



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

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[www.lcd.state.or.us](http://www.lcd.state.or.us)

## AMENDED NOTICE OF ADOPTED AMENDMENT

January 30, 2008

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 007-07



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: February 19, 2008**

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  
Bill Holmstrom, DLCD Transportation Planner  
Doug Montgomery, City of McMinnville

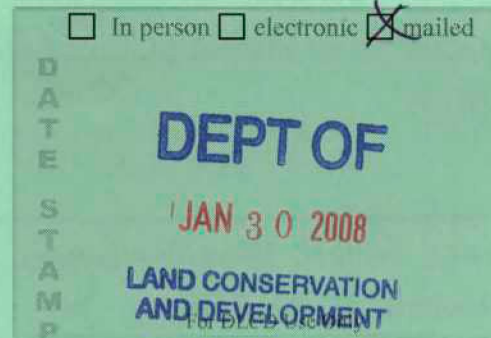
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FORM 2

# DLCD

## Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of McMinnville**

Local file number: **CPA 4-07/ZC 12-07**

Date of Adoption: **1/22/2008**

Date Mailed: **1/29/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 11/1/2007

- |  |  |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input checked="" type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation           | <input type="checkbox"/> Other:                                      |

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

The McMinnville City Council approved a request to amend the comprehensive plan and zoning designation on a portion of land some 24.49-acres in size from Residential to Commercial, and from an R-4 PD (Multiple-Family Residential Planned Development) zone to a C-3 PD (General Commercial Planned Development) zone, respectively.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Residential**

to: **Commercial**

Zone Map Changed from: **R-4 PD**

to: **C-3 PD**

Location: **900 SE Baker Street**

Acres Involved: **24**

Specify Density: Previous:

New:

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                                     |                          |                          |                                     |                          |                                     |                                     |                                     |                                     |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                            | <b>7</b>                 | <b>8</b>                 | <b>9</b>                            | <b>10</b>                | <b>11</b>                           | <b>12</b>                           | <b>13</b>                           | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD file No.

007-07 (16512)



Please list all affected State or Federal Agencies, Local Governments or Special Districts:

ODOT

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Local Contact: **Doug Montgomery**

Phone: (503) 434-7311 Extension:

Address: 231 NE 5<sup>th</sup> Street

Fax Number: 503-474-4955

City: McMinnville

Zip: 97128-

E-mail Address: [montgod@ci.mcminnville.or.us](mailto:montgod@ci.mcminnville.or.us)

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### **ADOPTION SUBMITTAL REQUIREMENTS**

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

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: [webserver.lcd.state.or.us](http://webserver.lcd.state.or.us). To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us).
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to [mara.ulloa@state.or.us](mailto:mara.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.



ORDINANCE NO. 4886

An Ordinance, subject to the approval of the electorate, annexing to the City of McMinnville the following described area and territory and withdrawing said area and territory from the McMinnville Rural Fire Protection District

A parcel of land approximately 13.61 acres in size for future residential development. The subject site is located south of Baker Creek Road, east of Hill Road, and more specifically described as a portion of Tax Lot 202, Section 18, T. 4 S., R 4 W., W.M.

RECITALS

That VJ2 Development, the owner of the tract of land described in Exhibit "A", which is attached hereto and by this reference incorporated herein and have either petitioned or consented to the annexation of said territory to the City of McMinnville (ANX 2-07); and

That said area and territory described in Exhibit "A" is a part of the McMinnville Rural Fire Protection District; McMinnville Rural Fire Protection District has no liabilities or indebtedness; and the City of McMinnville, Oregon, is furnishing fire protection to the McMinnville Rural Fire Protection District under a contract between said municipalities; and

That pursuant to Ordinance 4636, the Planning Director of the City of McMinnville, Oregon, caused notice of a public hearing on the request of said annexation and withdrawal from the McMinnville Rural Fire Protection District to be published not less than five days nor more than fifteen days before the hearing. In addition, written notice of the requested change was mailed to all owners of property within three hundred feet of the exterior boundary of the subject property not less than twenty days nor more than thirty days before the hearing. Proof of publication and written notice is on file in the Planning Department office; and

That said public hearing was held on the 20<sup>th</sup> day of December 2007, at 6:30 p.m. before the McMinnville Planning Commission in the McMinnville School District Board Room in the City of McMinnville, Oregon, at which time all interested persons thus appearing were invited to be heard on the question of the annexation of said area and territory herein first described; and

The Planning Commission, being fully informed about said request, found that said change conformed with the review criteria listed in Ordinance 4636 (the Annexation Ordinance) 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 annexation request is consistent with the Comprehensive Plan; and

The Planning Commission approved said annexation request and has recommended the Council forward it to the electorate; and now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. That based on the evidence received by the Planning Commission at the public hearing held December 20, 2007 as regard the area and territory herein described as: a parcel of land approximately 13.61 acres in size located south of Baker Creek Road, east of Hill Road, and more specifically described as a portion of Tax Lot 202, Section 18, T. 4 S., R 4 W., W.M., the Council adopts the findings as contained in the record for the annexation request and bases its approval on the McMinnville Comprehensive Plan and the applicable City and state statutes, all of which are evidenced in the record.

Section 2. That inasmuch as the owners of and one hundred percent of the electors living within the area and territory described and designated herein have consented in writing to the annexation of said contiguous area and territory, and the consent is on file in the Planning Director's



office in the City of McMinnville, Oregon, and no objection to the proposed annexation having been made by residents within said area and territory, the Council hereby declares said area and territory to be annexed to the City upon the approval of the citizens. This matter shall be submitted to the electorate no later than the May 20, 2008 election as is appropriate and is conducted by the Yamhill County Clerk. The owners of this property shall pay such fees and costs of the election and comply with such timelines as are required by law.

Section 3. That the area and territory hereinabove referred to shall be annexed to the City of McMinnville, Yamhill County, State of Oregon upon approval by a majority of those voting in the election at which the property is considered for annexation into the City of McMinnville.

Section 4. That upon approval of this annexation by the electorate, the Recorder of the City of McMinnville, Yamhill County, Oregon, is hereby authorized and directed to make and submit to the Secretary of State of the State of Oregon, the Assessor of Yamhill County, State of Oregon, and the County Clerk of Yamhill County, State of Oregon, a certified copy of the following documents:

- (a) A copy of this ordinance.
- (b) A copy of written consent of landowners and electors of said area and territory.

Section 5. That the area and territory hereinabove referred to shall be withdrawn from the McMinnville Rural Fire Protection District upon its approval by the electorate, as hereinabove required.

