

ORDINANCE NO. 5121

AN ORDINANCE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT FROM INDUSTRIAL TO COMMERCIAL AND APPROVING A ZONE CHANGE FROM M-1 (LIGHT INDUSTRIAL) TO C-3 (GENERAL COMMERCIAL) FOR PROPERTY OF APPROXIMATELY 0.9 ACRES LOCATED AT 455 NE IRVINE STREET (TAX LOTS R4421BD 2400 & 2601)

RECITALS:

WHEREAS, the Planning Department received applications CPA 1-22 and ZC 2-22 from applicant Steve Elzinga on behalf of property owner Carlton Hub, LLC requesting approval of a Comprehensive Plan Map amendment from Industrial to Commercial and a Zone Change from M-1 (Light Industrial) to C-3 (General Commercial) for the subject property; and

WHEREAS, the subject property is approximately 0.9 acres, located at 455 NE Irvine Street (Tax Lot R4421BD 2400 & 2601); and

WHEREAS, a duly noticed public hearing before the McMinnville Planning Commission was held on July 21, 2022 after due notice had been provided in the local newspaper on July 15, 2022 and written notice had been mailed to property owners within 300 feet of the affected property; and

WHEREAS, at said public hearing, the application materials and a staff report were presented, and applicant and public testimony was received.

WHEREAS, the Planning Commission, being fully informed about said request, found that the requested Comprehensive Plan Map Amendment and Zone Change conformed to the applicable Comprehensive Plan goals and policies and review criteria based on the material submitted by the applicant and the findings of fact and conclusionary findings for approval contained in Exhibit A; and

WHEREAS, the Planning Commission, by a vote of 8-0, recommended approval of said Comprehensive Plan Map Amendment and Zone Change; and

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

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

1. That the Council adopts the Decision, Conditions, Findings of Fact and Conclusionary Findings as documented in Exhibit A, approving the Comprehensive Plan Map Amendment (CPA 1-22) and Zone Change (ZC 2-22); and
2. That this Ordinance shall take effect 30 days after its passage by the City Council.

Passed by the McMinnville City Council this 23rd day of August 2022, by the following votes:

Geary, Garvin, Menke, Peralta, Chenoweth, Payne

Ayes: _____

Nays: _____



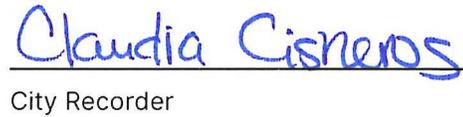
MAYOR

Approved as to form:



City Attorney

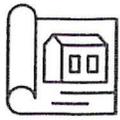
Attest:



City Recorder

EXHIBITS:

- A. Decision Document for Dockets CPA 1-22 & ZC 2-22



City of McMinnville

PLANNING

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

503-434-7311

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DECISION, CONDITIONS, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPLICATION FOR A COMPREHENSIVE PLAN MAP AMENDMENT FROM INDUSTRIAL TO COMMERCIAL AND A ZONE CHANGE FROM M-1 (LIGHT INDUSTRIAL) TO C-3 (GENERAL COMMERCIAL) FOR A PROPERTY OF APPROXIMATELY 0.9 ACRES, LOCATED AT 455 NE IRVINE ST, TAX LOTS R4421BD 2400 & 2601

DOCKET: CPA 1-22 (Comprehensive Plan Map Amendment), ZC 2-22 (Zone Change)

REQUEST: An application for an amendment to the Comprehensive Plan Map from Industrial to Commercial, and a Zone Change from M-1 (Light Industrial) to C-3 (General Commercial), for a property of approximately 0.9 acres.

LOCATION: Site Address: 455 NE Irvine Street
Map & Tax Lot: Part of R4421BD 2400 & 2601

CURRENT ZONING: M-1 (Light Industrial)

APPLICANT: Steve Elzinga, Sherman Sherman Johnnie & Hoyt, LLP

PROPERTY OWNER: Carlton Hub, LLC, c/o Kellan Lancaster

STAFF: Tom Schauer, Senior Planner

DATE DEEMED COMPLETE: June 10, 2022

HEARINGS BODY & ACTION: The McMinnville Planning Commission makes a recommendation to the City Council. A Planning Commission recommendation of approval is transmitted to the City Council for a decision. A Planning Commission recommendation/decision of denial becomes the final decision unless that decision is appealed to the City Council.

PLANNING COMMISSION HEARING DATE & LOCATION: July 21, 2022 at 6:30 P.M.

This will be a hybrid meeting with the opportunity to join an in-person meeting at Civic Hall or virtually on a zoom meeting.

Meeting Location:

McMinnville Civic Hall, 200 NE 2nd Street, McMinnville, OR 97128

Zoom Online Meeting:

<https://mcminnvilleoregon.zoom.us/j/86430461362?pwd=c0tJZzN6eFBXTkpFN Gh5a2p6ck5UZz09>

Meeting ID: 864 3046 1362

Passcode: 904774

(See below for instructions on how to join Zoom meeting)

DECISION-MAKING

BODY:

The McMinnville City Council makes the final decision, unless the Planning Commission recommendation/decision is denial, in which case that is the final decision unless the Planning Commission decision is appealed to City Council.

DECISION DATE

& LOCATION:

August 23, 2022, Civic Hall, 200 NE 2nd Street, McMinnville, Oregon.

PROCEDURE:

An application for a Comprehensive Plan Map Amendment and Zone Change is processed in accordance with the procedures in Section 17.72.120 of the McMinnville Municipal Code. The application is reviewed by the Planning Commission in accordance with the quasi-judicial public hearing procedures specified in Section 17.72.130 of the McMinnville Municipal Code.

CRITERIA:

The applicable criteria for a Comprehensive Plan Map Amendment and Zone Change are specified in Section 17.74.020 of the McMinnville Municipal Code. In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of the proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests. The proposal must also be consistent with applicable provisions of state law.

APPEAL:

The Planning Commission makes a recommendation to the City Council. If the Planning Commission recommendation is approval, the recommendation is forwarded to City Council to make the final decision. If the Planning Commission recommendation/decision is denial, then that is the final decision unless the Planning Commission's decision is appealed to the City Council per Section 17.72.180 of the McMinnville Municipal Code.

As specified in Section 17.72.190 of the McMinnville Municipal Code, the City Council's decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 (twenty-one) days of the date written notice of decision is mailed.

Note: The City's final decision is usually subject to a 120-day processing timeline, including resolution of any local appeal. However, per ORS 227.178(7), the 120-day period does not apply to a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

COMMENTS: This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of State Lands; and Oregon Department of Transportation. Their comments are provided in Section IV of this document.

DECISION

Based on the findings and conclusions, the McMinnville City Council finds the applicable criteria are satisfied and **APPROVES** the Comprehensive Plan Map Amendment (CPA 1-22) and Zone Change (ZC 2-22).

//
DECISION: APPROVAL
//

City Council:  Date: 08/24/2022
Remy Drabkin, Interim Mayor of McMinnville

Planning Commission:  Date: 8/25/22
Sidonie Winfield, Chair of the McMinnville Planning Commission

Planning Department:  Date: 8/26/22
Heather Richards, Planning Director

I. APPLICATION SUMMARY:

Subject Property & Request

The applicant requests an amendment to the Comprehensive Plan Map from Industrial to Commercial, and an amendment to the Zoning Map from M-1 (Light Industrial) to C-3 (General Commercial), for a property of approximately 0.9 acres, located at 455 NE Irvine Street (Tax Lots R4421BD 2400 & 2601). ***See Vicinity Map (Figure 1), Comprehensive Plan Map (Figure 2), and Zoning Map (Figure 3).***

The subject property is zoned M-1. The new owner is seeking the new Commercial/C-3 designation to allow the property to be used for uses which are permitted in the C-3 zone, but which are not permitted in the M-1 zone. The M-1 zone doesn't permit most uses which are permitted in the C-3 zone.

Permitted uses in the C-3 zone include commercial uses such as retail, eating and drinking establishments, etc. The application indicates the types of uses the applicant is considering. However, as a reminder, the application is for a map amendment, not an approval for a specific use. The proposed map amendment would not limit which C-3 permitted uses would be authorized on the subject property.

The property is also located within the NE Gateway Planned Development Overlay District. This overlay district has three subareas, each of which has a different purpose and allows different permitted uses. The subject property is located within Subarea 1 of the NE Gateway Overlay. The permitted uses in Subarea 1 generally allow for commercial uses, while restricting industrial uses. This is somewhat different than Subarea 2 which allows for a mix of commercial, light industrial, and residential uses. For reasons discussed in more detail in the staff report, a change of use of the existing building from industrial use to commercial use could not occur without the proposed map amendment.

