



Oregon

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NOTICE OF ADOPTED AMENDMENT

August 1, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of McMinnville Plan Amendment
DLCD File Number 002-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 16, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Steven Santos, DLCD Economic Development Planning Specialist
Ron Pomeroy, City of McMinnville

<paa> ya/



FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 – Division 18

JUL 27 2006

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of McMinnville

Local File No.: CPA 4-06/ZC 11-06
(If no number, use none)

Date of Adoption: July 25, 2006
(Must be filled in)

Date Mailed: July 26, 2006
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: April 28, 2006

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
 Land Use Regulation Amendment Zoning Map Amendment
 New Land Use Regulation Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

On July 25, 2006, the City of McMinnville amended the comprehensive plan and zoning designations on a 0.32-acre parcel of land from Industrial to Residential, and from an M-2 (General Industrial) to an R-3 (Two-Family Residential) zone, respectively. This redesignation was previously requested as part of the October, 2003, McMinnville Growth Management and Urbanization Plan (MGMUP) previously submitted to DLCD on October 17, 2003.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from: Industrial to Residential

Zone Map Changed from: M-2 (General Industrial) to R-3 (Two-Family Residential)

Location: 1000 SE Hembree St – R4421CD 07700 Acres Involved: 0.32

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 002-06(15193)

ORDINANCE NO. 4859

An Ordinance amending the comprehensive plan map from Industrial to Residential and rezoning certain property from an M-2 PD (General Industrial Planned Development) zone to an R-3 (Two-Family Residential) zone on an approximately 13,900-square foot parcel of land.

RECITALS

The Planning Commission received an application (CPA 4-06/ZC 11-06) from the City of McMinnville, dated April 27, 2006, for an amendment to the comprehensive plan map from Industrial to Residential and rezoning certain property from an M-2 PD (General Industrial Planned Development) zone to an R-3 (Two-Family Residential) zone on an approximately 13,900-square foot parcel of land. The property is more specifically described as Tax Lot 7700, Section 21CD, T. 4 S., R. 4 W., W.M.

A public hearing was held on May 18, 2006, at 6:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on May 9, 2006, and written notice had been mailed to property owners within 300 feet of the affected property; and

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

The Planning Commission, being fully informed about said request, found that said change conformed to the comprehensive plan and zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and findings of fact and the conclusionary findings for approval contained in the staff report, all of which are on file in the Planning Department, and that the plan amendment and zone change are consistent with the Comprehensive Plan; and

The Planning Commission approved said plan amendment and zone change and has recommended said changes to the Council; and now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That the Council adopts the findings and conclusions of the Planning Commission, staff report on file in the Planning Department, and the application filed by the City of McMinnville.

Section 2. That the comprehensive plan map designation for the property described in Exhibit "A", is hereby amended from Industrial to Residential.

Section 3. That the property described in Exhibit "A", is hereby rezoned from an M-2 PD (General Industrial Planned Development) zone to an R-3 (Two-Family Residential) zone.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 25th day of July 2006, by the following votes:

Ayes: Hansen, Menke, Olson, Springer, Yoder

Nays: _____

Approved this 25th day of July 2006.


MAYOR

Attest:


RECORDER

Approved as to form:


CITY ATTORNEY

EXHIBIT "A"

Beginning at the Southwest corner of Lot 5 in Block 4 of Mrs. P.W. Chandler's Second Addition to the City of McMinnville, County of Yamhill, State of Oregon; thence South 78° East along the South line of said Lots 5 and 6 of said Addition, 120 feet to the Southeast corner of Lot 6 of said Addition; thence South 12° West, 86 feet; thence North 78° West to the center of Railroad Street; thence Northeasterly along the center of said Railroad to a point North 78° West of the point of beginning; thence South 78° East to the point of beginning.

SAVE AND EXCEPTING that portion, if any, lying within the bounds of the Southern Pacific Railroad right of way.