Section 6. That this ordinance shall become null and void if this annexation request is defeated by the electorate of the City of McMinnville.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 22<sup>nd</sup> day of January 2008, by the following votes:

Ayes: Hansen, Hill, May, Menke, Olson, Yoder

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

Approved this 22<sup>nd</sup> day of January 2008.

  
MAYOR

Attest:

  
CITY RECORDER

Approved as to Form:

  
CITY ATTORNEY

EXHIBIT "A"

Beginning at the Southeast corner of Lot 31, SHADDEN CLAIM as recorded in Film 11, Page 50, Record of Town Plats, Yamhill County, Oregon in Sections 17 and 18, Township 4 South Range 4 West of the Willamette Meridian; Thence South 00°08'00" East along southerly extension of the easterly line of said SHADDEN CLAIM a distance of 336.50 feet to the TRUE POINT OF BEGINNING; Thence continuing South 00°08'00" East along said southerly extension a distance of 500.05 feet; Thence North 89°17'50" West 1185.55 feet; Thence North 00°08'00" West 500.05 feet; Thence South 89°17'50" East 1185.55 feet to the TRUE POINT OF BEGINNING and containing 13.6082 acres of land more or less



Request: Approval of a comprehensive plan amendment from a Residential to a Commercial designation, and a zone change from an R-4 PD (Multi-Family Residential Planned Development) zone to a C-3 PD (General Commercial Planned Development) zone on an approximately 24.49-acre parcel of land.

Location: Generally south of the McMinnville Market Center and north of Booth Bend Road, and is more specifically described as a portion of Tax Lot 103, Section 29AC, T. 4 S., R. 4 W., W.M.

Applicant: Trammell Crow Company

**EXHIBITS**

1. Staff Report and Findings of Fact
2. Applicant's Narrative including:
  - a. Vicinity, Land Use and Utility Maps
  - b. CPA 4-07 and ZC 12-07 Applications and Fact Sheets
  - c. Property Title Information
  - d. Market Analysis
  - e. Traffic Impact Study
  - f. Legal Description
3. Site Boundary Map and Conceptual Massing Plan
4. Letter from Alisa Pyszka, WRG Design dated November 9, 2007
5. Letter from David Horner, School District No. 40 dated November 20, 2007
6. Letter from Thomas Hellie, Linfield College President dated December 12, 2007
7. Email from Jason Locke, DLCD dated December 10, 2007
8. Letter from Dan Fricke, ODOT dated December 13, 2007
9. Planned development ordinance No. 4672
10. Planned development ordinance No. 4739
11. Planned development ordinance No. 4800
12. Vicinity Sketch
13. Affidavit of Publication
14. List of property owners to whom notice was sent
15. Referrals

**SUBJECT SITE**

The subject site is somewhat rectangular in shape and contains approximately 24.49 acres of land. This site is currently vacant and planted mostly for hay production. A dense planting of mature evergreen trees and understory shrubs borders the subject site to the south, along Booth Bend Road; a soft-surfaced walking/running path meanders through this planting, connecting to other Linfield property to the east and west. Topographically, the site is relatively flat, with slope directed generally toward the site's midsection. Vehicular access is provided at the current easterly terminus of Keck Drive, and by Keck Circle as it continues to the northeast. The subject site lies southeast of the McMinnville Market Center, and south and west of the "Keck Campus" as identified in the Linfield College master plan; the nearest existing building associated with the college is the James Miller art education building, located some 200 feet to the east.

The site is bordered to the north and east by additional R-4 PD zoned portions of the Linfield campus. South of the site, across Booth Bend Road, is located Skyline Manufacturing on land zoned M-2 (General Industrial). Adjacent to the west edge of the site is vacant land currently zoned C-3 PD (General Commercial Planned Development) while northwest of the site is the McMinnville Marketplace commercial development on land also zoned C-3 PD.

#### OBSERVATIONS

- The 24.49-acre subject site is within the boundaries of the Linfield College campus and was part of a larger parcel of land (87 acres) rezoned from M-1 (Light Industrial) to R-4 PD on July 14, 1998, when a comprehensive plan amendment and zone change were approved by Council adoption of Ordinance 4672. Also part of this adoption was the rezoning of some 28 acres of land adjacent to South Highway 99W (and western edge of the subject site) from M-1 to C-3 PD. It is on approximately seven acres of this property that the McMinnville Market Center development currently sits. In these applications, it was stated that the R-4 PD zone had been proposed in order to allow for future expansion of various college facilities, although no specifics were provided for the subject site and certain other areas of the campus. A condition of approval of that ordinance required the submittal of a campus master plan to be approved by the Planning Commission prior to development. Similar conditions calling for the submittal of detailed development plans prior to construction were attached to the development of the C-3 PD zoned land due to the absence of specific development proposals at the time of this rezoning.

A campus master plan was presented to the Planning Commission as part of a subsequent zone change application (ZC 4-00), and was approved by the Council's adoption of Ordinance 4739 on November 28, 2000. The master plan identified the general area containing the subject site as being intended for unspecified future campus uses. The purpose of this zone change request was to implement the Linfield College Master Plan that had been developed by BOORA Architects for the campus in May 2000. In 2002, the Commission reviewed detailed plans for development of the McMinnville Market Center property, which represented Phase 1 of the proposed 28-acre commercial development. Those plans were approved, resulting in the seven-acre commercial center that now exists in the northern end of this property.

- The request before the Planning Commission, if approved, would allow the applicant to move forward with plans to develop the 24.49-acre subject site as part of a larger, approximately 57-acre, commercial development planned by the applicant. This acreage would consist of the existing 28 acres of land zoned for commercial use in 1998, additional parcels that border Highway 99W which, until recently, housed manufactured home sales lots, and total approximately 4.1 acres in size, and the subject 24.49-acre parcel. Staff notes that, although these other parcels will be made part of the overall development, only the 24.49-acre parcel is subject to this review. As the Planning Commission is aware, your charge is to recommend to the City Council approval, approval with conditions, or denial of any comprehensive plan amendment or zone change request.
- As this site is part of the Linfield campus that is governed by Ordinance No. 4672, the conditions of that ordinance will continue to be applicable to this site, unless otherwise modified as a result of this review and possible approval. In part, those conditions require Planning Commission approval of landscape plans for the proposed development, and provision of required utilities and services necessary to support the project. They don't



address, however, building and site design, traffic and pedestrian issues, or other issues unique to this proposed commercial development. McMinnville Ordinance No. 4739, which was adopted as a means of controlling such aspects of the McMinnville Market Center project and remaining vacant commercial land to the south of it, is, in staff's opinion, a good template to apply to the development proposed as part of this application. It would, for example, require subsequent Planning Commission review and approval of detailed site and building designs; limits on signage within the site; and limits on outside storage. Copies of these ordinances are attached to this staff report for the Commission's review. Staff recommends that approval of the applicant's plan amendment and zone change requests be accompanied by conditions that at least mirror those that appear in Ordinance No. 4739. In subsequent sections of this report, staff offers some recommended amendments tailored more specifically to this project.

