.

## **FINDINGS OF FACT**

- A. Daniel Danicic requested an amendment to the Comprehensive Plan Map designation of a property from Industrial to Residential to allow for the development of residential uses on the subject site. The subject site is located at 1601 NE McDaniel Lane and is more specifically described as Tax Lot 7100, Section 16DB, T. 4 S., R. 4 W., W.M.
- B. The site is currently designated as Industrial on the McMinnville Comprehensive Plan Map, 1980. The site is currently zoned M-1 (Light Industrial) on the McMinnville Zoning Map.
- C. Sanitary sewer and municipal water and power can adequately serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
- D. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. No comments in opposition were provided to the Planning Department.
- E. Notice of the application was provided by the City of McMinnville to property owners within 300 feet of the subject site, as required by the process described in Section 17.72.120 (Applications–Public Hearings) of the McMinnville Zoning Ordinance. Notice of the public hearing was also provided in the News Register on Tuesday, August 7, 2018. One item of public testimony was provided to the Planning Department, which is referenced in this document and on file with the Planning Department.
- F. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

## **CONCLUSIONARY FINDINGS:**

### **McMinnville’s Comprehensive Plan:**

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

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

*Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing*

*shall be located and developed according to the residential policies in this plan and the land development regulations of the City.*

**Finding:** Goal V 1 and Policies 58.00 and 59.00 are met by this proposal in that the amendment of the Comprehensive Plan Map designation of the subject site will allow for more opportunity for a variety of housing types, and for more opportunities for multiple-family housing development.

The most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was finalized in November 2013, identified a surplus of industrial land within the McMinnville Urban Growth Boundary. The surplus was identified at an amount of 235.9 acres, as shown in Figure 26 from the Economic Opportunities Analysis below:

**Figure 26. Comparison of Land Demand to Supply (2013-33)**

	Acres by Plan Designation			Comments
	Commercial	Industrial	Total	
<b>Vacant Land Demand</b>				Based on 2013-33 jobs forecast
Commercial	164.6	-	164.6	Commercial retail & service need
Industrial	-	145.1	145.1	Manufacturing & related sectors
Institutional	2.2	8.0	10.2	62% of need w/per job method
<b>Totals</b>	<b>166.8</b>	<b>153.2</b>	<b>319.9</b>	Employment land demand
<b>Available Land Supply</b>				Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0	Revised per BLI update 7/13
<b>Surplus/(Deficit)</b>	<b>(35.8)</b>	<b>235.9</b>	<b>200.1</b>	As of 2033 forecast year

Notes: All acreage figures are rounded to nearest 1/10<sup>th</sup> of an acre.  
 Source: E. D. Hovee & Company, LLC.

Additionally, the applicant refers to the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a deficit of over 1,000 acres of land for housing in Table B-11 of Appendix B. More specifically, the analysis identified a need of 162 acres of R-4 (higher density) zoned land. The planning horizon in the 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan was 2020, and since the time of that analysis, approximately 56.2 acres of land have been rezoned to R-4 (Multiple-Family Residential).

The applicant has argued that the Comprehensive Plan Map amendment is justified, given that the slight reduction in industrial land will not impact the surplus of industrial land identified in the 2013 Economic Opportunities Analysis and the additional residential land will result in a reduction in the deficit of residential land identified in the 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan. Therefore, the Comprehensive Plan goals and policies related to the provision of opportunities for the development of a variety of housing types and densities (Policy 58.00) and opportunities for multiple-family developments to encourage lower-cost housing (Policy 59.00) would be satisfied by the proposed Comprehensive Plan Map amendment.

**GOAL V 2:** TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND-INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

**Policy 68.00** *The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.*

*Policy 71.00 The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.*

*Policy 71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types.*

Finding: Goal V 2 and Policies 68.00, 71.00, and 71.05 are met by this proposal in that the amendment of the Comprehensive Plan Map designation of the subject site to residential will allow for residential development in an area of the city that is already developed and has urban level services available to serve the site. As noted in the finding for Goal V 1 and Policies 58.00 and 59.00 above, the proposed Comprehensive Plan Map amendment is justified, given that the slight reduction in industrial land will not impact the surplus of industrial land identified in the 2013 Economic Opportunities Analysis and the additional residential land will result in a reduction in the deficit of residential land identified in the 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan.

*Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:*

- 1. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 2. Storm sewer and drainage facilities (as required).*
- 3. Streets within the development and providing access to the development, improved to city standards (as required).*
- 4. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
- 5. Deleted as per Ord. 4796, October 14, 2003.*

Finding: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Any necessary or required street improvements shall be required at the time of development of the subject site.

**GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.**

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

*Policy 119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.*

*Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.*

*Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications: [...]*

2. *Major, Minor collectors.*
  - a. *Designs should minimize impacts on existing neighborhoods.*
  - b. *Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*
  - c. *On-street parking should be limited wherever necessary.*
  - d. *Landscaping should be required along public rights-of-way.*

**Finding:** Goal VI 1 and Policies 117.00, 119.00, 120.00 and 122.00 are satisfied by this proposal in that the subject site is currently adjacent to the McDaniel Lane public right-of-way and street. McDaniel Lane is identified in the Transportation System Plan as a minor collector street, so there are no issues with limiting access onto an arterial street. The applicant provided a traffic impact analysis that analyzed the change in trips and the impacts of a denser form of residential development that could be allowed under an eventual residential zoning designation, and found that there were no significant impacts to the functionality of the surrounding street network. Any right-of-way improvements required for the subject site will be required at the time of development.

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

*Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.*

**Finding:** Policies 126.00 and 127.00 are satisfied by this proposal in that off-street parking will be required based on the type of residential development proposed and allowed under the eventual residential zoning of the subject site.

*Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connect residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.*

*Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.*

**Finding:** Policies 130.00 and 132.15 are satisfied by this proposal in that, if it is determined that the existing public sidewalks are not sufficient at the time of development, they will be required to be upgraded to Public Right-of-Way Accessibility Guidelines (PROWAG) as a condition of building permit approval, which will enhance pedestrian connections between the site and the surrounding area.

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

*Policy 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.*

*Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines with the framework outlined below:*

1. *Sufficient municipal treatment capacities exist to handle maximum flows of effluents.*

2. *Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
3. *Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized*
4. *Extensions will implement applicable goals and policies of the comprehensive plan.*

*Policy 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.*

*Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.*

*Policy 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.*

*Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:*

1. *Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*
2. *Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
3. *For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;*
4. *Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

*Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.*

*Policy 151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:*

1. *Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
2. *Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
3. *Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
4. *Federal, state, and local water and waste water quality standards can be adhered to.*

5. *Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VII 1 and Policies 136.00, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00 and 151.00 are satisfied by the request as, based on comments received, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

*Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.*

Finding: Policies 153.00 and 155.00 are satisfied in that emergency services departments have reviewed this request and no concerns were raised.

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOUMENT OF ALL CITIZENS OF THE COMMUNITY.

*Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.*

Finding: Goal VII 3 and Policy 163.00 are satisfied in that park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.

*Policy 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.*

*Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.*

Finding: Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal and no concerns were raised. A building permit pre-application meeting was held, and McMinnville Water and Light did not have any concerns with providing adequate services to this site to support the residential development density that could be allowed by the future residential zoning of the subject site.

GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on*

*planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**Finding:** Goal X1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

**McMinnville's City Code:**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

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

- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- C. Utilities and services can be efficiently provided to service the proposed uses or other potential uses in the proposed zoning district.

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

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

**Finding:** Section 17.74.020 is satisfied by this proposal in that the proposed Comprehensive Plan Map amendment is consistent with the goals and policies of the Comprehensive Plan, as described in more detail above in the specific findings for each Comprehensive Plan goal and policy.

The development pattern in the surrounding area is widely varying. Both residential and industrial land uses are located adjacent to the subject site. Commercial land uses are also present within one quarter mile of the subject site. The properties that share direct boundaries and are immediately adjacent to the subject site, to the north and west, are all designated as Residential on the Comprehensive Plan Map. Other adjacent properties that are designated as Industrial are separated from the subject site by either public right-of-way (McDaniel Lane) or the Southern Pacific Railroad corridor.