Figure 1. Vicinity Map



Figure 2a. Existing Comprehensive Plan Map

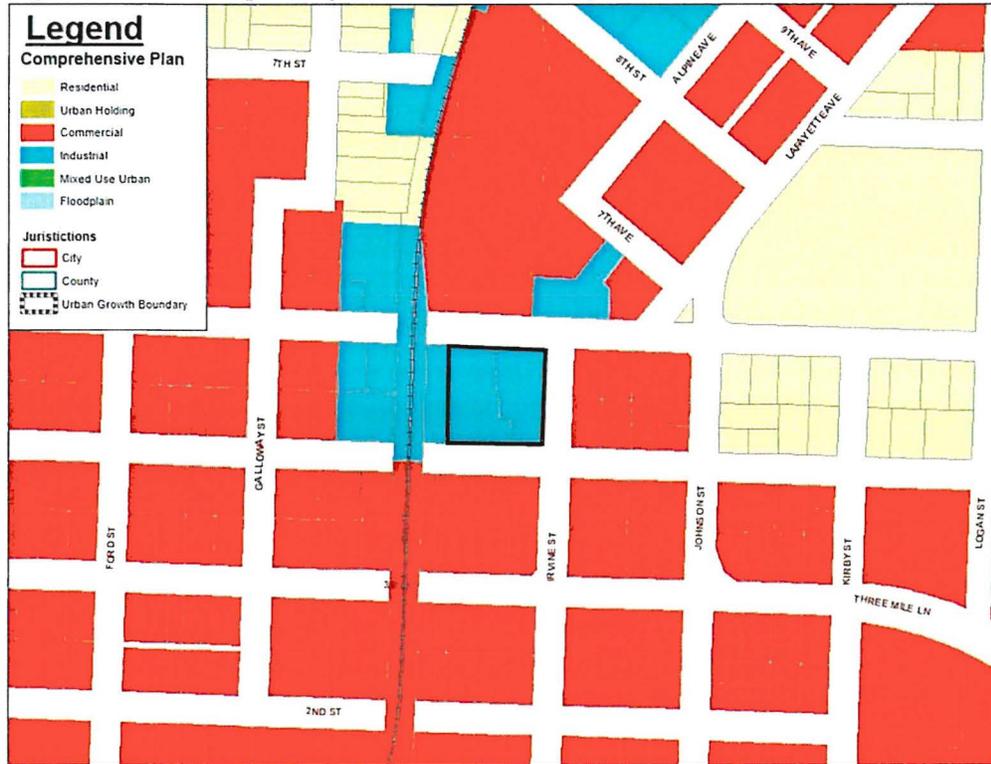


Figure 2b. Proposed Comprehensive Plan Map

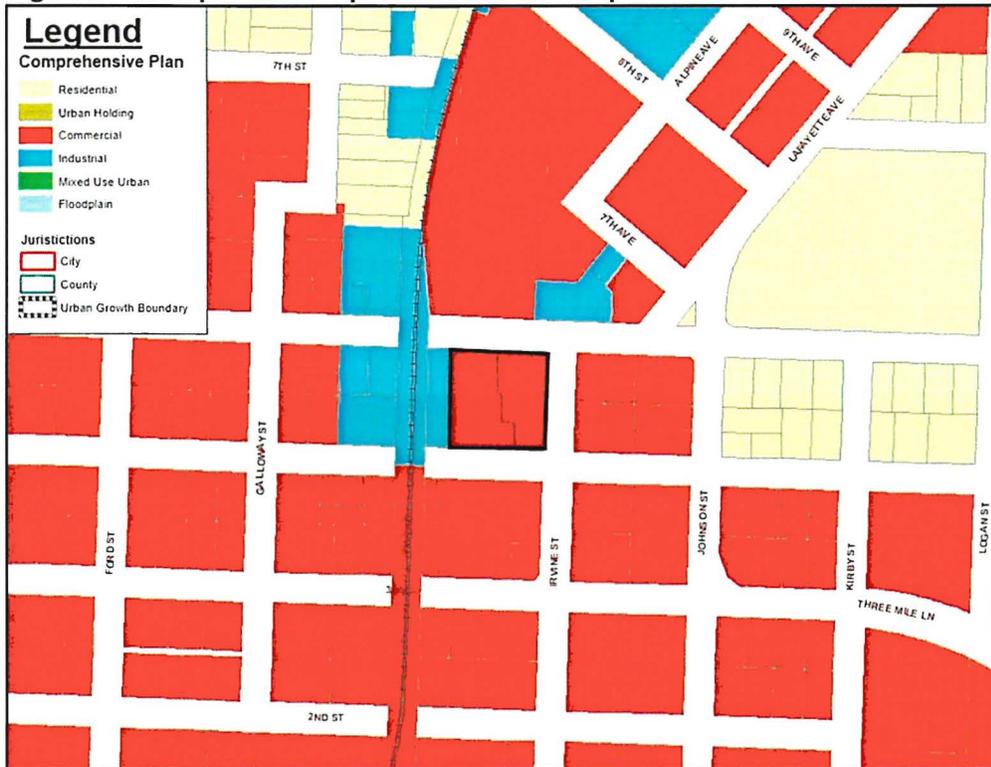


Figure 3a. Existing Zoning Map

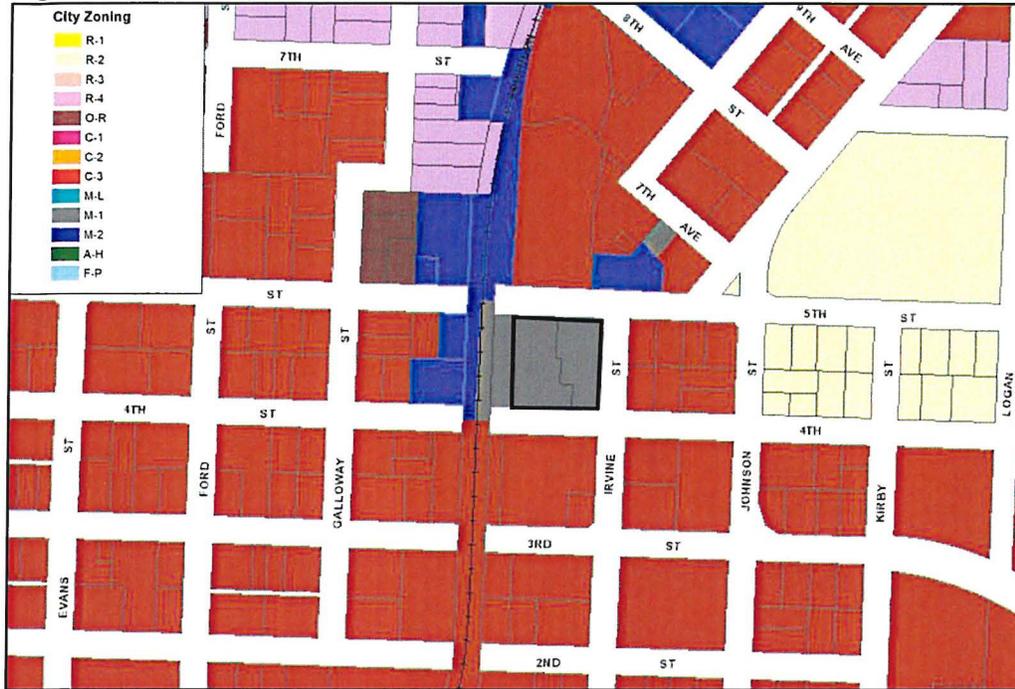


Figure 3b. Proposed Zoning Map

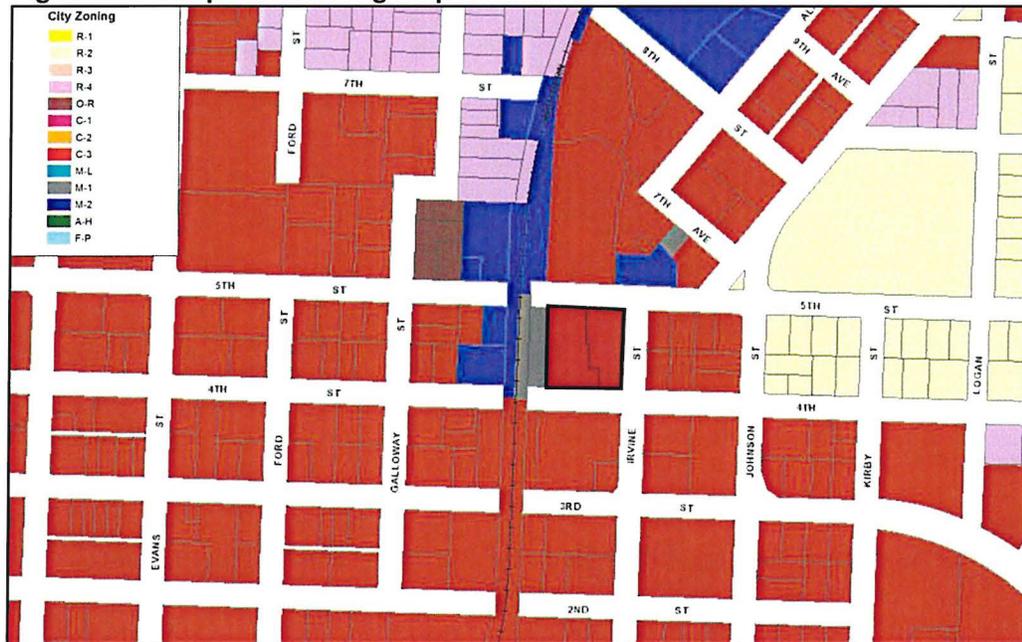
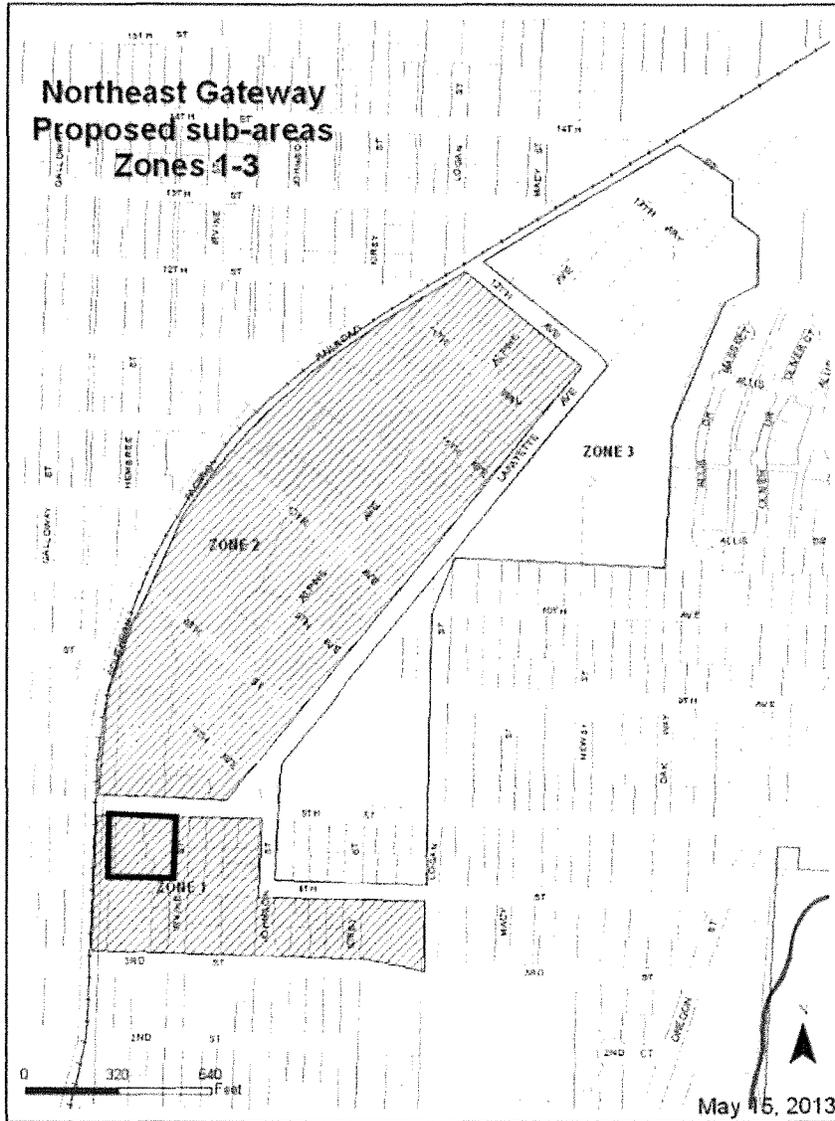