- The applicant has submitted a conceptual massing plan to provide an indication of the general pattern of development they envision for this site as well as the adjacent vacant commercial land to the west. While it is helpful that the applicant has provided this larger view of their general development concept for these approximately 57 acres, it is important to keep in mind that these applications under current review pertain only to that land that is identified on the massing plan as being east of the southerly extension of Keck Circle. Land west of that extension is currently zoned C-3 PD and bound by the conditions of both Ordinances 4672 and 4739 or, as is the case with the parcels immediately adjacent to Highway 99W, which are zoned C-3 and are not encumbered by a planned development overlay at all.

Detailed plans for future development of the site have not been prepared at this time. When this master plan is complete it would be brought before the Planning Commission for review and, if approved, would serve as the guiding document for future development-related applications and approvals for this site. Staff recommends that no development or use of the subject site be permitted until such time that a master plan has been approved by the City.

- Amendment of a site's comprehensive plan designation must be based on a number of factors, including the appropriateness of the request in relation to the pattern of development in the area, surrounding land uses, and changes which have occurred in the neighborhood and/or community to warrant the proposed amendment. Staff contends that the applicant provides data and observations sufficient to justify this request as detailed in the applicant's narrative and in the following discussion.

In addition, as part of their narrative, the applicant provided a market analysis of citywide future employment needs in Exhibit D of the applicant's submittal. Differences between the City's adopted 2023 employment forecast and that provided by the applicant are mainly attributable to:

1. The city's employment forecast held constant a year 2003 employment to population ratio, whereas the applicant updated this ratio to reflect more current data.
2. The base year employment data the applicant had access to reflected a composite number of jobs located within the 97128 zip code area. However, the City was able to obtain confidential ES202 State of Oregon Employment Division data and subsequently "clean" that data set to reflect only those employers located within the McMinnville current urban growth boundary (UGB).



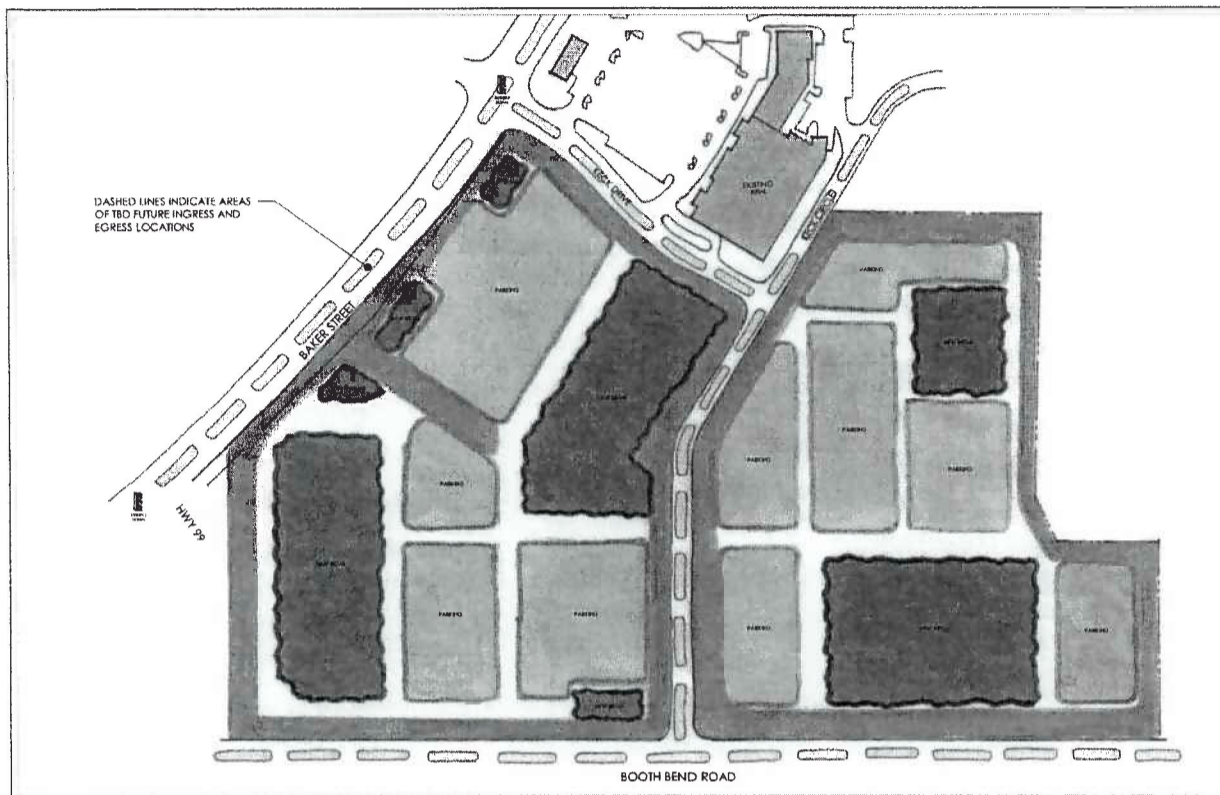
The methodology used by the applicant in arriving at the proposed employment forecast is the same as outlined and utilized in the 2001 McMinnville Employment Opportunities Analysis. However, in utilizing more current employment and population data (which exceeded the 2001 forecasts), the applicant estimates a need for 1,812 jobs in addition to that identified by McMinnville in its year 2023 forecast. Although different than the City's adopted future employment forecast, staff contends that the data and method used by the applicant and the forecast number arrived at are both reasonable and acceptable. For additional detail, you may refer to Appendix D of the applicant's narrative.

- Employment forecasts directly drive commercial land demand; land availability drives the supply side of this equation. The applicant identifies a year 2023 commercial land deficit of 53.2 acres beyond that identified by the City. Given the updated timeframe and employment data available to the consultant, staff finds this forecast both reasonable and acceptable.

When the City conducted its buildable land inventory as groundwork for the McMinnville Growth Management and Urbanization Plan (MGMUP), land within the boundary of the Linfield College campus was identified as developed and therefore not available to meet future growth needs of the community. This land was identified as available only for meeting the future needs of the college. While the plan amendment and zone change requests before you, if approved, would make available additional commercial land for development, this would not reduce the adopted inventory of available residential land.