The subject site is located on the fringe of an area that is predominately guided for commercial and industrial land uses on the Comprehensive Plan Map. The commercial and industrial uses in this area are generally bounded on the north and west by the Southern Pacific Railroad corridor. Properties located immediately north of and adjacent to the railroad corridor, as the subject site is, vary in terms of their land use designation. North of the railroad corridor between Hembree Street and 18<sup>th</sup> Street there are twelve properties that are designated as Industrial on the Comprehensive Plan Map. There are also groups of properties on the north side of the railroad corridor that are designated as Residential. These exist in the vicinity of both the southern terminus of Hembree Street and Logan Street. Therefore, the proposed designation of the subject site as Residential is not inconsistent with the development pattern in the surrounding area where residential uses are located immediately adjacent to the railroad corridor.

Given the surrounding land uses and development pattern, the proposed amendment of the Comprehensive Plan Map designation from Industrial to Residential is orderly and timely. The residential land use will be more compatible with the other immediately adjacent residential lands than an industrial land use. The use of the subject site as a residential use will also provide additional buffering and separation between existing residential land uses to the north and west from the higher concentration of industrial and commercial land uses to the south across the Southern Pacific Railroad corridor.

The subject area is well served by existing sanitary and storm sewer systems as well as other public utilities. The Engineering Department has reviewed this proposal and has offered no concerns with providing adequate services to this site to support residential development density at the subject site. The adopted Wastewater Conveyance System Master Plan anticipated an industrial flow contribution of 12 dwelling unit equivalents (EDU's) from the subject site. Based on the size of the site at 43,557 square feet and assuming that the highest density residential zone (R-4) was approved, the maximum allowable density would be 29 multifamily dwelling units (based on the lot size requirement of 1,500 square feet per dwelling unit). However, the applicant is anticipating the development of 24 dwelling units, given other site improvements that would be required for a multiple family development project. The Engineering Department has stated that the 12 additional dwelling units, for a total of 24 units, would not significantly impact the City's wastewater system.

The applicant has provided a traffic impact analysis that concluded that the surrounding street network has the capacity to accommodate the number of trips that would result from the applicant's request to amend the Comprehensive Plan Map designation and complete a zone change to allow the development of 24 dwelling units on site. The traffic analysis showed that no increase in delay would occur at three of the four intersections included in the analysis. The only increase in delay occurred at the intersection of McDaniel and Lafayette, and was only an increase of 0.1 seconds per vehicle during the AM peak hour and an increase of 0.3 seconds per vehicle during the PM peak hour. The minimal increase in delay at that intersection and the trips introduced to the surrounding street system by the proposed development did not have any impact on the overall level of service of any intersection within the study area. The new access to the site on McDaniel was also shown to operate at a level of service of "B" in both the 2018 AM and PM peak hours.

Specific tables showing the projected intersection functionality, both currently and after the incorporation of the trips that could result from the proposed comprehensive plan map amendment and subsequent zone change, are provided below:

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	McDaniel at 19th St	All-way stop	HCM 6th Edition	SB Thru	0.274	9.0	A
2	McDaniel at 18th St	Two-way stop	HCM 6th Edition	EB Thru	0.026	11.5	B
3	McDaniel at 17th St	Two-way stop	HCM 6th Edition	EB Left	0.018	10.6	B
4	McDaniel at Lafayette	Two-way stop	HCM 6th Edition	SEB Left	0.005	15.1	C

Existing AM Peak Hour Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	McDaniel at 19th St	All-way stop	HCM 6th Edition	SB Thru	0.275	9.0	A
2	McDaniel at 18th St	Two-way stop	HCM 6th Edition	EB Thru	0.026	11.5	B
3	McDaniel at 17th St	Two-way stop	HCM 6th Edition	EB Left	0.018	10.6	B
4	McDaniel at Lafayette	Two-way stop	HCM 6th Edition	SEB Left	0.005	15.2	C
5	McDaniel at Site Access	Two-way stop	HCM 6th Edition	EB Left	0.006	10.6	B

2018 AM Peak Hour Summary with McDaniel St Apts

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	McDaniel at 19th St	All-way stop	HCM 6th Edition	NB Thru	0.240	8.9	A
2	McDaniel at 18th St	Two-way stop	HCM 6th Edition	WB Thru	0.025	11.8	B
3	McDaniel at 17th St	Two-way stop	HCM 6th Edition	EB Left	0.016	10.9	B
4	McDaniel at Lafayette	Two-way stop	HCM 6th Edition	SEB Left	0.007	22.2	C

Existing PM Peak Hour Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	McDaniel at 19th St	All-way stop	HCM 6th Edition	NB Thru	0.243	8.9	A
2	McDaniel at 18th St	Two-way stop	HCM 6th Edition	WB Thru	0.025	11.8	B
3	McDaniel at 17th St	Two-way stop	HCM 6th Edition	EB Left	0.016	10.9	B
4	McDaniel at Lafayette	Two-way stop	HCM 6th Edition	SEB Left	0.008	22.5	C
5	McDaniel at Site Access	Two-way stop	HCM 6th Edition	EB Left	0.003	10.7	B

2018 PM Peak Hour Summary with McDaniel St Apts

The traffic impact analysis was also accompanied by a Transportation Planning Rule memo (dated June 22, 2018) that provided an analysis and comparison of uses allowed in both the existing industrial zone and the proposed multiple-family residential zone. Using some assumptions as to the developable area of the site for different types of industrial uses, the analysis determined that the proposed development of the site with 24 apartment units would result in less trips than another use (small office building) that would be permitted under the site's current zoning.

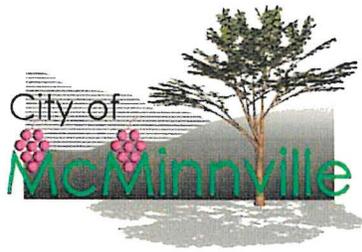
One issue with the traffic impact analysis was that it did not account for the maximum allowable density of the subject site if the highest density zoning district was approved for the subject site. Based on the size of the site at 43,557 square feet and assuming that the highest density residential zone (R-4) was approved, the maximum allowable density would be 29 multifamily dwelling units (based on the lot size requirement of 1,500 square feet per dwelling unit). The traffic impact analysis did not account for this maximum allowable density, as it assumed only the 24 dwelling units that the applicant anticipates constructing on the site. Because the traffic impact analysis does not provide an analysis of the impacts

of the maximum level of development of the subject site if the zone change to R-4 (Multiple-Family Residential) was approved, any subsequent zone change will include a condition of approval that places a trip cap on the eventual development of the site allowing only the level of development that would generate the trips analyzed in the traffic impact analysis.

CD:sjs

**CITY OF MCMINNVILLE  
PLANNING DEPARTMENT  
231 NE FIFTH STREET  
MCMINNVILLE, OR 97128**

503-434-7311  
[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)



**DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF A ZONE CHANGE FROM M-1 (LIGHT INDUSTRIAL) TO R-4 (MULTIPLE-FAMILY RESIDENTIAL) AT 1601 NE MCDANIEL LANE**

- DOCKET:** ZC 1-18 (Zone Change)
- REQUEST:** Approval to change the zoning classification of a property from M-1 (Light Industrial) to R-4 (Multiple-Family Residential) to allow for the development of residential uses permitted in the R-4 zone on the subject site.
- LOCATION:** The subject site is located at 1601 NE McDaniel Lane, and more specifically described as Tax Lot 7100, Section 16DB, T. 4 S., R. 4 W., W.M.
- ZONING:** The subject site's current zoning is M-1 (Light Industrial).
- APPLICANT:** Daniel Danicic
- STAFF:** Chuck Darnell, Senior Planner
- DATE DEEMED COMPLETE:** June 5, 2018
- HEARINGS BODY:** McMinnville Planning Commission
- DATE & TIME:** July 19, 2018 and August 16, 2018. Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- DECISION-MAKING BODY:** McMinnville City Council
- DATE & TIME:** September 11, 2018. Civic Hall, 200 NE 2<sup>nd</sup> Street, McMinnville, Oregon.
- APPEAL:** An action or ruling of the City Council may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of the decision is mailed.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Public Works; Yamhill County Planning Department; Frontier Communications; Comcast; and Northwest Natural Gas. Their comments are provided in this exhibit.