DATE: May 18, 2006
TO: Planning Commission members
FROM: Ron Pomeroy, McMinnville Planning Department
SUBJECT: COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE

The request before you is for approval of a comprehensive plan amendment to change a parcel of land from an Industrial to a Commercial plan designation and for approval of a zone change from an M-2 PD (General Industrial Planned Development) zone to an R-3 (Two-Family Residential) zone. The subject property is located at 1000 SE Hembree Street, and is more specifically described as Tax Lot 7700, Section 21CD, T. 4 S., R. 4 W., W.M.

The subject site is a rectangularly shaped parcel of land approximately 0.32-acres in size (some 13,900 square feet) located at the southerly terminus of SE Hembree Street and adjacent to the Willamette and Pacific railroad right-of-way to the west. The site is bordered to the north by single-family detached residences and by residential duplex development to the east. Adjacent to the site to the south is an approximately 11-acre site currently being developed for single-family residential use (the Mill Park subdivision). West of the site, across the railroad right-of-way, exist a number of multi-family apartment complexes aligned along the west side of SE Ford Street. The subject site is currently zoned M-2 (General Industrial) with R-4 PD (Multi-Family Residential Planned Development) and R-4 (Multi-Family Residential) to the south and west, respectively, and R-3 (Two-Family Residential) zoned land to the north and east.

The subject site is improved with a one-story, single-family residence, located near the northwest corner of the site. A small garden shed is located east and south of the residence. This site is topographically flat and is landscaped with well-established residential landscaping to include mature Oak trees, Camellia and Laurel bushes, and with daffodils dotting the perimeter of the front lawn. Vehicle access to the property is provided from SE Hembree Street which terminates at the site's northern edge. A gravel drive currently serves the existing residence and extends due south from the terminus of Hembree Street to the front of the garage. Hembree Street in this location remains as an unimproved gravel road.

Background

A request to amend the plan and zone designations on this property was previously before the Planning Commission as part of the larger "McMinnville Growth Management and Urbanization Plan" (MGMUP) project in 2003. More specifically, this site was one of 20 proposed for redesignation as a means of adding additional capacity to the city's residential or commercial buildable land inventory; or alternatively, to simply correct zoning errors¹. In October, 2003, the MGMUP was adopted by the

¹ Information regarding these 20 parcels is found in Appendix F of the MGMUP.

McMinnville City Council and the Yamhill County Board of Commissioners and subsequently forwarded to the Oregon Department of Land Conservation and Development (DLCD) for review. DLCD decided to forward this item to the Land Conservation and Development Commission (LCDC) for public hearings held on April 22, and September 10, 2004. Two days prior to the April hearing, the DLCD staff issued their staff report recommending certain actions as necessary prior to receiving LCDC acknowledgement of this plan. The MGMUP currently awaits completion of review before the Commission.

Specific to this current subject site, DLCD had stated that a traffic analysis was necessary sufficient to demonstrate compliance with Statewide Planning Goal 12 - Transportation requirements (i.e., the Transportation Planning Rule -- OAR 660-12-060).

OBSERVATIONS

This industrially zoned 0.32-acre site is completely surrounded by residential uses, some of which are yet currently developing. Additionally, the eastern edge of the Linfield College campus lies some 775-feet to the southwest, with associated college fraternities located as close as 150-feet to the southwest across Ford Street. The current industrial designation of the subject site remains simply as a remnant of an earlier zoning scheme that is no longer appropriate for this area.

As regard the future transportation impact of this proposed amendment, DLCD had previously commented (within the context of the MGMUP review) that this redesignation should not be approved without the City first providing a traffic analysis comparing the daily and peak hour trip generation of this site under both the maximum residential use of the site and that of the most trip-intensive industrial use that may locate on this site. A 13,900 square foot parcel would typically be able to accommodate any number of small scale industrial uses permitted within the M-2 zone such as fertilizer storage, sheet metal fabrication and welding, tool and equipment rental, sign painting, motor home and boat repair, and other similar uses. However, as this site is surrounded by residentially zoned land, 50-foot-wide setbacks apply to all sides of the site except the front. Due to this site's dimensions, such setbacks render the site completely undevelopable under its current zoning as the required setbacks completely claim the full width of the site. In this instance, the city has no interest in perpetuating this situation, thereby rendering this site unbuildable.