- Also critical to the applicant's request is the question of whether redesignating this specific site for commercial use is appropriate and that it does not conflict with surrounding zoning and land uses, consistent with the City's plan policies and zone change requirements. As previously described, this site is surrounded by Linfield College, industrial uses, and other commercially designated land. Staff is not aware of any zoning conflict that would be created, and contends that this site is a good location for commercial use as it would essentially be an eastward expansion of the adjacent commercial area. Additional information regarding this issue is found in the findings provided by the applicant.
- The development pattern shown on the applicant's conceptual massing plan depicts a pattern of large, medium and smaller commercial structures interspersed with parking areas of various sizes. These parking areas are shown to be served by two internal public streets: Keck Drive and a southerly extension of Keck Circle. Beyond that, the parking areas will be accessed by a modified grid of private accessways internal to the development. This concept plan also suggests several additional access locations to improve connection to adjacent properties and street systems. Staff emphasizes that these are illustrative only, and that considerable more work and analysis must be done to determine the optimum vehicular and pedestrian circulation system for the subject site. It is also important to keep in mind that, as submitted, these land use applications are requesting plan and zone amendments only and that this plan is provided only to indicate the type of development the applicant is considering; not the specifics of such development. A copy of the applicant's conceptual massing plan is provided below for your convenience; a larger copy of this plan is included with this staff report as Exhibit 3.





- The applicant has submitted a traffic analysis to assist your review of this request. In sum, this analysis compares projected traffic counts for the development of the 24.49-acre subject site according to existing R-4 (Multiple-Family Residential) standards and the potential commercial development of this site.

Exhibit E of the applicant's narrative (Traffic Impact Study) provides a detailed analysis of current and projected traffic conditions as a comparison of year 2023 reasonable worst-case build out with both existing zoning and proposed zoning designations. In this analysis, the applicant has also addressed the requirements of the Oregon Transportation Planning Rule (Goal 12 -- OAR 660-012-0060). In their summary, the applicant states: "Based on the results of the transportation impact analysis, the proposed comprehensive plan and zoning map amendment can occur while maintaining acceptable operations and safety on the surrounding transportation system assuming provision of recommended mitigation measures."

Based on the findings of that transportation analysis, the applicant recommends a number of roadway modifications to ensure continued efficient functioning of these facilities. The four main modifications recommended are:

1. Pacific Highway / Old Sheridan Road

Develop separate westbound left, through, and right-turn lanes. Modification of the existing traffic signal would also be necessary.

2. Pacific Highway / Booth Bend Road

Widen Pacific Highway (99W) to accommodate an additional northbound through-lane. Develop a separate westbound left-turn and shared through-right lane. Re-stripe the eastbound approach as a separate left and shared through-right lane. Operate the traffic signal with protected left-turn phasing on the east-west approaches. Modify the traffic signal as necessary.

3. Pacific Highway / Highway 18 Westbound Off-ramp

Develop a separate westbound left-turn lane and install a traffic signal at the off-ramp. Channelize the westbound right-turn to operate as a free right turn onto Highway 99W.

4. Pacific Highway / Keck Drive

Widen westbound approach of Keck Drive to develop separate left, through, and right-turn lanes. Construct northbound right-turn deceleration lane on Highway 99W. Re-stripe eastbound approach as a separate left and shared through-right lane. Modify the traffic signal as necessary.

The applicant's Traffic Impact Study concludes with this summary:

"The recommendations listed above mitigate the impacts of the proposed comprehensive plan and zoning map amendments as required by the [OAR] 660-12-0060. Although not funded, these improvements have been identified and recognized in the November 2002 Highway 18 / 99W South Interchange Access Management Plan. Additional mitigations may be identified through future development applications for the subject site and the adjacent commercially-zoned property consistent with [that plan]."

The Oregon Department of Land Conservation and Development (DLCD) reviewed this application and traffic analysis and offered comments relative to forecast traffic impacts (Exhibit 6). In particular, DLCD called into question some of the projected traffic counts and the conclusions provided when compared to the future counts identified in the Highway 18 / 99W Interchange Access Management Plan (IAMP)<sup>1</sup>. This issue was also identified by the Oregon Department of Transportation (ODOT – see Exhibit 7) in addition to their noting of other finer points in need of further clarification or analysis. Their letter concludes that approval of traffic impact mitigation measures is contingent upon sufficiently addressing the concerns noted. ODOT would revisit any outstanding issues regarding Goal 12 (Transportation) compliance at that time. Concurrently, City staff has also reviewed the analysis, forecast and findings offered by the applicant in their submittal. Staff contends that the intent of the TPR have been, or will be satisfied as a condition of this approval, and that the transportation improvements offered by the applicant are consistent with the recommendations of the IAMP.

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<sup>1</sup> <sup>1</sup> The "Highway 18/99W South Interchange Access Management Plan" was the product of work by Kittelson and Associates, City and County staff, and affected property owners as part of the development of the Rice property located to the southwest of this subject site. The purpose of this plan is to maintain the functional and operational integrity of the Highway 18/99W interchange and adjacent street system as future development occurs. Short, medium, and long-term improvements are identified in this plan to meet these goals.



In 1998, the Commission reviewed, and recommended approval of a zone change request for Farralon Development, on land currently developed with the Lowes and Rice Furniture complex. At the time of review, a traffic impact analysis had not yet been completed, nor had ODOT given any approval of the assumed intersections that were proposed by the applicant. Although there are some outstanding concerns regarding particulars within the traffic analysis reviewed by ODOT, staff recommends that the Commission similarly recommend approval of this current request allowing the applicant to proceed with efforts to further define the overall site plan while addressing outstanding details as noted by ODOT.

- According to comments received from McMinnville Water & Light, water and electrical service currently exist on Keck Drive, Keck Circle and Booth Bend Road. A map depicting the general location of these existing lines is provided in Exhibit A of the applicant's narrative: the "Existing Utilities" map.

Prior to issuance of building permits for this project, the applicant will be required to submit final, detailed utility plans specifying how and where all utilities will be provided. The applicant will need to work with the City Engineering Department and McMinnville Water and Light in the production of the final plan.

- As this application is essentially an expansion of the adjacent McMinnville Market Center commercial area to permit a larger, 57-acre commercial development plan, the conditions currently in place for land to the immediate west (28-acre parcel) is largely applicable to this site as well. Of particular interest is the issue of signage. Under the planned development regulations currently in place for adjacent commercial land, free-standing signs are limited to one for the entire 28-acre site, no more than 30 feet in height and 150 square feet per face with a maximum of two faces. Additionally, that PD ordinance stated that one monument sign, no more than six-feet in height and with a maximum total sign face of 100 square feet, may be allowed for the site by the Planning Commission as part of the master plan or site plan review process. The number, type, size and placement of flush-mounted wall signage on future buildings are unlimited; although they may not extend more than 12-inches from the building face.