**DECISION**

Based on the findings and conclusions, the Planning Commission recommends **APPROVAL** of the Zone Change (ZC 1-18) to the McMinnville City Council, **subject to the conditions of approval provided in this document.**

////////////////////////////////////  
**DECISION: APPROVAL WITH CONDITIONS**  
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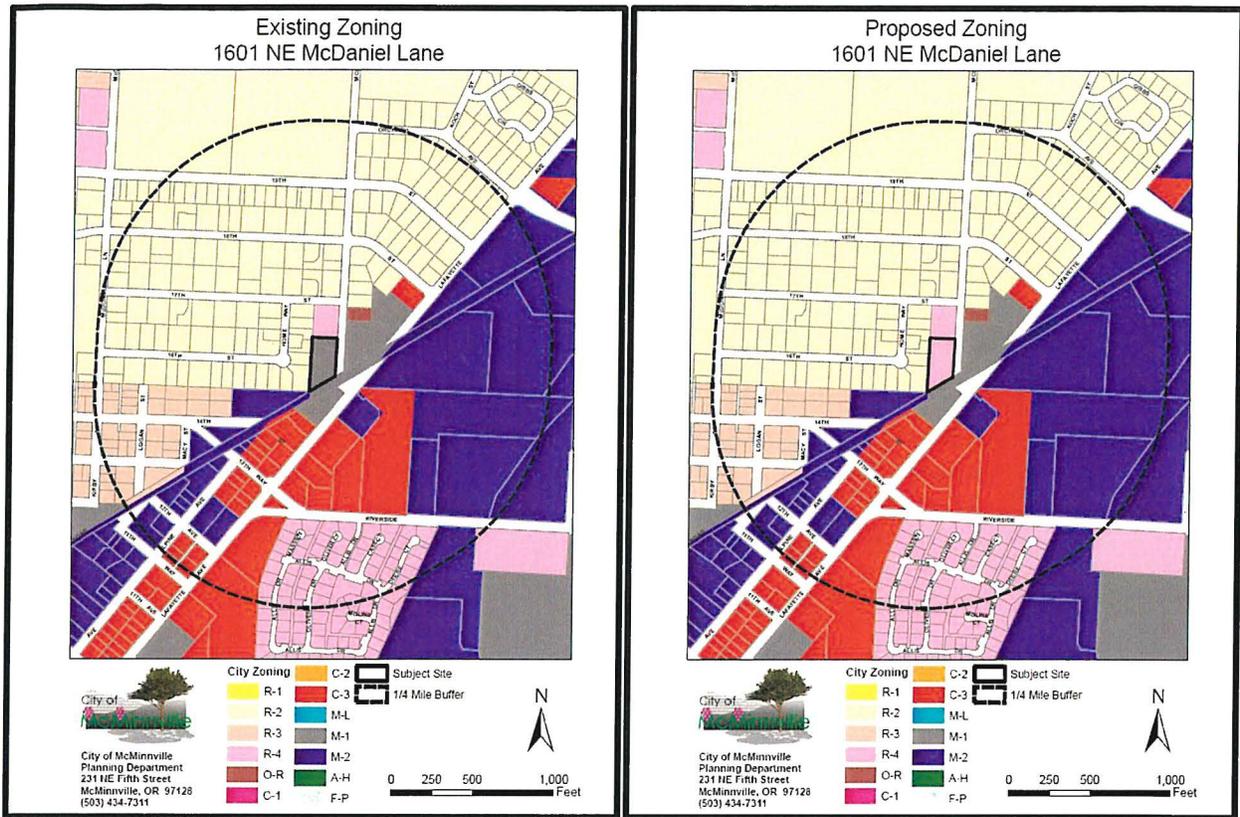
City Council: Scott Hill Date: 9/18/18  
Scott Hill, Mayor of McMinnville

Planning Commission: Roger Hall Date: 9/18/2018  
Roger Hall, Chair of the McMinnville Planning Commission

Planning Department: Heather Richards Date: 9/17/18  
Heather Richards, Planning Director



Reference maps showing the existing and proposed Comprehensive Plan Map designations of the subject site and the surrounding properties are provided below:



**CONDITIONS OF APPROVAL:**

The following conditions of approval shall be required:

**ZC 1-18 is approved** subject to the following conditions:

1. That the rezoning be contingent on the Comprehensive Plan Map amendment request (CPA 1-18) being approved by the McMinnville City Council.
2. That a dedicated 10 foot landscaped area be provided along the entire west property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single family uses and the multiple-family site. No improvements shall encroach on the dedicated landscaped area. The exact species and type of fencing shall be approved by the Landscape Review Committee during the review of the landscape plan for any future development of the site.
3. That a dedicated 20 foot landscaped area be provided along the entire south property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 20 foot landscaped area to provide adequate buffering between the multiple-family residential uses and the adjacent railroad corridor. No improvements shall encroach on the dedicated landscaped area, with the exception of a trash enclosure. The exact species and type of fencing shall be approved by the Landscape Review Committee during the review of the landscape plan for any future development of the site.

4. Yard setbacks shall be increased one foot for each foot of building height over thirty-five feet.
5. If the site is developed as multi-family residential, an additional area equivalent to 7 percent of the gross area of the site (or 3,048 square feet) shall be reserved for usable open space for residents of the multiple-family development site. The usable open space area shall be in addition to the required landscape areas along the west and south property lines. The usable open space area shall also be a contiguous area with each dimension being at least 15 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.
6. That, based on the analysis provided in the submitted Traffic Impact Analysis (TIA) (June 25, 2018) and the Transportation Planning Rule memo (June 22, 2018) prepared for the applicant by Associated Transportation Engineering & Planning, Inc., the residential density allowed on this subject site shall be limited to a use that generates a maximum total of 176 trips per day (ADT) as referenced in the Transportation Planning Rule memo (June 22, 2018) unless a subsequent TIA is submitted by the applicant and the conclusions of which are found to be acceptable to the City.

#### **ATTACHMENTS:**

1. ZC 1-18 Application and Attachments (on file with the Planning Department)
2. Public Testimony – Jody & Tricia Fisher via email on July 17, 2018 (on file with the Planning Department)

#### **COMMENTS:**

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments had been received:

- McMinnville Engineering Department

We have reviewed proposed CPA 1-18 / ZC 1-18, and note the following:

- The submitted information from the applicant's traffic engineer indicate that the proposed zone change will not significantly impact the transportation system; and
- The adopted Wastewater Conveyance System Master Plan anticipated an industrial flow contribution of 12 dwelling unit equivalents (EDU's) from this site. The 12 additional units (24 units total) under the proposed zone change will not significantly impact the City's wastewater system.

#### **Additional Testimony**

Notice of this request was mailed to property owners located within 300 feet of the subject site. Notice of the public hearing was also provided in the News Register on Tuesday, August 7, 2018. As of the date of the Planning Commission continued public hearing on August 16, 2018, one item of public testimony had been received by the Planning Department. That testimony was provided by Jody and Tricia Fisher at 1508 NE 16<sup>th</sup> Street, and was in opposition to the requests based on the potential height of the apartment buildings, the loss of privacy, and more traffic and noise from the development.

**FINDINGS OF FACT**

- A. Daniel Danicic requested a change in the zoning classification of a property from M-1 (Light Industrial) to R-4 (Multiple-Family Residential) to allow for the development of residential uses permitted in the R-4 zone on the subject site. The subject site is located at 1601 NE McDaniel Lane and is more specifically described as Tax Lot 7100, Section 16DB, T. 4 S., R. 4 W., W.M.
- B. The site is currently designated as Industrial on the McMinnville Comprehensive Plan Map, 1980. The site is currently zoned M-1 (Light Industrial) on the McMinnville Zoning Map.
- C. Sanitary sewer and municipal water and power can adequately serve the site. The municipal water reclamation facility has sufficient capacity to accommodate expected waste flows resulting from development of the property.
- D. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. No comments in opposition were provided to the Planning Department.
- E. Notice of the application was provided by the City of McMinnville to property owners within 300 feet of the subject site, as required by the process described in Section 17.72.120 (Applications–Public Hearings) of the McMinnville Zoning Ordinance. Notice of the public hearing was also provided in the News Register on Tuesday, August 7, 2018. One item of public testimony was provided to the Planning Department, which is referenced in this document and on file with the Planning Department.
- F. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

**CONCLUSIONARY FINDINGS:**

**McMinnville’s Comprehensive Plan:**

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

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

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

*Policy 59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.*

Finding: Goal V 1 and Policies 58.00 and 59.00 are met by this proposal in that the amendment of the Comprehensive Plan Map designation of the subject site will allow for more opportunity for a variety of housing types, and for more opportunities for multiple-family housing development.