Figure 4: NE Gateway Overlay Zone and Sub-Area Boundaries



II. CONDITIONS:

Not Applicable.

III. ATTACHMENTS:

1. CPA 1-22/ZC 2-22 Application and Attachments (on file with the Planning Department)

IV. COMMENTS:

Agency Comments

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, City Manager, and City Attorney; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier

Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands.

Responses were received from the following agencies, provided below:

- McMinnville Building Department
- McMinnville Engineering Department
- McMinnville Water & Light
- Comcast

- McMinnville Building Department
A building permit will be necessary for the intended work and to change the occupancy. A building code plan review and code analysis was not performed as part of this referral. However, one potential item to note is that the building perimeter and surrounding fence appear to be on the property lines shared with the right-of-way. Because of the intended occupancy, out-swinging doors and gates will likely be necessary and some modifications to not swing over the right-of-way may be necessary. No other building concerns at this time. A comprehensive building code review will occur at the time of permit submittal.

- McMinnville Engineering Department
No comments.

- McMinnville Water & Light
McMinnville Water & Light has no comments.

- Comcast
Comcast has no conflict with this project.

Public Comments

Notice of this request was mailed to property owners located within 300 feet of the subject site. No written public testimony was submitted.

V. FINDINGS OF FACT - PROCEDURAL FINDINGS

1. The application was submitted with fee provided on May 9, 2022. The applicant submitted the necessary documentation to demonstrate a neighborhood meeting was noticed and held in accordance with the provisions of Section 17.72.095 of the Zoning Ordinance.
2. The application was deemed complete on June 10, 2022.
3. On June 10, 2022, notice of the application was provided to the Oregon Department of Land Conservation and Development (DLCD).
4. On June 13, 2022, notice of the application was referred to the following public agencies for comment in accordance with Section 17.72.120 of the Zoning Ordinance: McMinnville Fire Department, Police Department, Engineering Department, Building Department, Parks Department, Public Works Department, Waste Water Services, and City Manager; McMinnville Water and Light; McMinnville School District No. 40; Yamhill County Planning Department; Ziplly Fiber (formerly Frontier Communications); Comcast; Recology; Northwest Natural Gas; Oregon Department of Transportation; and Oregon Department of State Lands. Notice of the application was also subsequently provided to the City Attorney.

Comments received from agencies are addressed in Section IV of this Decision Document.

5. On June 29, 2022, notice of the application and the July 21, 2022 Planning Commission public hearing was mailed to property owners within 300 feet of the subject property in accordance with Section 17.72.120 of the Zoning Ordinance.
6. On July 15, 2022, notice of the application and the July 21, 2022 Planning Commission public hearing was published in the newspaper in accordance with Section 17.72.120 of the Zoning Ordinance.
7. The Planning Commission held a public hearing on July 21, 2022 to consider the request. The Planning Commission recommended approval of the request.
8. The City Council met on August 23, 2022 to consider the request and the recommendation of the Planning Commission.

VI. FINDINGS OF FACT - GENERAL FINDINGS

1. **Location:**
 - o **Site Address:** 455 NE Irvine Street
 - o **Map & Tax Lot:** R4421BD 2400 & 2601
2. **Size:** 0.9 acres
3. **Comprehensive Plan Map Designation:** Industrial
4. **Zoning:**
 - a. **Subject Property:** M-1 (General Industrial)
 - b. **Surrounding Properties:**
 - i. **North:** Across 5th Street: C-3 (General Commercial) and M-2 (General Industrial)
 - ii. **West:** M-1 Light Industrial (railroad right-of-way and property) and M-2 General Industrial (west of the railroad)
 - iii. **South:** C-3 (General Commercial)
 - iv. **East:** C-3 (General Commercial)
5. **Overlay Zones/Special Districts:**
 - a. NE Gateway Overlay, Subarea 1 (Ordinance 4971)
 - b. Airport Overlay, Conical Surface Zone
6. **Current Development:** The property is developed with the Old Power Plant building as subsequently expanded. The property was most recently used for the Elizabeth Chambers Cellar Winery and Tasting Room.
7. **Inventoried Significant Resources:**
 - a. **Historic Resources:** Historic Resource A-796, Old Power Plant
 - b. **Other:** None Identified
8. **Other Features:**
 - a. **Slopes:** The property is generally level.
 - b. **Easements:** No City easements identified on the property.

- c. **Trees:** Street trees are present. Trees were present along the railroad property that were removed and would need to be addressed as part of a landscape plan for a proposed use/development. Trees are present in the area south of the building within the outdoor patio area.
9. **Utilities:**
- a. **Water:** Water distribution mains are present along the frontage in 5th and Irvine Streets.
 - b. **Sewer:** Sanitary sewer mains are present in 4th and 5th Streets along the easterly portion of the property.
 - c. **Stormwater:** There are storm drainage lines present in 4th, 5th, and Irvine Streets.
 - d. **Power:** Overhead power is present along 4th and 5th Streets.
10. **Transportation and Access:** The property makes up a block which is bounded by frontage on 4th Street to the south, 5th Street to the north, and Irvine Street to the east. The property abuts the railroad right-of-way and property to the west. 5th Street is a minor collector. 4th Street and Irvine Street are local access streets.

VII. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application. The applicable criteria and standards for a Comprehensive Plan Map amendment and Zone Change are found in Chapter 17.74 of the Zoning Ordinance.

In addition, the goals, policies, and proposals in Volume II of the Comprehensive Plan are to be applied to all land use decisions as criteria for approval, denial, or modification of a proposed request. Goals and policies are mandated; all land use decisions must conform to the applicable goals and policies of Volume II. "Proposals" specified in Volume II are not mandated, but are to be undertaken in relation to all applicable land use requests.

Amendments to the City's adopted and acknowledged planning documents, including amendments to the Comprehensive Plan Map and Zoning Map, are also subject to certain Statewide Planning Goals and associated statutes and administrative rules.

Comprehensive Plan Volume II:

The following Goals, Policies, and Proposals from Volume II of the Comprehensive Plan provide criteria applicable to this request:

The implementation of many of the goals, policies, and proposals as they apply to quasi-judicial land use applications are accomplished through the provisions, procedures, and standards in the city codes and master plans, which are sufficient to adequately address applicable goals, policies, and proposals as they apply certain applications, and are not addressed below

The following findings are made relating to specific Goals and Policies:

CHAPTER II. NATURAL RESOURCES

GOAL II 1: TO PRESERVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES WITHIN THE PLANNING AREA.

APPLICANT'S RESPONSE: This application is to re-zone and maximize use of underutilized property in the city's downtown core, which will preserve undeveloped property near the city limits.

This application relates to a previously developed area, so it will not notably impact air, water, and land resources. No new emission sources are planned. The property is not in a flood plain and has no wetlands. There are no landslide hazards. The proposed leisure business will have less noise and air impact than the potential industrial uses currently allowed on the property.

FINDING:

GOAL: SATISFIED. The commercial re-use of the property within the walkable downtown context helps ensure efficient use of developed property and provide for a complementary mix of "park once and walk" uses.

POLICIES: SATISFIED. Most policies provided under this goal don't relate to a quasi-judicial application to amend the Comprehensive Plan map and zoning map. The land policies address issues such as unincorporated lands within the UGB, natural hazards, mineral and aggregate resources, and reclamation of aggregate sites. The water policies address issues such as drinking water standards, floodplain, water quality standards, and drinking water source watershed protection. Other provisions of the Comprehensive Plan which address natural features such as wetlands, trees, etc. are addressed under the respective provisions herein.

In the Noise Subsection, Policy 12.00 is, *"The City of McMinnville shall insure that noise compatibility between different land uses is considered in future land use decisions and that noise control measures are required and instituted where necessary."*

The proposal will reduce the potential for noise conflicts by changing the relationship between the subject property and surrounding properties so the commercial zoning will abut commercial zoning on three sides and will abut industrial zoning to the west. The current industrial zoning of the property currently abuts commercially-zoned property on three sides.