It is the applicant's stated intent to develop this site in conjunction with commercially designated lands to the west. However, as the applicant has not prepared a detailed site development plan for this site at this time, submittal of a comprehensive signage plan would be premature. Rather, the specifics regarding signage would be more appropriately reviewed at a later time when a more specific development plan is before the Commission for review.

That being said, staff contends, however, that initial sign restrictions could, and should, be considered in this current review. Specifically, that two free-standing signs should be allowed for this site. These signs should be no larger than the previously approved free-standing sign for the Albertson's project along South Baker Street to insure consistency between the existing and proposed projects. Sign height, size and placement should be determined by the Planning Commission as part of a master plan or site plan review prior to the issuance of construction permits. Additionally, the design and location of monument signs should also be as approved by the Planning Commission as part of the master plan or site plan review process. Monument signs should be limited to no more than six-feet in height and shall be non-illuminated, indirectly illuminated, neon, or back-lit, providing that

no plastic sign cabinets are allowed. All other signs, with the exception of incidental directional signage, should be flush against the buildings and not protrude more than 12 inches from the building face. For building facades that face onto Booth Bend Road, the total area of building wall signage should not exceed eight percent of the total area of the building face most closely oriented toward Booth Bend Road.

- The City of McMinnville Fire Department, Police Department, Engineering Department, Building Department, City Manager, and City Attorney; McMinnville School District No. 40; McMinnville Water and Light; Yamhill County Public Works; Yamhill County Planning Department; Verizon; ComCast Cable; Northwest Natural Gas; Oregon Dept. of Fish & Wildlife; Oregon Division of State Lands; Oregon Department of Transportation; and, the Oregon Department of Land Conservation and Development were asked to review and provide comment regarding this proposed development.

Comments received from public agencies included the following:

McMinnville Parks and Recreation-

- \* Hewlett Packard, and now Linfield College, has maintained a soft-surfaced walking/jogging path for many years. The trail meanders along the perimeter of the green space that is now subject to development. The trail is a popular one, used by the public. Will Linfield and the developer try to preserve this trail even though there will be significant development?

McMinnville Water & Light-

- \* An extension agreement will be required to extend water and power for this project.
- \* Ten-foot wide water and electric utility easement are required abutting all roads and access easements.
- \* Existing water and electric facilities including services will be required to be converted and/or relocated to new roadway alignments.
- \* Water service requirements including fire lines are required.
- \* Electric service requirements including voltage and loading are required.
- \* Water and power service currently exist on Keck Drive, Keck Circle and Booth Bend Road; all of which are adjacent to the lots located off of Keck Circle, Keck Drive and Highway 99W in McMinnville.
- \* Contact Technical Services (472-6919) for more details.

McMinnville School District No. 40

- \* See Exhibit 5

Oregon Department of Land Conservation and Development -

- \* See Exhibit 7

Oregon Department of Transportation -

- \* See Exhibit 8

- Hewlett Packard and, more recently, Linfield College have maintained a soft-surfaced walking/jogging path for many years. As noted previously, this path encircles a larger portion of the lower Linfield campus and meanders along the southern edge of this site. The trail is used by the public and has been popular for many years. On this topic, the question of interest is whether Linfield or the developer intend to preserve this trail given the intended significant development at this site. Linfield representatives have indicated a strong desire to retain this path, to the extent practicable. Such details would be considered at future site design reviews before the Commission.



- The McMinnville School District has submitted a comment (Exhibit 5) requesting consideration of improvements to Booth Bend Road to include the provision of a public sidewalk along the north side of the roadway extending from this development site eastward to the railroad tracks. The impetus for this request is a desire to obtain safe pedestrian passage between the nearby school site (Sue Buell Elementary School) and the subject site. This request will be further considered as part of the Commission's future review of a specific development plan for this site.
- Staff generally supports the conceptual massing plan provided by the applicant. There appears to be opportunity for a variety of types and sizes of commercial businesses as well as well-designed and convenient vehicular connections between the various areas of the overall site. The interspersing of green-spaces and landscaping throughout the site helps to provide scale to this proposed development. However, while not directly within the purview of the requested plan and zone amendments, staff would like to offer comment as regard one particular design element of the overall plan.

The orientation of the building located at the southwestern portion of the overall site is of concern. The concern is that this conceptual layout appears to place the back side of this building toward Highway 99W and the Baker Street intersection, thereby presenting to the traveling public its loading docks and employee entrance. Because this area serves as a primary gateway to McMinnville, staff would strongly encourage a re-design of this portion of the overall site and reorientation of this building prior to presentation of an overall development plan to the Planning Commission for review and approval. A similar concern exists regarding the Booth Bend Road façade of the southernmost building on the subject site, however to a lesser degree. It is assumed that the loading facilities and employee entrances may well be located on the eastern side of the building, adjacent to an employee parking area.

- Notice of this request was mailed to owners of property within 300 feet of the subject site. As of the date this report was written, no written comments had been received by the Planning Department from those who were notified.
- The findings of fact and conclusionary findings are attached to this report as Exhibit "A" and are, by this reference, incorporated herein.

## RECOMMENDATION

Based upon staff's review of the materials provided in the record as of the date this report went to print, and after considering carefully the policies contained in the applicable McMinnville comprehensive plan policies, it is our conclusion that the applicant has satisfied the requirements for approval of a comprehensive plan amendment changing the site designation from residential to commercial. It is also our conclusion that the applicant has met the applicable requirements to permit the requested zone change from R-4 PD to C-3 PD, provided certain conditions that help to control site and building design are adopted as part of this approval. Those conditions, as recommended by staff, follow closely the conditions that currently apply to the 28-acre parcel to the immediate west and northwest. We observe that the portion of the massing plan immediately east of the Highway 99W frontage (some 250 feet in depth) is not part of this request, nor is it encumbered by the provisions of Planned Development Ordinance No. 4672. Staff assumes, however, that development of this portion of the site, despite such City controls, will develop in a manner that will complement the balance of the project.