The most recently acknowledged Economic Opportunities Analysis for the City of McMinnville, which was finalized in November 2013, identified a surplus of industrial land within the McMinnville Urban

Growth Boundary. The surplus was identified at an amount of 235.9 acres, as shown in Figure 26 from the Economic Opportunities Analysis below:

**Figure 26. Comparison of Land Demand to Supply (2013-33)**

Acres by Plan Designation				
	Commercial	Industrial	Total	Comments
<b>Vacant Land Demand</b>				Based on 2013-33 jobs forecast
Commercial	164.6	-	164.6	Commercial retail & service need
Industrial	-	145.1	145.1	Manufacturing & related sectors
Institutional	2.2	8.0	10.2	62% of need w/per job method
<b>Totals</b>	<b>166.8</b>	<b>153.2</b>	<b>319.9</b>	Employment land demand
<b>Available Land Supply</b>				Fully & partially vacant sites
2013 BLI Update	130.9	389.1	520.0	Revised per BLI update 7/13
<b>Surplus/(Deficit)</b>	<b>(35.8)</b>	<b>235.9</b>	<b>200.1</b>	As of 2033 forecast year

Notes: All acreage figures are rounded to nearest 1/10<sup>th</sup> of an acre.  
 Source: E. D. Hovee & Company, LLC.

Additionally, the applicant refers to the most recently acknowledged Residential Buildable Lands Inventory, which was prepared in 2001, that identified a need for additional land for housing uses. That inventory, which was titled the McMinnville Buildable Land Needs Analysis and Growth Management Plan, identified a deficit of over 1,000 acres of land for housing in Table B-11 of Appendix B. More specifically, the analysis identified a need of 162 acres of R-4 (higher density) zoned land. The planning horizon in the 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan was 2020, and since the time of that analysis, approximately 56.2 acres of land have been rezoned to R-4 (Multiple-Family Residential). The zone change, along with the accompanying Comprehensive Plan Map amendment, would result in a reduction of the residential land deficit to 104.8 acres without significantly impacting the industrial land surplus.

The applicant has argued that the Comprehensive Plan Map amendment is justified, given that the slight reduction in industrial land will not impact the surplus of industrial land identified in the 2013 Economic Opportunities Analysis and the additional residential land will result in a reduction in the deficit of residential land identified in the 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan. Therefore, the Comprehensive Plan goals and policies related to the provision of opportunities for the development of a variety of housing types and densities (Policy 58.00) and opportunities for multiple-family developments to encourage lower-cost housing (Policy 59.00) would be satisfied by the proposed Comprehensive Plan Map amendment.

**GOAL V 2:** TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND-INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

*Policy 68.00* The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.

*Policy 71.00* The City of McMinnville shall designate specific lands inside the urban growth boundary as residential to meet future projected housing needs. Lands so designated may be developed for a variety of housing types. All residential zoning classifications shall be allowed in areas designated as residential on the Comprehensive Plan Map.

*Policy 71.05 The City of McMinnville shall encourage annexations and rezoning which are consistent with the policies of the Comprehensive Plan so as to achieve a continuous five-year supply of buildable land planned and zoned for all needed housing types.*

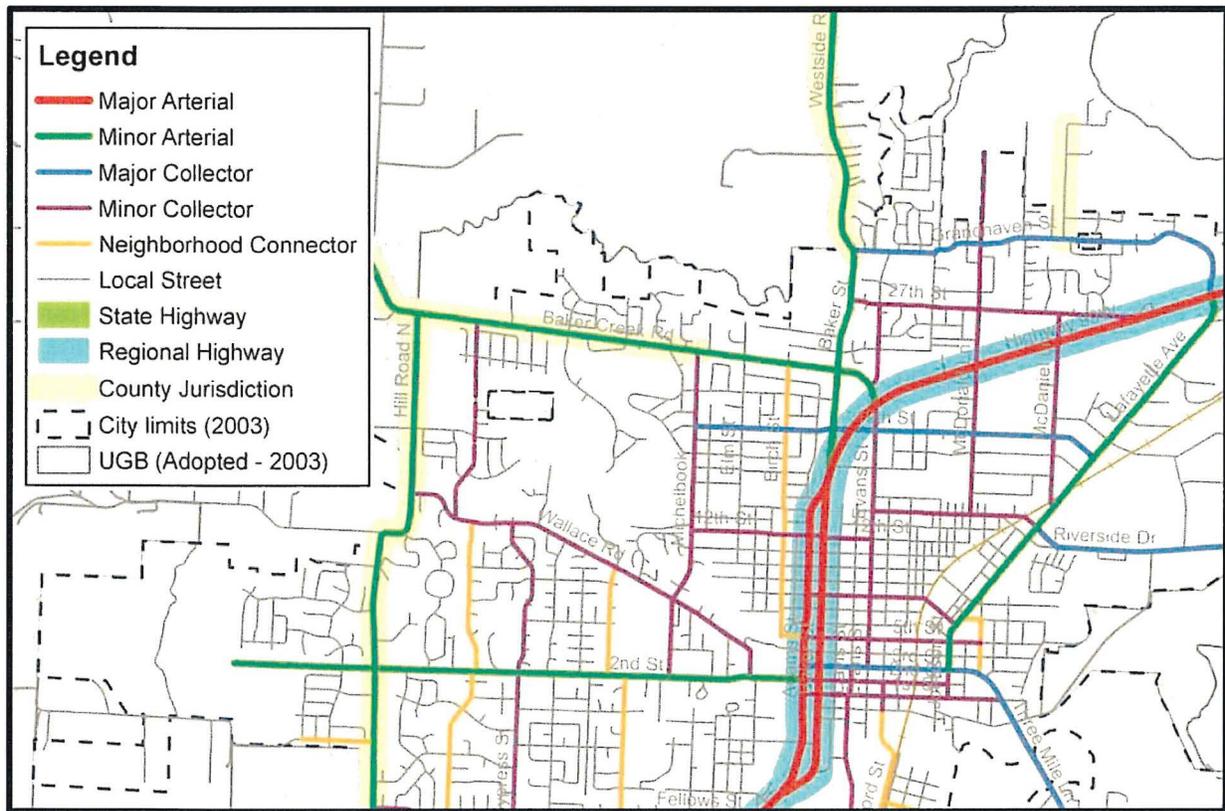
Finding: Goal V 2 and Policies 68.00, 71.00, and 71.05 are met by this proposal in that the amendment of the Comprehensive Plan Map designation of the subject site to residential will allow for residential development in an area of the city that is already developed and has urban level services available to serve the site. As noted in the finding for Goal V 1 and Policies 58.00 and 59.00 above, the proposed Comprehensive Plan Map amendment is justified, given that the slight reduction in industrial land will not impact the surplus of industrial land identified in the 2013 Economic Opportunities Analysis and the additional residential land will result in a reduction in the deficit of residential land identified in the 2001 McMinnville Buildable Land Needs Analysis and Growth Management Plan.

*Policy 71.09 Medium and High-Density Residential (R-3 and R-4) – The majority of residential lands in McMinnville are planned to develop at medium density range (4 – 8 units per net acre). Medium density residential development uses include small lot single-family detached uses, single family attached units, duplexes and triplexes, and townhouses. High density residential development (8 – 30 dwelling units per net acre) uses typically include townhouses, condominiums, and apartments. The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center and to those areas where urban services are already available before committing alternate areas to residential use.*

- 1. Areas that are not committed to low density development;*
- 2. Areas that have direct access from collector or arterial streets;*
- 3. Areas that are not subject to development limitations such as topography, flooding, or poor drainage;*
- 4. Areas where the existing facilities have the capacity for additional development;*
- 5. Areas within one-quarter mile of existing or planned public transportation; and,*
- 6. Areas that can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas.*

Finding: Policy 71.09 is satisfied by this proposal. The site is not committed to low density development, as it is currently designated and zoned for industrial use. There are not any major development limitations with the subject site, and the Engineering Department has not identified any issues with providing services and infrastructure to the subject site to support higher density residential development.