CHAPTER III. CULTURAL, HISTORICAL, AND EDUCATION RESOURCES

HISTORIC PRESERVATION

GOAL III 2: TO PRESERVE AND PROTECT SITES, STRUCTURES, AREAS, AND OBJECTS OF HISTORICAL, CULTURAL, ARCHITECTURAL, OR ARCHEOLOGICAL SIGNIFICANCE TO THE CITY OF MCMINNVILLE.

GOAL III 4: ENCOURAGE THE PRESERVATION AND REHABILITATION OF HISTORIC RESOURCES

Policies

17.07. Strengthen the integration of historic preservation in city planning to capitalize on neighborhood history and character as city assets.

GOAL III 5: DOCUMENT AND PROTECT HISTORIC RESOURCES

GOAL III 6: INCREASE HERITAGE TOURISM

APPLICANT'S RESPONSE (GOAL III 6): This commercial leisure business with help amplify and create synergy with existing heritage tourism downtown.

Policies

17.14. *Amplify the heritage tourism program for McMinnville.*

FINDING (CHAPTER III GOALS AND POLICIES): SATISFIED. The proposed map amendment would allow for the change of use of the current historic resource from industrial use to commercial use without requiring that the change of use be in conjunction with an action such as an expansion or redevelopment as would otherwise be required by the provisions of the NE Gateway Overlay per the recent legal opinion.

The ability to adapt the use of historic resources for a variety of uses within the context of the historic core helps support heritage tourism where there is a concentration of historic resources and tourism-friendly uses within the core area.

CHAPTER IV. ECONOMY OF MCMINNVILLE

GOAL IV 1: TO ENCOURAGE THE CONTINUED GROWTH AND DIVERSIFICATION OF McMINNVILLE'S ECONOMY IN ORDER TO ENHANCE THE GENERAL WELL-BEING OF THE COMMUNITY AND PROVIDE EMPLOYMENT OPPORTUNITIES FOR ITS CITIZENS.

APPLICANT'S RESPONSE: This application will help maximize the economic potential of the existing property to provide more jobs, services, and economic growth. By locating near other leisure businesses, Carlton Hub's leisure business will add to the synergy of the area, benefiting surrounding businesses as well as its own, and helping link downtown to Alpine.

FINDING: SATISFIED. The proposed map amendment would allow for transition of the property from industrial use to commercial use as envisioned for Subarea 1 of the NE Gateway Overlay Zone as part of the growth of the core commercial area. The proposed map amendment would allow for all permitted uses authorized in the C-3 zone, and is not an approval for a specific use.

COMMERCIAL DEVELOPMENT

GOAL IV 2: TO ENCOURAGE THE CONTINUED GROWTH OF McMINNVILLE AS THE COMMERCIAL CENTER OF YAMHILL COUNTY IN ORDER TO PROVIDE EMPLOYMENT OPPORTUNITIES, GOODS, AND SERVICES FOR THE CITY AND COUNTY RESIDENTS.

Policies

21.01 *The City shall periodically update its economic opportunities analysis to ensure that it has within its urban growth boundary (UGB) a 20-year supply of lands designated for commercial and industrial uses. The City shall provide an adequate number of suitable, serviceable sites in appropriate locations within its UGB. If it should find that it does not have an adequate supply of lands designated for commercial or industrial use it shall take corrective actions which may include, but are not limited to, redesignation of lands for such purposes, or amending the UGB to include lands appropriate for industrial or commercial use.*

APPLICANT'S RESPONSE: This application would shift 0.9 acres of industrial land to commercial land, which is consistent with both the 2013 and draft 2020 Economic Opportunities Analysis. McMinnville's 2013 Economic Opportunities Analysis indicated a significant surplus of industrial land and a small deficit of commercial land from 2013-2033.

Similarly, the 2020 draft Economic Opportunities Analysis indicates a continued surplus of industrial land (159-acre surplus projected by 2041) and continued deficit of commercial land (286-acre deficit projected by 2041). In particular, the 2020 draft noted a projected need for 73 more commercial sites of 0.5 to 0.99 acres—like the 0.9-acre site in this application—while the projected need for industrial sites was for larger sites of 2+ acres.

FINDING: SATISFIED. As demonstrated by the EOA, McMinnville has a deficit of commercial land within the UGB, and redesignation of 0.9 acres of the industrial surplus to commercial consistent with the identified need is a corrective action and efficiency measure that addresses part of the identified deficit without the need for further UGB expansion. The site would provide a suitably-sized site at this location for the scale of commercial uses that would be suitable as part of the downtown commercial core.

In addition, while the property currently has an Industrial Comprehensive Plan Map designation and M-1 zoning, Subarea 1 of NE Gateway Overlay that currently applies to the property already provides for conversion to commercial uses through actions such as expansion and/or redevelopment, and Subarea 1 doesn't include industrial uses as a permitted use, whether as a separate use or as part of a mixed-use development.

21.03 *The City shall support existing businesses and industries and the establishment of locally owned, managed, or controlled small businesses.*

APPLICANT'S RESPONSE: All existing downtown leisure businesses benefit from continued solidification of the city core as a local and regional center for leisure. Carlton Hub's business will have significant synergy with the nearby wineries and tasting rooms, and help link downtown to Alpine.

FINDING: SATISFIED. Commercial designation of the property is consistent with the objectives for this area to strengthen the connection between the downtown district and the NE Gateway District as articulated in the NE Gateway Overlay Ordinance and Subarea 1 specifically, in order to help support and complement the existing businesses within the core area. The proposed map amendment would allow for all permitted uses authorized in the C-3 zone, and is not an approval for a specific use.

GOAL IV 3: TO ENSURE COMMERCIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USE THROUGH UTILIZATION OF EXISTING COMMERCIALY DESIGNATED LANDS, THROUGH APPROPRIATELY LOCATING FUTURE COMMERCIAL LANDS, AND DISCOURAGING STRIP DEVELOPMENT.

General Policies:

22.00 *The maximum and most efficient use of existing commercially designated lands will be encouraged as will the revitalization and reuse of existing commercial properties.*

23.00 *Areas which could in the future serve as commercial sites shall be protected from encroachment by incompatible uses.*

24.00 *The cluster development of commercial uses shall be encouraged rather than auto-oriented strip development. (Ord.4796, October 14, 2003)*

APPLICANT’S RESPONSE: This application seeks to maximize efficiency of existing developed land for surrounding commercial leisure uses. Further, use of the property for many of the presently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel) would be disturbing to the current surrounding commercial leisure uses, so this zone change benefits the entire area by preventing industrial interference with existing surrounding commercial uses.

This application seeks to align with the current cluster of commercial leisure businesses in and around the central business district, which is just across the street from this property, and link to the cluster of commercial leisure businesses in the Alpine area just north of this property. This will help further encourage the walkable downtown/Alpine area.

FINDING: SATISFIED. The proposed commercial designation of the property allows for continued efficient use of this property in a location that is already identified for transition to commercial use. It is located within the building fabric of the downtown area, allowing for commercial use of the existing building, which is pedestrian-oriented and oriented to the sidewalk at the corner of 5th and Irvine. Parking is already located to the side of the building adjacent to the railroad tracks. This is consistent with the downtown district and avoids auto-oriented strip development.

Locational Policies:

24.50 *The location, type, and amount of commercial activity within the urban growth boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord.4796, October 14, 2003)*

APPLICANT’S RESPONSE: This application would shift 0.9 acres of industrial land to commercial land, which is consistent with both the 2013 and draft 2020 Economic Opportunities Analysis. McMinnville’s 2013 Economic Opportunities Analysis indicated a significant surplus of industrial land and a small deficit of commercial land from 2013-2033.

Similarly, the 2020 draft Economic Opportunities Analysis indicates a continued surplus of industrial land (159-acre surplus projected by 2041) and continued deficit of commercial land (286-acre deficit projected by 2041). In particular, the 2020 draft noted a projected need for 73 more commercial sites of 0.5 to 0.99 acres—like the 0.9-acre site in this application—while the projected need for industrial sites was for larger sites of 2+ acres.

FINDING: SATISFIED. The proposed map amendment would meet a portion of the identified need for commercial land and site needs identified in the Comprehensive Plan and EOA.

25.00 *Commercial uses will be located in areas where conflicts with adjacent land uses can be minimized and where city services commensurate with the scale of development are or can be made available prior to development.*

APPLICANT’S RESPONSE: There is no better place to locate commercial uses than the location in this application, which is surrounded by other commercial uses. If this property were used for many of the currently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel), it would conflict with the surrounding commercial uses. Current city services adequate for commercial use are already present in this area.

FINDING: SATISFIED. Commercial designation of the proposed site would be consistent with the predominant designations of surrounding properties, thereby minimizing conflicts. It would also be consistent with the intended use of property located in Subarea 1 of the NE Gateway Overlay Zone which applies to the property. The site is already developed and served by municipal facilities and services.

- 26.00 *The size of, scale of, and market for commercial uses shall guide their locations. Large-scale, regional shopping facilities, and heavy traffic-generating uses shall be located on arterials or in the central business district, and shall be located where sufficient land for internal traffic circulation systems is available (if warranted) and where adequate parking and service areas can be constructed.*

APPLICANT'S RESPONSE: The commercial leisure uses envisioned for this property are an ideal fit for the area, right next the central business district. The property has existing off-street parking as well as immediately adjacent street spaces. Once a specific use is determined, Carlton Hub will need to meet all requirements for that specific use and demonstrate such compliance in a separate application.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

FINDING: SATISFIED. The scale and use of the building and property is consistent with the objectives of the core downtown area. The property also has existing off-street parking. For a specific use, the applicant will be required to demonstrate adequate off-street parking on-site and/or within 200 feet through a shared parking agreement.