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Therefore, based on the materials submitted by the applicant, the findings of fact, and the conclusionary findings for approval staff recommends that the request to amend the comprehensive plan map from Residential to Commercial be recommended to the City Council for approval, and that ZC 12-07 be recommended to the City Council for approval subject to the following conditions:

1. That this zone change does not take effect unless and until CPA 4-07 is approved by the City Council.
2. That the applicable provisions of Ordinances 4672 and 4739 shall apply to the subject site, and as modified below:
  - a. That two free-standing signs no more than 30 feet in height and no more than 150 square feet per sign face (total of 300 square feet per sign) shall be permitted within the subject site. Sign height, size and placement shall be determined by the Planning Commission as part of a master plan or site plan review prior to the issuance of construction permits.
  - b. That the design and location of monument signs shall be as approved by the Planning Commission as part of the master plan or site plan review process. Monument signs shall be limited to no more than six-feet in height and shall be non-illuminated, indirectly illuminated, neon, or back-lit, providing that no plastic sign cabinets are allowed.
  - c. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face. For building facades that face onto Booth Bend Road, the total area of building wall signage shall not exceed eight percent of the total area of the building face most closely oriented toward Booth Bend Road.
3. That the applicant obtain required access permits from the Oregon Department of Transportation for use of the existing or proposed access drives prior to the issuance of any development permits for the site.

#### **MOTION**

The Planning Department recommends the Commission make the following motions for approval:

#### **CPA 4-07 AND ZC 12-07 -**

**THAT BASED ON THE FINDINGS OF FACT, THE CONCLUSIONARY FINDINGS FOR APPROVAL, AND THE MATERIALS SUBMITTED BY THE APPLICANT, THE PLANNING COMMISSION RECOMMENDS THAT THE CITY COUNCIL APPROVE CPA 4-07, AND ZC 12-07, SUBJECT TO THE CONDITIONS OF APPROVAL AS NOTED IN THE STAFF REPORT.**

RP:pja



**EXHIBIT "A"**  
**FINDINGS OF FACT AND CONCLUSIONARY FINDINGS**  
**DOCKET CPA 4-07/ZC 12-07**

**FINDINGS OF FACT**

1. The applicant is requesting approval of a comprehensive plan map amendment from Residential to Commercial and a zone change from R-4 PD (Multi-Family Planned Development) zone to a C-3 PD (General Commercial Planned Development) zone on a portion of land approximately 24.49 acres in size. The subject site is generally located south of the McMinnville Market Center and north of Booth Bend Road, and is more specifically described as a portion of Tax Lot 103, Section 29AC, T. 4 S., R. 4 W., W.
2. The subject property is currently zoned R-4 PD (Multi-Family Planned Development) and is designated as residential on the McMinnville Comprehensive Plan map.
3. Sanitary sewer and municipal water and power are available to the site. The municipal waste treatment plant has sufficient capacity to handle expected waste flows resulting from development of this property.
4. Northwest Natural, Verizon, TCI Cable Television, McMinnville School District No. 40, the McMinnville Fire Department and Police Department, Yamhill County, the Oregon Department of Transportation, Oregon Department of Land Conservation and Development, Oregon Dept. of Fish & Wildlife and the Oregon Division of State Lands were all provided with an opportunity to review and comment on this proposal. All comments provided by those agencies are reflected in the observations section of this report.
5. Goals and Policies from the McMinnville Comprehensive Plan applicable to this request are as listed in the applicant's submittal and are so incorporated by this reference.
6. The provisions of the McMinnville Zoning Ordinance (No. 3380) applicable to this request are provided and addressed in the applicant's submittal and are so incorporated by this reference. In addition, elements of the McMinnville Zoning Ordinance are also applicable to this request as identified in the applicant's submittal and are so incorporated by this reference.
7. Oregon's Statewide Planning Goals and Guidelines applicable to this request are provided and addressed in the applicant's submittal and are so incorporated by this reference.

**CONCLUSIONARY FINDINGS FOR APPROVAL**

1. The subject request complies with the applicable McMinnville Comprehensive Plan Goals and Policies as detailed in the applicant's submittal.
2. The subject request complies with the provisions of the McMinnville Zoning Ordinance (No. 3380) as detailed in the applicant's submittal and incorporated by this reference.
3. The subject request complies with the provisions of Oregon's Statewide Planning Goals and Guidelines as detailed in the applicant's submittal and incorporated by this reference.