As to residential use, future residential development potential of this site is limited. Specifically, due to the small size of this parcel, the placement of the existing residence and outbuilding, and the minimum lot size required by the R-3 zone (6,000 square feet), the potential exists for only one additional residential parcel to be created by the future partitioning of this site. Using the ITE trip generation figures for a single-family residence, it is expected that an additional 9.6 average daily trips would be added to the surrounding streets should a second residence ever be constructed on this property. From this, the City concludes that there will be no significant traffic impacts on transportation facilities.

The city also concludes that it is to the benefit of the surrounding residential neighborhoods for this site to be redesignated as Residential and avoid the potential future intrusion of industrial vehicles into the neighborhoods and other use conflicts that might otherwise occur.

Therefore, for these reasons, and based on the findings of fact, and the conclusionary findings for approval, staff recommends that CPA 4-06 and ZC 11-06 be recommended to the City Council for approval.

RP:pja

EXHIBIT "A"
DOCKET CPA 4-06/ZC 11-06
FINDINGS OF FACT AND CONCLUSIONARY FINDINGS

FINDINGS OF FACT

1. The applicants request approval of a comprehensive plan amendment to change the subject property from an Industrial to a Residential designation. Also requested is approval of a zone change from an M-2 (General Industrial) zone to an R-3 (Two-Family Residential) zone. The subject property is located at 1000 SE Hembree Street, and is more specifically described as Tax Lot 7700, Section 21CD, T. 4 S., R. 4 W., W.M.
2. The site is currently zoned M-2 (General Industrial) and is designated as Industrial on the McMinnville Comprehensive Plan Map, 1980.
3. Municipal water and power can serve the site. Sanitary sewer service to the site would be provided by the applicant in accordance with City requirements. The municipal waste treatment plant has sufficient capacity to accommodate expected waste flows resulting from development of the property.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, City Engineering, Building and Parks Departments, City Parks and Recreation Department, City Manager, City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Oregon Department of Land Conservation and Development, Verizon, Comcast Cablevision, and Northwest Natural Gas. As of the date of this report, no concerns or comments in opposition to this application have been received from these agencies.
5. Goals and Policies from the McMinnville Comprehensive Plan which are applicable to the request are as follows:

Chapter V Housing and Residential Development

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

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 DESIGN.

Policies:

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.

71.00 The City 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 designed as residential on the Comprehensive Plan Map.

- 71.05 The City of McMinnville shall encourage annexation and rezonings 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 (as amended by Ordinance No. 4243, Apr. 5, 1983).
- 99.00 An adequate level of urban services shall be provided prior to or concurrent with all proposed residential development. 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).
 5. Energy distribution facilities and adequate energy resource supplies.

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.

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

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.

Sanitary Sewer System:

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.

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.

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

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

1. Facilities are placed in locations and in such a 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 Department, are adhered to.

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

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 the City Water and Light Department, 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 effluent.
3. Sufficient water and sewer system personnel and resources, as determined by the Water and Light Department and 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 wastewater quality standards can be adhered to.
5. Applicable policies of the Water and Light Department and the City relating to water and sewer systems, respectively, are adhered to.

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 annexation, subdivision proposals, and other major land use decisions.

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.

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

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

7. The provisions of the McMinnville Zoning Ordinance (No. 3380) applicable to this request are as follows:

General Provisions:

"17.03.020 Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development in the City through standards designed to protect residential, commercial, industrial, and civic areas from the intrusions of incompatible uses; to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services; to provide adequate open space, desired levels of population densities, workable relationships between land uses and the transportation system, and adequate community facilities; to provide assurance of opportunities for effective utilization of the land resource; and to promote in other ways public health, safety, convenience, and general welfare."

R-3 Two-Family Residential Zone:

"17.18.010 Permitted Uses. In an R-3 zone, the following uses and their accessory uses are permitted:

- A. Single-family dwelling;
- B. Two-family dwelling
- C. Single-family dwelling having a common wall [..]"