Design Policies:

- 30.00 *Access locations for commercial developments shall be placed so that excessive traffic will not be routed through residential neighborhoods and the traffic-carrying capacity of all adjacent streets will not be exceeded.*

APPLICANT'S RESPONSE: The property has existing access that avoids residential neighborhoods. The proposed commercial leisure business is similar to use of the property as a tasting room, so there should not be a notable impact on traffic on adjacent streets. The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

FINDING: SATISFIED. The property has frontage on 4th Street, 5th Street, and Irvine Street. Parking lot access is onto 5th Street, a minor collector, and 4th Street, which dead-ends at the railroad tracks, so there is no cut-through traffic adjacent to Village Quarter. Irvine Street provides a connection between 5th Street, a minor collector, and 3rd Street, a major collector.

- 31.00 *Commercial developments shall be designed in a manner which minimizes bicycle/pedestrian conflicts and provides pedestrian connections to adjacent residential development through pathways, grid street systems, or other appropriate mechanisms. (Ord.4796, October 14, 2003)*

APPLICANT'S RESPONSE: This property has good bicycle and pedestrian links with the surrounding area. Use as a commercial leisure business is consistent with these links. Notably, this property will help serve as a link between the downtown core and the Alpine area.

FINDING: SATISFIED. The site is located within a well-connected grid street system. The proposed map amendment would not change bicycle and pedestrian connectivity.

32.00 *Where necessary, landscaping and/or other visual and sound barriers shall be required to screen commercial activities from residential areas.*

APPLICANT'S RESPONSE: No response.

FINDING: NOT APPLICABLE. While the M-1 and C-3 zones both have similar provisions for required yards adjacent to residential zones and screening of outside storage adjacent to residential zones, there is no residential zoning adjacent to the property. There is existing screening present along the south property line adjacent to 4th Street and the adjacent residential use. Any proposed changes to approved landscaping are subject to review for amendments to existing landscape plans.

GOAL IV 4: TO PROMOTE THE DOWNTOWN AS A CULTURAL, ADMINISTRATIVE, SERVICE, AND RETAIL CENTER OF McMinnville.

Downtown Development Policies

36.00 *The City of McMinnville shall encourage a land use pattern that:*

1. *Integrates residential, commercial, and governmental activities in and around the core of the city;*
2. *Provides expansion room for commercial establishments and allows dense residential development;*
3. *Provides efficient use of land for adequate parking areas;*
4. *Encourages vertical mixed commercial and residential uses; and,*
5. *Provides for a safe and convenient auto-pedestrian traffic circulation pattern.*

APPLICANT'S RESPONSE: This application promotes integrating commercial uses in the downtown core of the city, by shifting the small, isolated industrial property to commercial. This application will also link the commercial uses downtown with the commercial uses in the Alpine area.

FINDING: SATISFIED. The proposed amendment is consistent with the commercial uses intended for this area as expressed in the NE Gateway Overlay Subarea 1. Of the six blocks within Subarea 1, this is the only one that doesn't currently have C-3 base zoning.

41.00 *The City of McMinnville shall encourage the expansion of retail and other commercial enterprises east of the railroad tracks and north and south of Third Street consistent with the adopted "Downtown Improvement Plan."*

APPLICANT'S RESPONSE: This application builds upon the recent expansion of the downtown commercial core east of the railroad tracks. This property is located just a block north of this policy's focus. Further, this property is a link between commercial uses downtown and along Alpine.

FINDING: SATISFIED. The subject property is outside the Study Area of the Downtown Improvement Plan; however, the proposed amendment encourages the expansion of commercial uses east of the railroad tracks to the north of Third Street, consistent with the plan, and also consistent with the commercial use of the property and other properties within Subarea 1 of the NE Gateway Overlay Zone.

44.00 *The City of McMinnville shall encourage, but not require, private businesses downtown to provide off-street parking and on-site traffic circulation for their employees and customers.*

APPLICANT'S RESPONSE: This property has an existing off-street parking lot.

FINDING: SATISFIED. The proposed map amendment doesn't change the parking standards which are applicable to the property. The property currently has off-street parking. Any change of use or development is subject to the applicable parking standards. The property is not within the parking reduction areas listed in Section 17.60.100 of the Zoning Ordinance, and the applicability of the parking standards if the NE Gateway Overlay Zone would not change as a result of the proposed map amendment.

46.00 *The City shall work to implement the recommendations of the adopted "McMinnville Downtown Improvement Plan."*

APPLICANT'S RESPONSE: No response.

FINDING: NOT APPLICABLE. The subject property is outside the study area of the "McMinnville Downtown Improvement Plan."

INDUSTRIAL DEVELOPMENT

GOAL IV 5: TO CONTINUE THE GROWTH AND DIVERSIFICATION OF McMINNVILLE'S INDUSTRIAL BASE THROUGH THE PROVISION OF AN ADEQUATE AMOUNT OF PROPERLY DESIGNATED LANDS.

APPLICANT'S RESPONSE: As described above, both the 2013 and draft 2020 Economic Opportunities Analysis show a surplus of industrial land. Thus, removal of 0.9 acres from available industrial land will not hinder needed industrial growth.

FINDING: SATISFIED. The Comprehensive Plan and EOA identify a surplus of industrially-designated land. There is sufficient industrial acreage to redesignate the proposed property to a commercial designation while retaining a surplus of industrially designated land. In addition, Subarea 1 of the NE Gateway Overlay Zone, which includes the subject property, already permits commercial use and prohibits industrial use when its provisions are triggered by thresholds specified in the "Applicability" section of the Ordinance.

GOAL IV 6: TO INSURE INDUSTRIAL DEVELOPMENT THAT MAXIMIZES EFFICIENCY OF LAND USES, THAT IS APPROPRIATELY LOCATED IN RELATION TO SURROUNDING LAND USES, AND THAT MEETS NECESSARY ENVIRONMENTAL STANDARDS.

Locational Policies

49.00 *The City of McMinnville shall use its zoning and other regulatory methods to prevent encroachment into industrial areas by incompatible land uses.*

APPLICANT'S RESPONSE: This industrial property is surrounded primarily by commercial uses that would be harmed by many of the industrial uses currently allowed on the property. Aligning this property with surrounding commercial property serves the best interest of logical, orderly, and efficient development.

FINDING: SATISFIED. The subject property is already included within the NE Gateway Overlay Zone, which permits commercial use and prohibits industrial use when its provisions are triggered by thresholds specified in the "Applicability" section of the Ordinance. The subject property is the only one of six blocks within Subarea 1 which doesn't have C-3 zoning. The property currently has industrial zoning which abuts commercial zoning on three sides. The proposed amendment would result in commercial zoning, abutting commercial zoning on three sides, and with industrial zoning abutting only at the railroad tracks.

49.02 *The location, type, and amount of industrial activity within the Urban Growth Boundary shall be based on community needs as identified in the Economic Opportunities Analysis. (Ord. 4961, January 8, 2013)*

50.00 *The City of McMinnville shall encourage industrial uses to locate adjacent to the airport and south of Three Mile Lane, adjacent to the existing Riverside Drive industrial area, and in existing industrial areas through the proper designation of lands on the comprehensive plan and zoning maps. Comprehensive plan and/or zoning map changes to industrial designations in other areas may be granted if all the applicable goals and policies of the plan can be met.*

APPLICANT'S RESPONSE: The city encourages industrial uses primarily (1) adjacent to the airport and south of Three Mile Lane and (2) adjacent to the existing Riverside Drive industrial area—both of which are far from this property. Removing this property from industrial use is consistent with the city's policy of encouraging industrial use elsewhere.

FINDING: SATISFIED. Policies 49.01, 49.02, and 50.00 address industrial land needs and attributes of land to be designated or redesignated for industrial use. The proposed amendment is to redesignate industrial land to commercial land. The amount of land to be redesignated is based on the need identified in the Comprehensive Plan, and retains an industrial surplus.

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

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

APPLICANT'S RESPONSE: No response.

FINDING: NOT APPLICABLE. Chapter V addresses residential use, residential designations, and residential planned developments, which are not applicable to the proposed map amendment from industrial to commercial.

(Note: Multi-dwelling residential use is permitted in the commercial zone, including as part of a mixed-use development).

CHAPTER VI. TRANSPORTATION SYSTEM

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.

APPLICANT'S RESPONSE: This application fits into the existing transportation system as demonstrated by compliance with the goals and polices below.

FINDING: SATISFIED. The subject property is located in a suitable area convenient for multiple modes, including walking, biking, and transit.

MASS TRANSPORTATION

Policies:

100.00 *The City of McMinnville shall support efforts to provide facilities and services for mass transportation that serve the needs of the city residents.*

104.00 *The City of McMinnville shall encourage a centrally located bus terminal, for intercity and intracity bus services.*

105.00 *The City of McMinnville shall examine the impacts of transportation proposals involving bus and/or rail terminals on surrounding land uses.*

APPLICANT'S RESPONSE: This property is in easy walking and biking distance from the McMinnville Transit Center (less than four blocks away), making it well suited for a leisure-based commercial use. Yamhill County Transit routes link the McMinnville Transit Center to regional transit centers in Hillsboro, Tigard, West Salem, and Grand Ronde, in addition to local cities like Lafayette, Dayton, Dundee, Newberg, Amity, Carlton, Yamhill, Sheridan, and Willamina. Commercial uses on this property (rather than industrial uses) will help link the trail between the transit center and commercial uses along Alpine.

FINDING: SATISFIED. The subject property is on transit routes and in close proximity to the transit center.