The site is accessed from McDaniel Lane, which is classified as a minor collector street in the City of McMinnville Transportation System Plan. The street functional classification system can be seen below:



The site is also located in close proximity to existing public transportation. Routes 33 and 44 run on Lafayette Avenue, with identified stops on the route schedules at both Riverside Drive and Orchard Avenue. The intersection of Lafayette Avenue and Riverside Drive is located well within one-quarter mile of the subject site, and the intersection of Lafayette Avenue and Orchard Avenue is just slightly over one-quarter mile of the subject site. While Routes 33 and 44 are both commuter-type routes that run from McMinnville to Hillsboro and Tigard, the routes do run in both directions throughout the day. This would allow a transit rider to board the westbound bus and connect to other local, hourly-service routes at the McMinnville Transit Center. Routes 33 and 44 do not provide consistent hourly service throughout the day, but have more frequent service in the morning and evening hours and periodic service (between one and two and a half hours) mid-day.

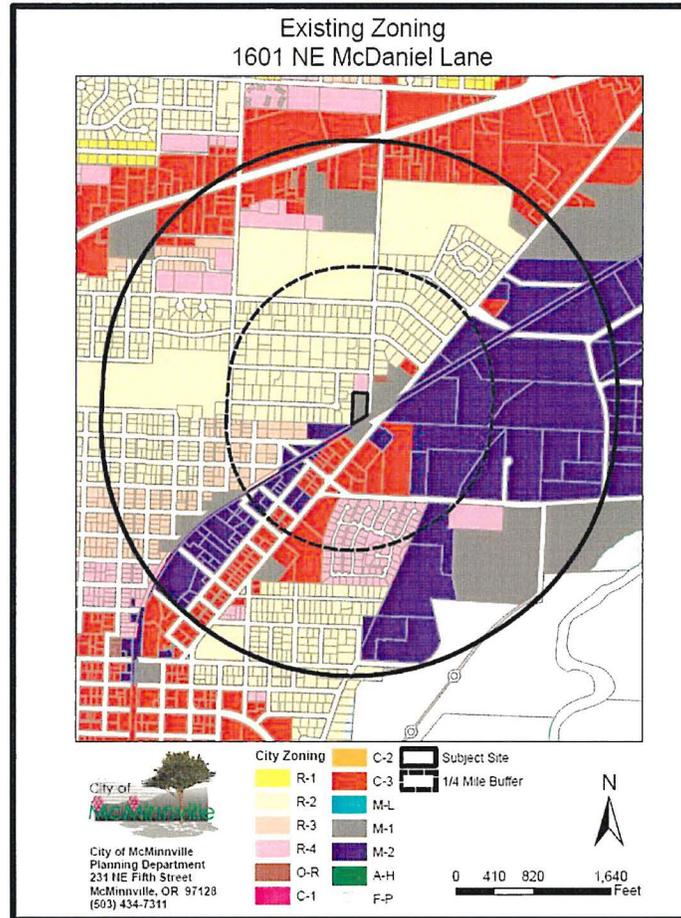
A view of the McMinnville transit map, which identifies Routes 33 and 44 on Lafayette Avenue, is provided below:

# Yamhill County Transit Area - McMinnville Service Map

## McMinnville



A map showing buffers of the subject site at both one-quarter and one-half miles is also provided below. The intersection of Riverside Drive is within the one-quarter mile buffer of the subject site.



The final factor to be considered in the designation of an area for medium density residential use is that the site can be buffered from low density residential areas in order to maximize the privacy of established low density residential areas. The areas immediately adjacent to the subject site to the west are established low density, single family residential areas. Based on the orientation of the subject site and its access onto McDaniel Lane, the front yard of the site would be along the east property line. This would result in the west property line being treated as the rear yard. The rear yard setback in the R-4 zone is 20 feet. While this will provide space between the adjacent single family uses and the multiple-family residential uses that would be allowed on the site, there still could be adverse impacts of multiple-family development on the adjacent single family uses. One of those impacts could be additional vehicular traffic, noise, and headlight glare, as drive aisles and parking spaces do not require any specific setback in the R-4 zone.

To mitigate this, and to meet the Comprehensive Plan policy that requires buffering from low density residential areas, a condition of approval is included to require a dedicated 10 foot landscaped area along the entire west property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 10 foot landscaped area to provide adequate buffering between the adjacent single family uses and the multiple-family development site. The exact species and type of fencing shall be approved by the Landscape Review Committee during the review of the landscape plan for any future development of the site.

In addition, a condition of approval is included to increase required setbacks if the maximum building height normally allowed in lower density residential zones is exceeded to better buffer the multiple-family development site from the adjacent low density residential areas. Currently the R-4 (Multiple Family Residential) zone states all yards shall be increased over the requirements of the R-4 section by one (1) foot for each two (2) feet of building height over 35 (thirty-five) feet (Section 17.21.040). Since the subject site is adjacent to existing single family residential development, it is recommended that the language for increasing the yard setbacks relative to building height over 35 (thirty-five) feet be increased to one (1) foot for each one (1) foot of building height over 35 (thirty-five) feet (which is the maximum building height in the adjacent R-2 zone).

*Policy 71.13 The following factors should serve as criteria in determining areas appropriate for high-density residential development:*

- 1. Areas which are not committed to low or medium density development;*
- 2. Areas which can be buffered by topography, landscaping, collector or arterial streets, or intervening land uses from low density residential areas in order to maximize the privacy of established low density residential areas;*
- 3. Areas which have direct access from a major collector or arterial street;*
- 4. Areas which are not subject to development limitations;*
- 5. Areas where the existing facilities have the capacity for additional development;*
- 6. Areas within a one-half mile wide corridor centered on existing or planned public transit routes;*
- 7. Areas within one-quarter mile from neighborhood and general commercial shopping centers; and*
- 8. Areas adjacent to either private or public permanent open space.*

Finding: Policy 71.13 is satisfied by this proposal in that, as discussed in more detail in the finding for Policy 71.09 above, the subject site is not committed to low or medium density development, does not have development limitations, and has no issues with the provision of utilities and services to serve higher density residential development. The condition of approval noted above related to the landscaped buffer area along the entire west property line would provide for the buffering from low density residential areas required of high density residential development areas.

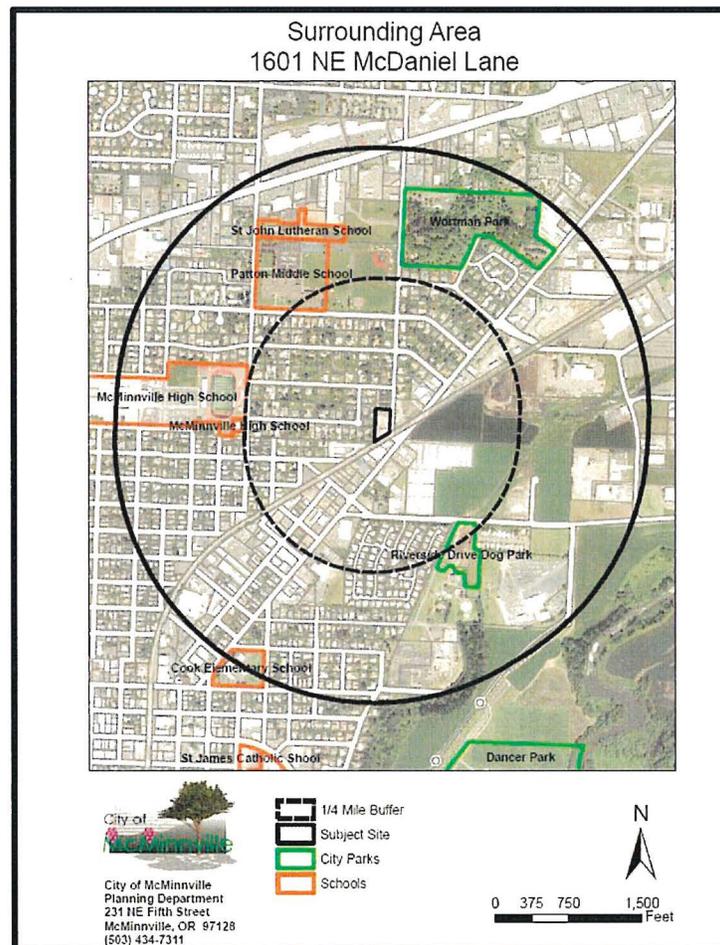
The site does not have direct access to a major collector or arterial street. As shown in the Transportation System Plan street functional classification system map above, McDaniel Lane is classified only as a minor collector. However, the applicant has argued that the site is in close proximity to Lafayette Avenue, which is designated as a minor arterial on the street functional classification system map. The applicant has also submitted a traffic impact analysis that shows that the zone change and subsequent construction of a multiple-family development on the subject site would not have any significant or adverse impacts on the surrounding street system. Comprehensive Plan Policy 91.00 provide some additional flexibility in the type of street that a multiple-family residential development should be accessed from. Specifically, Policy 91.00 states that "Multiple-family housing developments shall be required to access off of arterials or collectors or streets determined by the City to have sufficient carrying capacities to accommodate the proposed development." Given the findings of the traffic impact analysis, it is found that the site has appropriate access for higher density development.