RP:pja

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**McMinnville Commons**

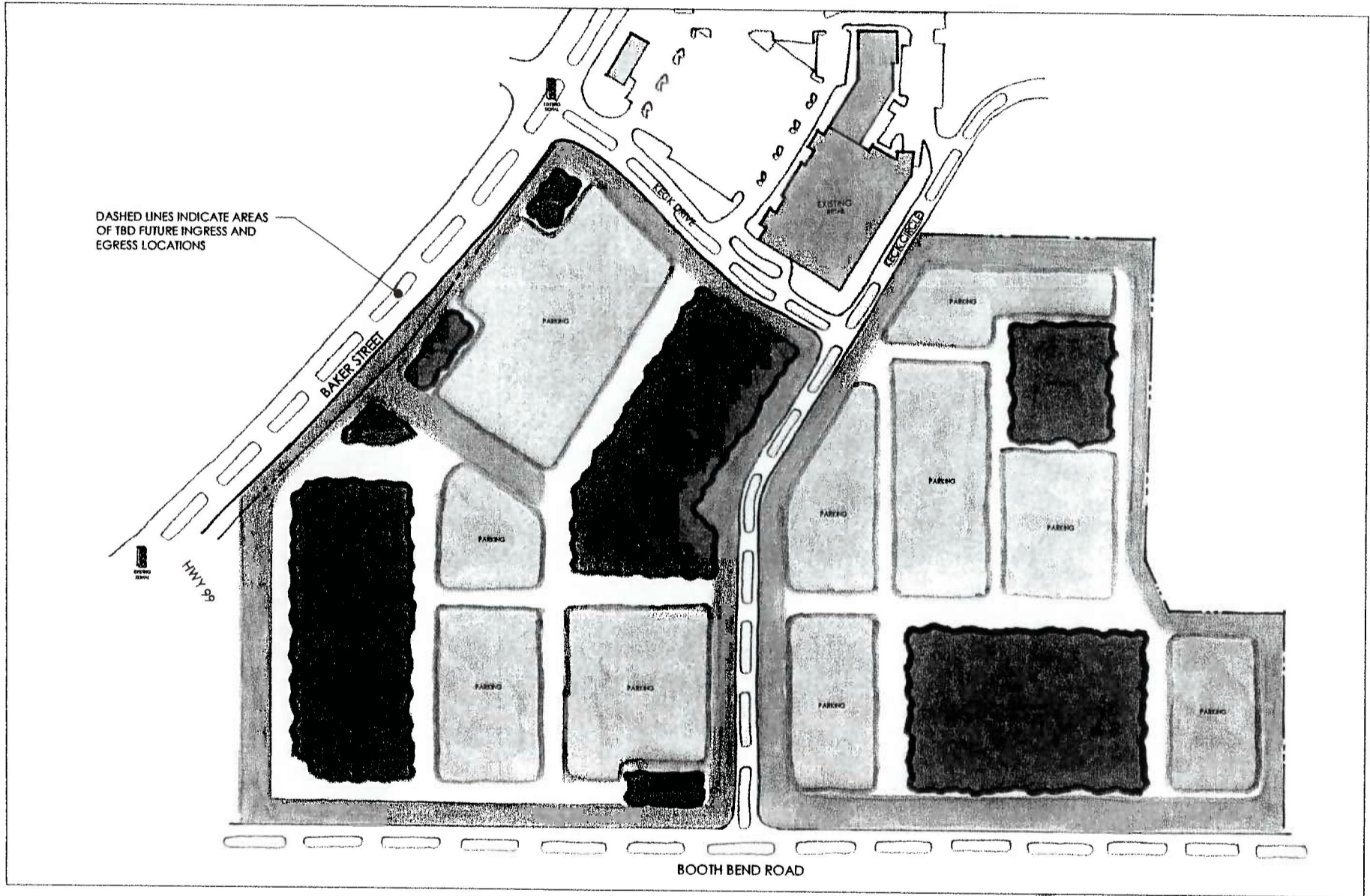
Trammel Crow



Planned Development Overlay



DASHED LINES INDICATE AREAS OF TBD FUTURE INGRESS AND EGRESS LOCATIONS



CONCEPTUAL MASSING PLAN

MCMINNVILLE COMMONS

MCMINNVILLE, OREGON

Trammell Crow Company

Dec. 7, 2007  
SD 38

**BSAA**  
ARCHITECTURE & PLANNING  
BENNER  
STANGE  
ASSOCIATES  
ARCHITECTS, INC.  
5000 S.W. MEADOWS RD.  
SUITE 400  
LAKE OSWEGO, OR 97035  
503 470-0234  
FAX 503 470-0235  
bsa@bsaarch.com

November 9, 2007

Mr. Doug Montgomery  
Planning Director  
City of McMinnville  
231 NE 5<sup>th</sup> Street  
McMinnville, OR 97128-4831

**RE: 99W/Booth Bend Road Comprehensive Plan Amendment & Zone Change  
Planned Development Overlay Application**

Dear Doug,

Please accept the attached application form and draft ordinance, which are being submitted in support of a Planned Development (PD) Overlay Application to accompany the Comprehensive Plan Amendment and Zone Change (CPA/ZC) applications recently submitted for the Linfield College property along Booth Bend Road.

The Applicant recognizes that the proposed CPA/ZC pertains to a significant area within the City of McMinnville, and that the City understandably wants to be assured that a certain standard of design is ultimately achieved if the proposed CPA/ZC for commercial uses is approved. As the City does not have a formal design review process, the PD Overlay is the best process to ensure that the design of the potential commercial project is evaluated.

At the same time, because the Applicant is generally within the initial stages of determining the site layout, including tenant mix, architectural theme, circulation, etc., a definite site plan is difficult to present in conjunction with the CPA/ZC application.

As specified in the draft ordinance, a master plan and detailed site plan for the future development of the property into a community commercial center will be submitted for the Planning Commission's review and approval prior to any development occurring on the subject site.

As indicated below, the applicable sections of Chapter 17.51 and the Applicant's responses to each relevant section of the chapter provide findings as to how the standards for the PD Overlay will be met:

**17.51.010 Purpose**

**The purpose of a planned development is to provide greater flexibility and greater freedom of design in the development of land than may be possible under strict interpretation of the provisions of the zoning ordinance. Further, the purpose of a planned development is to encourage a variety in the development pattern of the community; encourage mixed uses in a planned area; encourage developers to use a creative approach and apply new technology in land development; preserve significant man-made and natural features; facilitate a desirable aesthetic and efficient use of open space; and create public and private common open spaces. A planned development is not intended to be simply a guise to circumvent the intent of the zoning ordinance.**

**In approving a planned development, the Council and the Planning Commission shall also take into consideration those purposes set forth in Section 17.03.020 of this ordinance. A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission. For purposes of implementing these objectives, two means are available:**



5415 SW Westgate Dr.  
Suite 100  
Portland, OR  
97221

PH 503/419-2500  
FX 503/419-2600

www.wrgd.com



**A. The property owner or his representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances it will be carried out in accordance with Section 17.51.030. Such plan should accomplish substantially the same general objectives as proposed by the comprehensive plan and zoning ordinance for the area; (The fee charged for processing such an application shall be equal to the one charged for zone changes.)**

**Response:** As identified in Exhibit A (see attached), the Applicant requests a planned development overlay for the subject property.

**B. The Council, the Commission, or the property owner of a particular parcel may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. (The Planning Director shall note such properties and direct that no building permit be issued in respect thereto.)**

**1. A planned development overlay may be approved under these circumstances for a property which has unique characteristics (e.g., geological, ecological, location, or the nature of the surrounding property) and the development of which may have an impact upon the surrounding area or the city as a whole. A planned development overlay initiated by the Council or the Planning Commission shall address itself to the purposes set forth herein.**

**2. The Council and Planning Commission shall set forth the reasons for approval and the areas of concern that must be addressed when final plan are submitted;**

**Response:** The Applicant is providing the attached proposed ordinance to ensure that the Planning Commission will review a development plan. A massing plan is only provided if there is time to convey the conceptual design of the project.

**C. The Council and Planning Commission, with the assistance of the Planning Director, shall ensure that no planned development overlay granted under Section A or B above which is merely a guise to circumvent the intent of the zoning ordinance shall be approved. A denial of such a zone request based upon this principle shall be enunciated in the findings of fact adopted by the Planning Commission;**

**Response:** As indicated in the attached ordinance, the proposed planned development overlay is consistent with the intent of the zoning ordinance.

**D. A planned development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.72 of this ordinance. (A planned development overlay and change of the underlying zone may be processed simultaneously.)**

**Response:** The Applicant understands that the proposed planned development overlay will be processed under the public hearing procedures in Chapter 17.72. The planned development overlay is proposed simultaneous with a Comprehensive Plan Amendment and Zone Change (from R-4PD to C-3PD).

**F. A property owner shall not be required to pay an additional fee when the planned development overlay was originally initiated by the Council or Planning Commission.**

**Response:** The Applicant has paid all the applicable fees required by the City.

**17.51.020 Standards and requirements**

The following standards and requirements shall govern the application of a planned development in a zone in which it is permitted:

A. The principal use of land in a planned development shall reflect the type of use indicated on the comprehensive plan or zoning map for the area. Accessory uses within the development may include uses permitted in any zone, except uses permitted only in the M-2 zone are excluded from all other zones. Accessory uses shall not occupy more than twenty-five percent of the lot area of the principal use;

**Response:** The principal land use within the planned development will be a community commercial center, which is entirely consistent with the type of uses permitted in the proposed Commercial Comprehensive Plan designation and C-3 zone.