TRANSPORTATION DISADVANTAGED

Policies:

106.00 *The City of McMinnville, through public and private efforts, shall encourage provision of facilities and services to meet the needs of the transportation disadvantaged.*

APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED. The subject property is located in proximity to other complementary uses with facilities for a variety of transportation options including walking, biking, and transit.

RAIL

- 108.00 *The City of McMinnville shall encourage the modification, relocation, or termination of rail activities that conflict with existing developed land uses in the city.*
- 112.00 *The City of McMinnville shall encourage, through zoning and other regulations, the location of industrial lands adjacent to rail lines in areas where industrial uses will be compatible with surrounding land uses, and where the goals and policies of this plan are met.*

APPLICANT'S RESPONSE: The property is adjacent to railroad property, but it is also an area where many industrial uses are not compatible with surrounding commercial uses. Notably, this property is buffered from the main railroad line by a 45-foot-wide-by-200-foot-deep parcel between Carlton Hub's property and the property on which the railroad line is located. This 45-foot-wide parcel is owned and used by the railroad as a storage area; it would remain in light industrial zoning after approval of this application. The city's policies on rail support this application.

FINDING: SATISFIED. There are some areas within the downtown core where non-industrial uses are adjacent to the railroad as it passes through downtown. This site can likewise support non-industrial commercial use while being located adjacent to the railroad and railroad property where it passes through downtown.

STREETS

- 117.00 *The City of McMinnville shall endeavor to insure that the roadway network provides safe and easy access to every parcel.*
- 119.00 *The City of McMinnville shall encourage utilization of existing transportation corridors, wherever possible, before committing new lands.*

APPLICANT'S RESPONSE: The property is already served by the existing street network, with existing safe and easy street access with driveways on both NE 5th St and NE 4th St.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

FINDING: SATISFIED. The subject property is located in an area that is well-served by the existing street grid and doesn't require new transportation corridors.

PARKING

- 126.00 *The City of McMinnville shall continue to require adequate off-street parking and loading facilities for future developments and land use changes.*
- 127.00 *The City of McMinnville shall encourage the provision of off-street parking where possible, to better utilize existing and future roadways and rights-of-way as transportation routes.*
- 128.00 *The City of McMinnville shall continue to assist in the provision of parking spaces for the downtown area.*

APPLICANT'S RESPONSE: The property has an existing off-street parking lot as well as immediately adjacent street spaces. The property is also less than four blocks away from the public parking structure on NE Evans St.

FINDING: SATISFIED. The proposed map amendment doesn't change the parking standards which are applicable to the property. The property currently has off-street parking. Any change of use or development is subject to the applicable off-street parking standards. The property is not within the parking reduction areas listed in Section 17.60.100 of the Zoning Ordinance, and the applicability of the parking standards if the NE Gateway Overlay Zone would not change as a result of the proposed map amendment.

BIKE PATHS

Policies:

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

APPLICANT'S RESPONSE: The property already has good bike access under the Bicycle System Plan with sharow designation on 5th Street and nearby bike lanes or shoulders on NE Lafayette Ave, Three Mile Ln, 2nd St, and 3rd St.

FINDING: SATISFIED. The proposed map amendment doesn't affect the City's ability to implement a Bicycle System Plan that connects residential areas to the downtown core.

Complete Streets

132.24.00 *The safety and convenience of all users of the transportation system including pedestrians, bicyclists, transit users, freight, and motor vehicle drivers shall be accommodated and balanced in all types of transportation and development projects and through all phases of a project so that even the most vulnerable McMinnville residents – children, elderly, and persons with disabilities – can travel safely within the public right-of-way. Examples of how the Compete Streets policy is implemented:*

1. *Design and construct right-of-way improvements in compliance with ADA accessibility guidelines (see below).*
2. *Incorporate features that create a pedestrian friendly environment, such as:*
 - a. *Narrower traffic lanes;*
 - b. *Median refuges and raised medians;*
 - c. *Curb extensions ("bulb-outs");*
 - d. *Count-down and audible pedestrian signals;*
 - e. *Wider sidewalks;*
 - f. *Bicycle lanes; and*
 - g. *Street furniture, street trees, and landscaping*
3. *Improve pedestrian accommodation and safety at signalized intersections by:*

- a. *Using good geometric design to minimize crossing distances and increase visibility between pedestrians and motorists.*
- b. *Timing signals to minimize pedestrian delay and conflicts.*
- c. *Balancing competing needs of vehicular level of service and pedestrian safety.*

APPLICANT'S RESPONSE: The property has good access for walking, biking, bus transit, and driving, as noted in other sections of this application. In particular, the existing sidewalks are accessible and are shielded from traffic by street trees. The property has good walking access with the existing downtown sidewalk network. 5th St is designated for bike sharing. The property is less than four blocks away from the transit station and a public parking garage. The property has off-street parking.

FINDING: SATISFIED. The property is located where well-suited to commercial use, with convenient access by walking, biking, and transit. The downtown grid has buildings oriented to the sidewalks with street trees. On-street parking is present, public parking is available nearby, and off-street parking is present. Fifth Street has been improved with pedestrian bulb-outs at the adjacent intersections, and the property is on a transit route and near the transit center. With the connected grid system, multiple routes are available for walking and cycling.

LIVABILITY

132.35.00 Transportation facilities in the McMinnville planning area shall be, to the degree possible, designed and constructed to mitigate noise, energy consumption, and neighborhood disruption, and to encourage the use of public transit, bikeways, sidewalks, and walkways

APPLICANT'S RESPONSE: This application will help meet the goal of clustering commercial uses in the downtown core to minimize neighborhood disruption and encourage public transit, biking, and walking.

FINDING: SATISFIED: The commercial use of the property is well-suited to current transportation options and access via transit, biking, and walking.

GROWTH MANAGEMENT

132.40.00 Mobility standards will be used to evaluate the transportation impacts of long-term growth. The City should adopt the intersection mobility standards as noted in Chapter 2 of the Transportation System Plan. (Ord. 4922, February 23, 2010)

APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED. The TIA demonstrates "no significant effect" on transportation facilities in assessing the potential impact on adopted mobility standards, as a result of the proposed map amendment compared to uses that would be permitted in the current zone together with the uses permitted in the NE Gateway Overlay Zone, Subarea 1, in which the property is located.

132.40.05 *Conditions of Approval – In accordance with the City’s TSP and capital improvements plan (CIP), and based on the level of impact generated by a proposed development, conditions of approval applicable to a development application should include:*

1. *Improvement of on-site transportation facilities,*
2. *Improvement of off-site transportation facilities (as conditions of development approval), including those that create safety concerns, or those that increase a facility’s operations beyond the City’s mobility standards; and*
3. *Transportation Demand management strategies*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. The determination of “no significant effect” in the TIA means mitigation is not required to address the proposed map amendment.

McMinnville TSP Implementation

132.62.00 *TSP as Legal Basis – The City of McMinnville shall use the McMinnville TSP as the legal basis and policy foundation for actions by decision makers, advisory bodies, staff, and citizens in transportation issues. The goals, objectives, policies, implementation strategies, principles, maps, and recommended projects shall be considered in all decision-making processes that impact or are impacted by the transportation system.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. The proposed amendment is consistent with Transportation Planning Rule OAR 660-012-0060, which applies to map amendments, and is consistent with the TSP and the applicable Goals and Policies of the Comprehensive Plan. Mitigation is not required in conjunction with the map amendment as the TIA demonstrates “no significant effect.”

132.62.20 *TSP Use in Review of Land Use Actions – The City of McMinnville shall consider and apply the goals, policies, planning principles, recommended projects, implementation strategies, and maps contained in McMinnville TSP in the review of land use actions and development applications.*

APPLICANT’S RESPONSE: No response.

FINDING: SATISFIED. The findings above demonstrate the proposed map amendment is consistent with the TSP.

CHAPTER VII. COMMUNITY FACILITIES AND SERVICES

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.

APPLICANT’S RESPONSE: All needed utilities are already provided for this property, including sewers, storm drainage, water, etc.

FINDING: SATISFIED. The property is developed urban land, and basic public and private facilities and services are available to the property.

Water and Sewer-Land Development Criteria

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.*

APPLICANT'S RESPONSE: This property already has full utilities. This application envisions a commercial leisure use similar to use as a tasting room, so there should not be notable impact on utilities.

FINDING: SATISFIED. Notice of the proposed map amendment was provided to service providers. No issues with water supply, storage, or distribution facilities were identified. No issues with municipal sewage facilities were identified. No issues were identified regarding sufficient water and sewer system personnel or resources for the maintenance and operation of the water and sewer systems or that would differ for personnel and resources to provide service to commercially-zoned land rather than industrially-zoned land. No issues were identified with the ability to meet applicable standards and policies in serving the property with water and sewer.

PARKS AND RECREATION

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

166.00 *The City of McMinnville shall recognize open space and natural areas, in addition to developed park sites, as necessary elements of the urban area.*

APPLICANT'S RESPONSE: By utilizing an already-developed property in the downtown core, this application helps avoid further enrichment on open spaces and natural areas elsewhere.

FINDING: NOT APPLICABLE. The proposed map amendment does not affect this goal or policy.

CHAPTER VIII. ENERGY

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

171.00 The City of McMinnville shall continue to examine land use decisions in the light of present and projected supplies of electrical, fossil fuel, and other sources of energy.

APPLICANT'S RESPONSE: By utilizing an already-developed property in the downtown core, this application helps minimize energy use. By locating near the current clusters of commercial leisure business in the downtown core and along Alpine, customers of the business at this property can easily walk to nearby similar businesses, which will reduce overall fuel use and lower carbon emissions.

Similarly, by locating in the already-developed downtown core, this application will not require any new energy system changes or development.