Also as discussed in more detail above, existing transit service is located in close proximity to the site. Routes along Lafayette Avenue include stops within one-quarter mile of the subject site. However, the high density factors require that the area designated for high density development be located within a one-half mile corridor centered on transit routes. The site is clearly within a one-half mile corridor of the existing transit routes on Lafayette Avenue, but with this expanded allowance, the site is also within a one-half mile corridor of the existing, higher frequency transit route on Highway 99W (Route 3 which runs hourly).

The subject site is located within one-quarter mile of commercially zoned property. The McMinnville Municipal Code does not have any definition of neighborhood or general commercial shopping centers, so the commercial designation of property is used in analyzing this Comprehensive Plan policy and high density locational factor. The commercially zoned property within one-quarter mile of the subject site is zoned to allow general retail, service, and shopping type uses.

The subject site is not located adjacent to private or public open space. There is only one public park within one-quarter mile of the subject site, but that is the Riverside Drive Dog Park and is designed specifically for a subset of the population that would be seeking recreational space for their pets. The next closest public open space would be Wortman Park, which is located slightly over one-quarter mile from the subject site. There is some school property within one-quarter mile of the site, but this is private property and is not necessarily readily available for use by the general public. The factor for high density residential development calls for open space to be adjacent to the site, not within a certain distance. While there are some opportunities for access to open space within one-half mile of the subject site, there is not any usable open space adjacent to the site. Therefore, a condition of approval is included to require that, if the site is developed with multiple-family residential uses, an area equivalent to 7 percent of the gross size of the site shall be reserved for usable open space for residents of the multiple-family development site. The condition of approval requires that the usable open space area be in addition to the required landscape areas along the west and south property lines. The condition of approval also states that the usable open space area shall be a contiguous area with each dimension being at least 15 feet in length, shall be located outside of the front yard setback area, and may be counted towards the minimum 25 percent of the site area that must be landscaped.

For reference, a map showing the locations of amenities surrounding the subject site is provided below:



*Policy 84.00 Multiple-family, low-cost housing (subsidized) shall be dispersed throughout the community by appropriate zoning to avoid inundating any one area with a concentration of this type of housing.*

*Policy 86.00 Dispersal of new multiple-family housing development will be encouraged throughout the residentially designated areas in the City to avoid a concentration of people, traffic congestion, and noise. The dispersal policy will not apply to areas on the fringes of the downtown "core," and surrounding Linfield College where multiple-family developments shall still be allowed in properly designated areas.*

Finding: Policy 84.00 and Policy 86.00 is satisfied by this proposal in that the proposed zone change will allow for multiple-family housing in an area of the city that is not predominately high density residential housing. This disperses the density of the city throughout the community, but still does not result in an inundation of high density housing in the area of the subject site. The only other high density residential area in proximity to the subject site is located immediately to the north. The other areas in proximity to the subject site are zoned for lower density residential uses, and the potential impacts of the proposed zone change and allowance for higher density residential uses on the subject site will be mitigated through the conditions of approval described in more detail above.

*Policy 89.00 Zoning standards shall require that all multiple-family housing developments provide landscaped grounds.*

Finding: Policy 89.00 is met by this proposal in that landscaping will be required for any future proposed multiple-family housing development at the time of development.

*Policy 90.00 Greater residential densities shall be encouraged to locate along major and minor arterials, within one-quarter mile from neighborhood and general commercial shopping centers, and within a one-half mile wide corridor centered on existing or planned public transit routes. (Ord. 4840, January 11, 2006; Ord. 4796, October 14, 2003)*

*Policy 91.00 Multiple-family housing developments, including condominiums, boarding houses, lodging houses, rooming houses but excluding campus living quarters, shall be required to access off of arterials or collectors or streets determined by the City to have sufficient traffic carrying capacities to accommodate the proposed development. (Ord. 4573, November 8, 1994)*

*Policy 92.00 High-density housing developments shall be encouraged to locate along existing or potential public transit routes.*

*Policy 92.01 High-density housing shall not be located in undesirable places such as near railroad lines, heavy industrial uses, or other potential nuisance areas unless design factors are included to buffer the development from the incompatible use. (Ord. 4796, October 14, 2003)*

*Policy 92.02 High-density housing developments shall, as far as possible, locate within reasonable walking distance to shopping, schools, and parks, or have access, if possible, to public transportation. (Ord. 4796, October 14, 2003)*

Finding: Policies 90.00, 92.00, 92.01 and 92.02 are satisfied by this proposal in that the subject site is within one-quarter mile of areas zoned for commercial uses, is within one-half mile of existing public transit routes, and is accessed off of a roadway with sufficient traffic carrying capacities to accommodate the proposed development. The applicant has submitted a traffic impact analysis that shows that the zone change and subsequent construction of a multiple-family development on the subject site would not have any significant or adverse impacts on the surrounding street system. Given the findings of the traffic impact analysis, it can be found that the site has appropriate access for higher density development. Findings for these additional locational requirements are also provided in the findings for Policy 71.09 and 71.13 above.

The subject site is located immediately adjacent to an active railroad corridor, which bounds the subject site on the south. As railroad lines are listed as a specific "incompatible use" in the Comprehensive Plan policy, the use of the subject site for higher density housing must include design factors that buffer the development from the "incompatible" railroad corridor. Therefore, a condition of approval is included to require a dedicated 20 foot landscaped area along the entire south property line. The landscaped area shall include sight-obscuring fencing along the property line and dense evergreen trees and shrubs within the 20 foot landscaped area to provide adequate buffering between the multiple-family residential uses and the adjacent railroad corridor. The exact species and type of fencing shall be approved by the Landscape Review Committee during the review of the landscape plan for any future development of the site.

*Policy 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development, as specified in the acknowledged Public Facilities Plan. Services shall include, but not be limited to:*

- 6. Sanitary sewer collection and disposal lines. Adequate municipal waste treatment plant capacities must be available.*
- 7. Storm sewer and drainage facilities (as required).*
- 8. Streets within the development and providing access to the development, improved to city standards (as required).*
- 9. Municipal water distribution facilities and adequate water supplies (as determined by City Water and Light). (as amended by Ord. 4796, October 14, 2003)*
- 10. Deleted as per Ord. 4796, October 14, 2003.*

Finding: Policy 99.00 is satisfied by this proposal as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, and municipal water distribution systems and supply either presently serve or can be made available to adequately serve the site. Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Any necessary or required street improvements shall be required at the time of development of the subject site.

GOAL VI 1: TO ENCOURAGE DEVELOPMENT OF A TRANSPORTATION SYSTEM THAT PROVIDES FOR THE COORDINATED MOVEMENT OF PEOPLE AND FREIGHT IN A SAFE AND EFFICIENT MANNER.

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

*Policy 119.00 The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.*

*Policy 120.00 The City of McMinnville may require limited and/or shared access points along major and minor arterials, in order to facilitate safe access flows.*

*Policy 122.00 The City of McMinnville shall encourage the following provisions for each of the three functional road classifications: [in part]*

- 3. Major, Minor collectors.*
  - a. Designs should minimize impacts on existing neighborhoods.*
  - b. Sufficient street rights-of-way should be obtained prior to development of adjacent lands.*
  - c. On-street parking should be limited wherever necessary.*
  - d. Landscaping should be required along public rights-of-way.*

Finding: Goal VI 1 and Policies 117.00, 119.00, 120.00 and 122.00 are satisfied by this proposal in that the subject site is currently adjacent to the McDaniel Lane public right-of-way and street. McDaniel Lane is identified in the Transportation System Plan as a minor collector street, so there are no issues with limiting access onto an arterial street. The applicant provided a traffic impact analysis that analyzed the change in trips and the impacts of a denser form of residential development that could be allowed under an eventual residential zoning designation, and found that there were no significant impacts to the functionality of the surrounding street network. Any right-of-way improvements required for the subject site will be required at the time of development.