Review Criteria:

"17.72.035 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."

CONCLUSIONARY FINDINGS FOR APPROVAL

1. The subject requests comply with the applicable McMinnville Comprehensive Plan Goals and Policies, 1981 (see Finding of Fact No. 5) as follows:
 - (a) Goal V-1 and V-2 and Policy 68.00 are satisfied by the request as additional housing stock (one potential dwelling unit), could be added to the City should this property be partitioned or should the existing residence be converted to a duplex; the application of the Uniform Building Code guarantees the quality of the housing; an urban level of services is available to serve the planned development; and the subject site is located in an area which has experienced, and continues to experience, recent residential and commercial development and is within the city limits of McMinnville, thereby promoting a compact urban form and encouraging conservation of all forms of energy.
 - (b) Policies 71.00 and 71.05 are satisfied by the request as approval of this request would add additional buildable residential land to the City's inventory in place of industrially planned land which currently remains in surplus; refer to pages 2-6 and F-10 of the McMinnville Growth Management and Urbanization Plan (May 2003) for additional land supply and demand detail.
 - (c) Goal VI-1 and Policies 99.00 and 117.00 are satisfied as this site is currently served by SE Hembree Street and is provided safe and efficient direct access to the nearby street network. This network has adequate capacity to accommodate the one additional residence that could potentially be developed on this site should the existing home be converted to a duplex, or should partition approval be granted to allow the construction of an additional single-family residence.
 - (d) Goal VII 1 and Policies 136.00, 142.00, 144.00, 145.00, and 147.00 are satisfied by the request as adequate levels of sanitary sewer collection, storm sewer and drainage facilities, municipal water distribution systems and supply, and energy distribution facilities, presently serve this site. Additionally, the wastewater treatment facility has adequate capacity to accommodate any additional development of this site. All municipal water and sanitary sewer systems guarantee adherence to federal, state, and local quality standards.
 - (e) Policy 151.00 is satisfied by the request in that the subject site is currently developed with a single-family residence. Should the owner seek to construct an additional residence, such development will occur in an orderly manner to urban standards through the coordinated extension of utilities. The City shall continue to coordinate with the City Water and Light Department in land use decision making processes.
 - (f) Policy 155.00 is satisfied in that emergency services departments currently adequately serve this site and existing residence.
 - (g) Policy 163.00 is satisfied in that payment of parkland system development charges (SDCs) will be required should an additional residence be proposed for this site. This revenue would be dedicated to the City for parkland purposes.
 - (h) Goal VIII-2 and Policy 178.00 are satisfied in that the site is located in an established residential area, and adjacent to an area that has been transitioning from Industrial to Residential in the recent past. Additionally, the requested rezoning provides the opportunity for the applicant to pursue partitioning to allow construction of an additional residence or the conversion of the existing residence to a duplex in an area that is

currently experiencing residential growth. Utilities presently serve this site in a cost effective and energy efficient manner. In addition, this site is provided with excellent solar access to the south.

2. The subject request complies with the applicable requirements of the McMinnville Zoning Ordinance (Finding of Fact No. 7) as follows:
 - (a) Section 17.03.020 is satisfied by the request for the reasons enumerated in Conclusionary Finding for Approval No. 1.
 - (b) The applicable requirements of Section 17.18.010 of the McMinnville Zoning Ordinance are satisfied by the request, as a single-family detached residence is a permitted use in the R-3 zone.
 - (e) The applicable requirements of Section 17.72.035 (Review Criteria) of the McMinnville Zoning Ordinance are satisfied by the request in that the proposal is consistent with the goals and policies of the Comprehensive Plan as demonstrated in Conclusionary Findings for Approval No. 1 listed above. This request is orderly and timely considering the pattern of development in the surrounding area and the presence of the existing single-family residence on this site. Utilities and services presently serve the subject site and can accommodate the additional needs posed by the future potential construction of an additional residence.

RP:pja