FINDING. SATISFIED. The proposed map amendment pertains to an existing developed site in an area that is serviced with power and is located in an area accessible by transportation modes including walking, biking, and public transit, which provide energy efficient transportation options.

ENERGY CONSERVATION

GOAL VIII 2: TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.

Policies:

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

APPLICANT'S RESPONSE: This application proposes further development within a compact urban core, which will help conserve all forms of energy. This application helps cluster commercial uses near other commercial uses instead of having a small, isolated island of industrial uses within an area that is predominately commercial. This promotes efficiency for customers moving between this commercial use and nearby commercial uses.

FINDING: SATISFIED. The applicant's response addresses the applicable goal and policy.

CHAPTER IX. URBANIZATION

GOAL IX 1: TO PROVIDE ADEQUATE LANDS TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

APPLICANT'S RESPONSE: This application focuses on orderly and timely development of commercial uses in the downtown core, which will help reduce the pressure for bringing in new lands to the UGB due to the projected shortage of commercial property described above.

FINDING: SATISFIED. The proposed commercial map designation is consistent with the identified commercial land needs specified in the Comprehensive Plan and EOA. The property is already an existing developed urban site. The redesignation retains an industrial land/site surplus.

GREAT NEIGHBORHOOD PRINCIPLES

Policies:

187.10 *The City of McMinnville shall establish Great Neighborhood Principles to guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value, whether that place is a completely new development or a redevelopment or infill project within an existing built area.*

187.20 *The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.*

187.30 *The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.*

187.40 *The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.*

187.50 *The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13), and is followed by more specific direction on how to achieve each individual principle.*

1.Natural Feature Preservation. Great Neighborhoods are sensitive to the natural conditions and features of the land.

- a. Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.*

2.Scenic Views. Great Neighborhoods preserve scenic views in areas that everyone can access.

- a. Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features,*

landscapes, vistas, skylines, and other important features.

3. *Parks and Open Spaces. Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.*
 - a. *Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.*
 - b. *Central parks and plazas shall be used to create public gathering spaces where appropriate.*
 - c. *Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.*
4. *Pedestrian Friendly. Great Neighborhoods are pedestrian friendly for people of all ages and abilities.*
 - a. *Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.*
 - b. *Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).*
5. *Bike Friendly. Great Neighborhoods are bike friendly for people of all ages and abilities.*
 - a. *Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.*
 - b. *Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.*
6. *Connected Streets. Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.*
 - a. *Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.*
 - b. *Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.*
7. *Accessibility. Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.*

- a. *To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.*
 - b. *Design practices should strive for best practices and not minimum practices.*
8. *Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.*
- a. *The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
 - b. *Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.*
 - c. *Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).*
9. *Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.*
- a. *Neighborhood destinations including, but not limited to, neighborhood-serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.*
 - b. *Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.*
 - c. *Neighborhoods are designed such that owning a vehicle can be optional.*
10. *Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.*
- a. *Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.*
11. *Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.*
- a. *A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.*
12. *Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.*
- a. *Neighborhoods shall have several different housing types.*

- b. *Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.*

13. *Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:*

- a. *Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.*
- b. *Opportunities for public art provided in private and public spaces.*
- c. *Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood. (Ord 5066 §2, April 9, 2019)*

APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED. The proposed map amendment is not part of a new neighborhood, but rather strengthens the core commercial area which serves as the heart of McMinnville and also serves surrounding neighborhoods. It contributes to the commercial services in the core in a setting that is already accessible to multiple modes, as part of a connected grid street system, with pedestrian orientation and human-scaled development with unique historic character.

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

GOAL X 2: TO MAKE EVERY EFFORT TO ENGAGE AND INCLUDE A BROAD CROSS SECTION OF THE COMMUNITY BY MAINTAINING AN ACTIVE AND OPEN CITIZEN INVOLVEMENT PROGRAM THAT IS ACCESSIBLE TO ALL MEMBERS OF THE COMMUNITY AND ENGAGES THE COMMUNITY DURING DEVELOPMENT AND IMPLEMENTATION OF LAND USE POLICIES AND CODES.

GOAL X 3: TO PERIODICALLY REVIEW AND AMEND THE McMINNVILLE COMPREHENSIVE PLAN TO REFLECT CHANGES IN COMMUNITY CIRCUMSTANCES, IN CITIZEN DESIRES, AND IN THE STATEWIDE GOALS.

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.*

189.00 *The City of McMinnville shall establish procedures for amending the Comprehensive Plan, Volumes I and II, and the implementation ordinances and measures in Volume III, which allow for citizen review and comment.*

APPLICANT'S RESPONSE: Citizen involvement is ensured through this process by the applicant holding a publicly-noticed neighborhood meeting and providing a summary of all public

comments as an attachment to this application, participating in a publicly-noticed public hearing before the Planning Commission, and ultimate consideration at a publicly-noticed meeting before the City Council.

All neighborhood meeting requirements under 17.72.095(G) have been met here.

1. *A copy of the meeting notice mailed to surrounding property owners;*

See Exhibit D.

2. *A copy of the mailing list used to send the meeting notices;*

See Exhibit E.

3. *One photograph for each waterproof sign posted on the subject site, taken from the adjacent right-of-way;*

See Exhibit F.

4. *One 8 ½ x 11" copy of the materials presented by the applicant at the neighborhood meeting; and*

See Exhibit G.

5. *Notes of the meeting, which shall include:*

- a. *Meeting date;*
- b. *Meeting time and location;*
- c. *The names and addresses of those attending;*
- d. *A summary of oral and written comments received; and*
- e. *A summary of any revisions made to the proposal based on comments received at the meeting*

See Exhibit H. Also, revisions to the proposal include providing more information on existing and potential uses in this application, to the extent that is possible given current ongoing planning and the limited factors considered in a zone change application.

FINDING: SATISFIED. Prior to submitting an application, the applicant is required to conduct a noticed neighborhood meeting, which the applicant satisfied. The public processes provide for review of the proposed map amendment to the adopted and acknowledged Comprehensive Plan and Zoning Map through the quasi-judicial process.

McMinnville Zoning Ordinance (Title 17 of the Municipal Code)

The following Sections of the Zoning Ordinance provide criteria applicable to the request:

Chapter 17.74. Review Criteria

Section 17.74.010. Purpose. The purpose of this chapter is to provide the approval criteria for the following applications:

- Comprehensive Plan Map Amendment
- ...
- Zone Change

FINDING: SATISFIED/APPLICABLE. The criteria of this Chapter and applicable sections are the applicable criteria for the proposed Comprehensive Plan Map amendment and Zone Change.

Section 17.74. 020. Comprehensive Plan Map Amendment and Zone Change – Review Criteria

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;*

APPLICANT'S RESPONSE: *[Staff Note: These applicant's responses regarding the Comprehensive Plan are addressed in the Section above].*

FINDING: SATISFIED. Findings regarding consistency with the goals and policies of the Comprehensive Plan are provided above and are satisfied.

- 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;*

APPLICANT'S RESPONSE: It is hard to imagine a more orderly and timely proposal. If anything, the zone should have been changed years ago. See zoning map in introduction.

On the comprehensive plan map, the property is in an isolated area of industrial (blue) surrounded by a sea of commercial (red). The properties immediately to the south, east, and part of the north are all commercial designation. Changing the comprehensive plan to commercial fits well in the overall current land use pattern, especially by helping link downtown commercial with commercial in the Alpine area.



Over time, the city's industrial area has primarily shifted to the northeastern part of the city and away from downtown. This application is consistent with this shift.

In fact, use of the property for many of the presently allowed industrial uses (like heavy manufacturing, dyeing facility, freight depot, or kennel) would be disturbing to the current land use pattern. There are a number of nearby leisure businesses that would align well with having another leisure business in this location.

FINDING: SATISFIED. The subject property is developed urban land with available public facilities and services. Consistent with Subarea 1 of the NE Gateway Overlay District, the property is identified for conversion from industrial to commercial use. Other properties within NE Gateway Subarea 1 are already zoned C-3.

- C. *Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.*

APPLICANT'S RESPONSE: The property already has sufficient utilities and services. The proposed use for a leisure business like a restaurant is very similar to use as a tasting room, so this change should not have a notable impact on area utilities, services, or traffic.

The attached Transportation Planning Rule Analyses shows that the zone change would decrease net new trips by -128 for average daily trips and -80 for total weekday PM peak hour when considering the reasonable worst case development scenario per OAR 660-012-0060.

FINDING: SATISFIED. Basic services are available to this developed property. Service providers were notified of the proposal. There were no issues identified with efficient provision of utilities or services to serve permitted uses in the commercial zoning district.

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

APPLICANT'S RESPONSE: No response.

FINDING: NOT APPLICABLE. The application is a proposed amendment from an industrial comprehensive plan map designation and zoning district to a commercial comprehensive plan map designation and zoning district. It does not affect property with a residential comprehensive plan map designation or zoning district.

NOTE: *Residential use and development is not permitted within the M-1 zone, but is permitted within both the C-3 zone and Northeast Gateway Subarea 1 as a separate use or as part of a mixed-use development.*

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.

APPLICANT'S RESPONSE: No response.

FINDING: NOT APPLICABLE: The application is a proposed amendment from an industrial comprehensive plan map designation and zoning district to a commercial comprehensive plan map designation and zoning district. It does not affect property with a residential comprehensive plan map designation or zoning district.