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

*Policy 127.00 The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and right-of-ways as transportation routes.*

Finding: Policies 126.00 and 127.00 are satisfied by this proposal in that off-street parking will be required based on the type of residential development proposed and allowed under the eventual residential zoning of the subject site.

*Policy 130.00 The City of McMinnville shall encourage implementation of the Bicycle System Plan that connect residential areas to activity areas such as the downtown core, areas of work, schools, community facilities, and recreation facilities.*

*Policy 132.15 The City of McMinnville shall require that all new residential developments such as subdivisions, planned developments, apartments, and condominium complexes provide pedestrian connections with adjacent neighborhoods.*

Finding: Policies 130.00 and 132.15 are satisfied by this proposal in that, if it is determined that the existing public sidewalks are not sufficient at the time of development, they will be required to be upgraded to Public Right-of-Way Accessibility Guidelines (PROWAG) as a condition of building permit approval, which will enhance pedestrian connections between the site and the surrounding area.

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

*Policy 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.*

*Policy 139.00 The City of McMinnville shall extend or allow extension of sanitary sewage collection lines with the framework outlined below:*

- 5. Sufficient municipal treatment capacities exist to handle maximum flows of effluents.*
- 6. Sufficient trunk and main line capacities remain to serve undeveloped land within the projected service areas of those lines.*
- 7. Public water service is extended or planned for extension to service the area at the proposed development densities by such time that sanitary sewer services are to be utilized*
- 8. Extensions will implement applicable goals and policies of the comprehensive plan.*

*Policy 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.*

*Policy 143.00 The City of McMinnville shall encourage the retention of natural drainage ways for storm water drainage.*

*Policy 144.00 The City of McMinnville, through McMinnville Water and Light, shall provide water services for development at urban densities within the McMinnville Urban Growth Boundary.*

*Policy 145.00 The City of McMinnville, recognizing McMinnville Water and Light as the agency responsible for water system services, shall extend water services within the framework outlined below:*

- 5. Facilities are placed in locations and in such manner as to insure compatibility with surrounding land uses.*
- 6. Extensions promote the development patterns and phasing envisioned in the McMinnville Comprehensive Plan.*
- 7. For urban level developments within McMinnville, sanitary sewers are extended or planned for extension at the proposed development densities by such time as the water services are to be utilized;*
- 8. Applicable policies for extending water services, as developed by the City Water and Light Commission, are adhered to.*

*Policy 147.00 The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas. The City shall also continue to coordinate with McMinnville Water and Light in making land use decisions.*

*Policy 151.00 The City of McMinnville shall evaluate major land use decisions, including but not limited to urban growth boundary, comprehensive plan amendment, zone changes, and subdivisions using the criteria outlined below:*

- 6. Sufficient municipal water system supply, storage and distribution facilities, as determined by McMinnville Water and Light, are available or can be made available, to fulfill peak demands and insure fire flow requirements and to meet emergency situation needs.*
- 7. Sufficient municipal sewage system facilities, as determined by the City Public Works Department, are available, or can be made available, to collect, treat, and dispose of maximum flows of effluents.*
- 8. Sufficient water and sewer system personnel and resources, as determined by McMinnville Water and Light and the City, respectively, are available, or can be made available, for the maintenance and operation of the water and sewer systems.*
- 9. Federal, state, and local water and waste water quality standards can be adhered to.*
- 10. Applicable policies of McMinnville Water and Light and the City relating to water and sewer systems, respectively, are adhered to.*

Finding: Goal VII 1 and Policies 136.00, 139.00, 142.00, 143.00, 144.00, 145.00, 147.00 and 151.00 are satisfied by the request as, based on comments received, adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, either presently serve or can be made available to serve the site.

Additionally, the Water Reclamation Facility has the capacity to accommodate flow resulting from development of this site. Administration of all municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards. The City of McMinnville shall continue to support coordination between city departments, other public and private agencies and utilities, and McMinnville Water and Light to insure the coordinated provision of utilities to developing areas and in making land-use decisions.

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

*Policy 155.00 The ability of existing police and fire facilities and services to meet the needs of new service areas and populations shall be a criterion used in evaluating annexations, subdivision proposals, and other major land use decisions.*

Finding: Policies 153.00 and 155.00 are satisfied in that emergency services departments have reviewed this request and no concerns were raised.

GOAL VII 3: TO PROVIDE PARKS AND RECREATION FACILITIES, OPEN SPACES, AND SCENIC AREAS FOR THE USE AND ENJOUMENT OF ALL CITIZENS OF THE COMMUNITY.

*Policy 163.00 The City of McMinnville shall continue to require land, or money in lieu of land, from new residential developments for the acquisition and/or development of parklands, natural areas, and open spaces.*

Finding: Goal VII 3 and Policy 163.00 are satisfied in that park fees shall be paid for each housing unit at the time of building permit application as required by McMinnville Ordinance 4282, as amended.

GOAL VIII 1: TO PROVIDE ADEQUATE ENERGY SUPPLIES, AND THE SYSTEMS NECESSARY TO DISTRIBUTE THAT ENERGY, TO SERVICE THE COMMUNITY AS IT EXPANDS.

*Policy 173.00 The City of McMinnville shall coordinate with McMinnville Water and Light and the various private suppliers of energy in this area in making future land use decisions.*

*Policy 177.00 The City of McMinnville shall coordinate with natural gas utilities for the extension of transmission lines and the supplying of this energy resource.*

Finding: Goal VIII 1 and Policies 173.00 and 177.00 are satisfied in that McMinnville Water and Light and Northwest Natural Gas were provided opportunity to review and comment regarding this proposal and no concerns were raised. A building permit pre-application meeting was held, and McMinnville Water and Light did not have any concerns with providing adequate services to this site to support the residential development density that could be allowed by the future residential zoning of the subject site.

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

Finding: Policy 178.00 is satisfied in that the applicant is proposing to amend the current zoning designations of this site to R-4 to allow for a multiple family housing product, thereby achieving a more compact form of urban development and energy conservation than would have otherwise been achieved.

GOAL X1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNIVILLE.

*Policy 188.00 The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on*

*planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.*

**Finding:** Goal X1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the holding of advertised public hearing(s). All members of the public have access to provide testimony and ask questions during the public review and hearing process.

**McMinnville's City Code:**

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

17.21.010 Permitted uses. In an R-4 zone, the following uses and their accessory uses are permitted:

- A. Single-family dwelling;
- B. Two-family dwelling;
- C. Multiple-family dwelling; [...]

**Finding:** Section 17.21.010 is satisfied by the proposal in that the applicant has stated that they intend to construct multiple-family dwellings on the subject site in apartment buildings. The applicant had submitted a conceptual site plan that identified the development of 24 dwelling units in two separate apartment buildings, but that conceptual plan was requested to not be binding on the site. That intended use would be permitted in the R-4 zone.

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

- D. The proposed amendment is consistent with the goals and policies of the comprehensive plan;
- E. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;
- F. Utilities and services can be efficiently provided to service the proposed uses or other potential uses in the proposed zoning district.

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

In addition, the housing policies of the McMinnville Comprehensive Plan shall be given added emphasis and the other policies contained in the plan shall not be used to: (1) exclude needed housing; (2) unnecessarily decrease densities; or (3) allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delay.

**Finding:** Section 17.74.020 is satisfied by this proposal in that the proposed zone change is consistent with the goals and policies of the Comprehensive Plan, as described in more detail above in the specific findings for each Comprehensive Plan goal and policy.