NOTE: *Residential use and development is not permitted within the M-1 zone, but is permitted within both the C-3 zone and Northeast Gateway Subarea 1 as a separate use or as part of a mixed-use development.*

Statewide Planning Goals and Applicable State Law

Goal 2: Land Use Planning

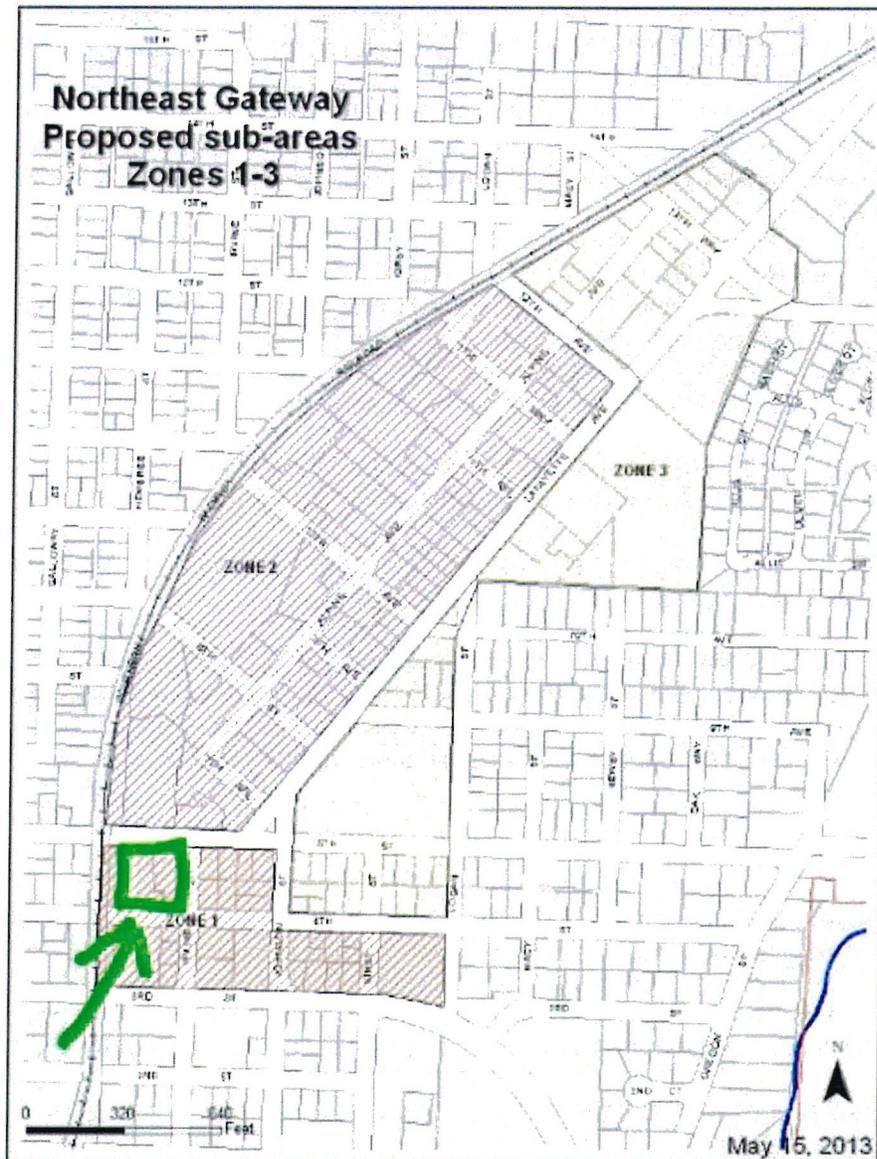
APPLICANT'S RESPONSE: No response.

FINDING: SATISFIED. Goal 2 is "To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions." The decision-making is based on the City's adopted and acknowledged Comprehensive Plan and Land Use Regulations, including the factual base and procedures. Determination of consistency with the applicable statewide planning goals and associated administrative rules is also based on an adequate factual basis.

Goal 9: Economic Development

APPLICANT'S RESPONSE: After conversations with the city post-application, the applicant has learned of several other standards further supporting this application.

First, the subject property is within the Northeast Gateway Planned Development Overlay (Ordinance No. 4971), which is intended to "guide the transition of a light and heavy industrial area to a vital, mixed-use, pedestrian-friendly neighborhood."



The entire overlay area is approximately 75 acres, as shown by the map above. Within the overlay area, the overlay ordinance specifically designates six blocks east of the railroad between 3rd and 5th Streets—including the subject property—as “Zone 1.” Zone 1 is the most permissive zone in the overlay, and it is intended for “a mixed-use commercial zone which, over time will transition into an extension of the downtown with residential or office uses above active ground floor commercial or retail space with a vibrancy consistent with that associated with downtown McMinnville.”

Of the six blocks in Zone 1 of the overlay, all five blocks other than the subject property are now zoned C-3 and designated commercial in the comprehensive plan. This application will further the transition envisioned in the overlay ordinance of moving all six blocks to C-3 and commercial designation.

The overlay specifically allows a variety of commercial uses on the subject property that are similar to those allowed under C-3 zoning, including food and beverage establishments,

general retail sales, personal services, hotels/motels, various types of offices, etc. Due to the overlay, this application will have only a small impact on possible uses for the subject property.

Although the overlay primarily governs new development, it clearly demonstrates the city's long-term intent is for the subject property to be used as proposed in this application. The Northeast Gateway Planned Development Overlay strongly supports approval of this application.

Second, OAR 660-009-0010(4)'s requirements related to removing land from an industrial use designation do not apply to this application since the subject property is less than two acres. Third, although property on the other side of the railroad tracks to the west of the subject property is zoned M-2, there are no buffer requirements between the proposed C-3 and M-2 zones that would restrict uses on the M-2 property to the west.

FINDING: SATISFIED. Goal 9 is "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

OAR 660 Division 9 addresses Goal 9 Economic Development. OAR 660-009-0010 addresses the application of Division 9 as follows:

(1) This division applies to comprehensive plans for areas within urban growth boundaries. This division does not require or restrict planning for industrial and other employment uses outside urban growth boundaries. Cities and counties subject to this division must adopt plan and ordinance amendments necessary to comply with this division.

...

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements...

First, the proposed amendment applies to property comprising 0.9 acres, which does not exceed two acres.

Second, the City's adopted and acknowledged EOA identifies a surplus of industrial land and a deficit of commercial land. The proposed amendment would not reduce the identified industrial surplus below the identified need.

Third, while the Comprehensive Plan Map designation of the property is Industrial and the base zoning is M-1 (Light Industrial), the property is within Subarea/Zone 1 of the NE Gateway Overlay Zone (Ordinance 4971), which is an adopted and acknowledged land use regulation.

The subject property is one of six blocks of land within Subarea 1, and the only one of the six blocks that doesn't have a Commercial Comprehensive Plan Map designation and C-3 commercial zoning. Section 3 of the NE Gateway Ordinance describes Subarea 1 as follows:

The overall plan for this zone is a mixed-use commercial zone which, over time will transition into an extension of the downtown with residential and office uses above

active ground floor commercial or retail space with a vibrancy consistent with that associated with downtown McMinnville.

Section 6 of the NE Gateway Ordinance does not allow industrial uses within Subarea 1, either as independent uses or as part of mixed-use development.

The proposed amendment would allow for commercial use, consistent with the intent of NE Gateway Overlay, Subarea 1.

Goal 12: Transportation

APPLICANT'S RESPONSE:

[NOTE: The applicant provided a May 2, 2022 memo from Kittelson and Associates, followed by a June 10, 2022 memo. The following is excerpted from the June 10, 2022 memo].

This memorandum has been prepared as a follow-up to our trip generation and Transportation Planning Rule (TPR) analysis for the proposed Zone Change and Comprehensive Plan amendment of the property located at 455 NE Irvine Street. After submittal of our memorandum, the City provided additional information about the Northeast Gateway Planned Development Overlay (City Ordinance 4971). The subject property is within the designated Zone 1 area covered by the Development Overlay. Further, we note that the overlay purpose is to transition of industrial uses to a vibrant, downtown environment. The proposed zone change to C-3 meets the purpose and intent of the Overlay.

We reviewed the permitted uses within Zone 1 versus those associated with the property's M-1 (Light Industrial) existing designation as well as those of the proposed C-3 (General Commercial) designation.

As discussed in our May memo, the "reasonable worse case" generators appear to be as follows:

- Existing M-1 Zoning= 15,682 square feet daycare (i.e., 0.9 acres* 0.4 FAR)
- Proposed C-3 Zoning= 9,801 square feet of building (using a 0.25 FAR); however, this is larger than a typical bank so we suggest assuming a 5,000 square foot bank (the average of the sites surveyed) and a 4,801 square foot high-turnover, sit-down restaurant share the building space.

The Northeast Gateway Planned Development Overlay allows for a bank and a restaurant as well as for up to 25,000 square feet of retail uses. A daycare is permitted that serves less than 12 students and is a conditional use if there are greater than 12 students. Further, Zone 1 is subject to the downtown development standards specified in the Zoning Code Section 17.59, which allows for a zero setback for buildings. With the location of the property within the downtown as well as the Development Overlay provisions, we conclude that no change in trip generation would result from the zone change. As such, our conclusions from the May memo remain unchanged.

As discussed in our May memo, we conclude that the proposed rezone can be approved without creating significant impacts per OAR 660-012-0060 and no further traffic analysis be required as part of the proposed Carlton Hub Zone Change and Comprehensive Plan amendment.

FINDING: SATISFIED. Goal 12 is “To provide and encourage a safe, convenient and economic transportation system.” OAR 660 Division 12 is the “Transportation Planning Rule.” OAR 660-012-0060 applies to plan and land use regulation amendments.

The traffic associated with the use and intensity of commercial development that would be permitted by the proposed map amendment is comparable to that which could occur for the commercial use and development that is already permitted within Subarea 1 of the NE Gateway Overlay Zone which applies to the property upon redevelopment or 15% expansion of current development of the property.

The applicant has demonstrated that the proposed map amendment would not significantly affect an existing or planned transportation facility as defined in OAR 660-012-0060, and no further action is required under OAR 660-012-0060.