The development pattern in the surrounding area is widely varying. Both residential and industrial uses and zones are located adjacent to the subject site. Commercially zoned lands are also present within one-quarter mile of the subject site. The properties that share direct boundaries and are immediately adjacent to the subject site, to the north and west, are all zoned residential. The properties immediately to the west are a lower density residential (R-2 – Single Family Residential), and the property

immediately to the north is higher density residential (R-4 – Multiple-Family Residential). Other adjacent properties that are zone M-1 (Light Industrial) are separated from the subject site by either public right-of-way (McDaniel Lane) or the Southern Pacific Railroad corridor.

The subject site is located on the fringe of an area that is predominately guided for commercial and industrial land uses on the Comprehensive Plan Map and zoned as a mixture of industrial and commercial. The commercial and industrial uses in this area are generally bounded on the north and west by the Southern Pacific Railroad corridor. Just to the southwest of the subject site is also the northern boundary of the Northeast Gateway Planned Development Overlay District, which is a mixed use district that allows for a variety of housing, commercial, and light industrial uses. Properties located immediately north of and adjacent to the railroad corridor, as the subject site is, vary in terms of their zoning classifications. North of the railroad corridor between Hembree Street and 18<sup>th</sup> Street there are twelve properties that are zoned either M-1 (Light Industrial) or M-2 (General Industrial). There are also groups of properties on the north side of the railroad corridor that are zoned residentially. Most of these residential areas are lower density zones (R-2 – Single Family Residential), and these exist in the vicinity of both the southern terminus of Hembree Street and Logan Street. However, immediately adjacent to the subject site to the north is an existing higher density zoned (R-4 – Multiple-Family Residential) property. Given the variety of zoning classifications in the areas along the railroad corridor and the presence of R-4 (Multiple-Family Residential) zoned land immediately adjacent to the subject site, the proposed zone change to R-4 (Multiple-Family Residential) is not inconsistent with the development pattern in the surrounding area.

The proposed residential land use will also be more compatible with the other immediately adjacent residential lands than an industrial land use. The use of the subject site as a residential use will also provide additional buffering and separation between existing residential land uses to the north and west from the higher concentration of industrial and commercial land uses to the south across the Southern Pacific Railroad corridor. However, the proposed zone change would result in a higher density residential use than most of the adjacent residential properties to the west of the subject site. The conditions of approval suggested by staff above would mitigate any potential impact to surrounding land uses and result in a development more compatible with the surrounding area. The conditions of approval would also result in a multiple-family development site that is more functional for the eventual residents of site. As a summary, those conditions of approval include dense landscaped buffers along the west and south portions of the site, an increase in yard setbacks if building heights exceed the height allowed in the lower density residential zones, and the provision of usable open space within the site.

This area is well served by existing sanitary and storm sewer systems as well as other public utilities. The Engineering Department has reviewed this proposal and has offered no concerns with providing adequate services to this site to support residential development density at the subject site. The adopted Wastewater Conveyance System Master Plan anticipated an industrial flow contribution of 12 dwelling unit equivalents (EDU's) from the subject site. Based on the size of the site at 43,557 square feet and assuming that the highest density residential zone (R-4) was approved, the maximum allowable density would be 29 multifamily dwelling units (based on the lot size requirement of 1,500 square feet per dwelling unit). However, the applicant is anticipating the development of 24 dwelling units, given other site improvements that would be required for a multiple family development project. The Engineering Department has stated that the 12 additional dwelling units, for a total of 24 units, would not significantly impact the City's wastewater system.

The applicant has provided a traffic impact analysis that concluded that the surrounding street network has the capacity to accommodate the number of trips that would result from the applicant's request to amend the Comprehensive Plan Map designation and complete a zone change to allow the development of 24 dwelling units on site. The traffic analysis showed that no increase in delay would occur at three of the four intersections included in the analysis. The only increase in delay occurred at the intersection of McDaniel and Lafayette, and was only an increase of 0.1 seconds per vehicle during the AM peak hour and an increase of 0.3 seconds per vehicle during the PM peak hour. The minimal

increase in delay at that intersection and the trips introduced to the surrounding street system by the proposed development did not have any impact on the overall level of service of any intersection within the study area. The new access to the site on McDaniel was also shown to operate at a level of service of "B" in both the 2018 AM and PM peak hours.

The Engineering Department has reviewed the traffic impact analysis, and does not have any concerns with the analysis or the findings. Specific tables showing the projected intersection functionality, both currently and after the incorporation of the trips that could result from the proposed zone change, are provided below:

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	McDaniel at 19th St	All-way stop	HCM 6th Edition	SB Thru	0.274	9.0	A
2	McDaniel at 18th St	Two-way stop	HCM 6th Edition	EB Thru	0.026	11.5	B
3	McDaniel at 17th St	Two-way stop	HCM 6th Edition	EB Left	0.018	10.6	B
4	McDaniel at Lafayette	Two-way stop	HCM 6th Edition	SEB Left	0.005	15.1	C

Existing AM Peak Hour Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	McDaniel at 19th St	All-way stop	HCM 6th Edition	SB Thru	0.275	9.0	A
2	McDaniel at 18th St	Two-way stop	HCM 6th Edition	EB Thru	0.026	11.5	B
3	McDaniel at 17th St	Two-way stop	HCM 6th Edition	EB Left	0.018	10.6	B
4	McDaniel at Lafayette	Two-way stop	HCM 6th Edition	SEB Left	0.005	15.2	C
5	McDaniel at Site Access	Two-way stop	HCM 6th Edition	EB Left	0.006	10.6	B

2018 AM Peak Hour Summary with McDaniel St Apts

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	McDaniel at 19th St	All-way stop	HCM 6th Edition	NB Thru	0.240	8.9	A
2	McDaniel at 18th St	Two-way stop	HCM 6th Edition	WB Thru	0.025	11.8	B
3	McDaniel at 17th St	Two-way stop	HCM 6th Edition	EB Left	0.016	10.9	B
4	McDaniel at Lafayette	Two-way stop	HCM 6th Edition	SEB Left	0.007	22.2	C

Existing PM Peak Hour Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	McDaniel at 19th St	All-way stop	HCM 6th Edition	NB Thru	0.243	8.9	A
2	McDaniel at 18th St	Two-way stop	HCM 6th Edition	WB Thru	0.025	11.8	B
3	McDaniel at 17th St	Two-way stop	HCM 6th Edition	EB Left	0.016	10.9	B
4	McDaniel at Lafayette	Two-way stop	HCM 6th Edition	SEB Left	0.008	22.5	C
5	McDaniel at Site Access	Two-way stop	HCM 6th Edition	EB Left	0.003	10.7	B

2018 PM Peak Hour Summary with McDaniel St Apts

The traffic impact analysis was also accompanied by a Transportation Planning Rule memo (dated June 22, 2018) that provided an analysis and comparison of uses allowed in both the existing industrial zone and the proposed multiple-family residential zone. Using some assumptions as to the developable area of the site for different types of industrial uses, the analysis determined that the proposed development of the site with 24 apartment units would result in less trips than another use (small office building) that would be permitted under the site's current zoning.

One issue with the traffic impact analysis was that it did not account for the maximum allowable density of the subject site if the proposed zone change was approved. As noted in more detail above, the maximum allowable density of the subject site would be 29 multifamily dwelling units. The traffic impact analysis did not account for this maximum allowable density, as it assumed only the 24 dwelling units that the applicant anticipates constructing on the site. Because the traffic impact analysis does not provide an analysis of the impacts of the maximum level of development of the subject site if the zone change to R-4 (Multiple-Family Residential) was approved, a condition of approval is included to incorporate a trip cap on the future proposed multiple-family development. This trip cap would be based on the figures provided in the Transportation Planning Rule memo (dated June 22, 2018) that accompanied the traffic impact analysis report. That memo cited the Institute of Traffic Engineers (ITE) Trip Generation Manual and the number of trips that would be generated by each individual apartment unit. The average daily trips for an apartment unit is 7.32 trips per apartment (ITE 220). As the traffic impact analysis and the accompanying Transportation Planning Rule memo assumed the development of only 24 dwelling units on the subject site, the analysis assumed 176 average daily trips (24 times 7.32 trips) generated by the development of the subject site. Therefore, the condition of approval will limit the development of the site to a residential density that generates no more than 176 average daily trips as referenced in the Transportation Planning Rule memo (dated June 22, 2018), unless a subsequent traffic impact analysis is submitted by the applicant and found to be acceptable to the City.

CD:sjs