B. Density for residential planned development shall be determined by the underlying zone designations.

**Response:** No residential uses are proposed for the planned development.

**17.51.030 Procedure**

The following procedures shall be observed when a planned development proposal is submitted for consideration:

A. An applicant shall submit twenty-one (21) copies of a preliminary development plan to the Commission for study at least thirty days prior to the Commission meeting at which it is to be considered. The preliminary plan shall include the following information:

1. Proposed land uses, building locations and housing unit densities.
2. Proposed circulation pattern indicating the status of street ownership.
3. Proposed open space uses.
4. Proposed grading and drainage pattern.
5. Proposed method of water supply and sewage disposal.
6. The location, size, and type of any isolated trees over four inches in diameter one foot from ground level and any groups of trees.
7. Relation of the proposed development to the surrounding area and the comprehensive plan;

**Response:** As stated in the draft ordinance attached to this letter, a conceptual massing plan is being submitted with this letter for the Planning Commission's review. A more detailed master plan and development plans which include each of the requirements outlined above will be submitted for the Planning Commission's review and approval prior to any development occurring on the site.

B. Prior to discussion of the plan at a Commission meeting, copies shall be submitted by the Planning Director to City departments for study and comment;

**Response:** The Applicant understands that copies of the master plan and development plans will be circulated to City departments for study and comment prior to discussion of the plans at a meeting of the Planning Commission.

C. The Commission shall consider the preliminary development plan at a meeting at which time the findings of persons reviewing the proposal shall also be considered. In reviewing the plan, the Commission shall need to determine that:



1. There are special physical conditions or objectives of a development which the proposal will satisfy to warrant a departure from the standard regulation requirements;
2. Resulting development will not be inconsistent with the Comprehensive Plan objectives of the area;
3. The development shall be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels;
4. The plan can be completed within a reasonable period of time;
5. The streets are adequate to support the anticipated traffic, and the development will not overload the streets outside the planned area;
6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed;
7. The noise, air, and water pollutants caused by the development do not have an adverse effect upon surrounding areas, public utilities, or the city as a whole;

**Response:** The Applicant understands the criteria which the Planning Commission will use in its consideration of the master plan and development plans.

**D.** If, in the opinion of the Commission, the foregoing provisions are satisfied, the proposal shall be processed according to this section. If the Commission finds to the contrary, they may recommend the application be denied or return the plan to the applicant for revision;

**Response:** The Applicant understands the above criterion.

**E.** The Commission may attach conditions to carry out the purpose of this ordinance provided that such conditions are not used to exclude needed housing or unnecessarily reduce planned densities, and do not result in unnecessary costs or delay;

**Response:** The Applicant understands that the Planning Commission may attach conditions of approval to the proposed planned development overlay. As stated above, no residential uses are proposed for the planned development.

**F.** Before approving a planned development, the Commission shall follow the procedure for considering an amendment as required in Chapter 17.72 of this ordinance;

**Response:** The Applicant understands the above criterion.

**G.** Permits for construction in a planned development shall be issued only on the basis of the approved plan. The approved site plan shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer. The developer is responsible for requesting permission of the Planning Commission for any major change of the details of the adopted site plan. Minor changes to the details of the adopted site plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners;

**Response:** The Applicant understands that building permits will be issued only on the basis of approved plans. The Applicant also understands the City's process for reviewing major or minor changes to adopted plans.

**H. An approved planned development shall be identified on the zoning map in addition to the existing zoning.**

**Response:** The Applicant understands the above criterion.

We hope that the responses to the Planned Development Overlay standards provided herein, as well as the attached draft ordinance and conceptual massing plan, will be satisfactory for the City's review. If you have any questions or need further information, please call me at (503) 419-2500. Thank you for your continued assistance with this project.

Sincerely,

  
Alisa Pyszka, AICP *DW*  
WRG Design, Inc.

cc: John Gordon, Trammell Crow  
Glenn Ford, Linfield College  
Roger Stange, BSA Architects



ORDINANCE NO. \_\_\_\_\_

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing Residential designation to a Commercial designation and a zone change from R-4 PD (Multiple-Family Planned Development) zone to a C-3 PD (General Commercial Planned Development) zone on approximately 24.49 acres of land located north of Booth Bend Road and southeast of State Highway 99W/South Baker Street.

RECITALS

The Planning Commission received applications (CPA 4-07 / ZC 12-07) from Trammell Crow, dated October 29, 2007, for a comprehensive plan map amendment from an existing Residential designation to a Commercial designation and a zone change from R-4 (Multiple-Family Residential) zone to a C-3 PD (General Commercial Planned Development) zone on approximately 24.49 acres of land located north of Booth Bend Road and southeast of State Highway 99W/South Baker Street. The property is specifically identified as Tax Lot 103, Section 29AC, T. 4S, R 4W, W.M.

A public hearing was held on \_\_\_\_\_, at 7:30 p.m., before the McMinnville Planning Commission after due notice had been given in the local newspaper on November \_\_\_\_\_, and written notice had been mailed to property owners with 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 zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and the 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 Comprehensive Plan; and

The Planning Commission approved the said plan map amendment and zone change and has recommended said changes to Council; 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 applications filed by Trammell Crow.

Section 2. That the Comprehensive Plan Map shall be amended from a Residential designation to a Commercial designation for the property described in Exhibit "A" which is attached hereto and incorporated herein by this reference.

Section 3. That the property described in Exhibit "A" is hereby rezoned from an R-4 PD (Multi-Family Planned Development) zone to a C-3 PD (General Commercial Planned Development) zone subject to the following conditions:

1. That these zone changes shall not effect unless and until CPA 4-07 is approved by the City Council.

2. That a detailed conceptual master plan for the subject site shall be submitted to the McMinnville Planning Commission for review and approval, pursuant to the procedures of McMinnville Zoning Ordinance 17.51, Planned Development Overlay, prior to any development occurring on the site. The plan shall include, at a minimum, proposed land uses and their location(s), building locations, proposed circulation pattern, proposed open spaces, grading and drainage information, landscaping, location and sizes of public utilities and services, and other information deemed necessary to convey the details of the proposed development plans to the Planning Commission.
3. That detailed development plans for the proposed commercial development showing site layout, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission prior to the issuance of any building permits for said development. Approval or denial of such plans shall be based on findings that, to the extent possible, the building and site design employs principles that will ensure compatibility with adjacent development, and in particular, to the adjacent Linfield College campus, and create an attractive addition to the entrance and streetscape of west McMinnville. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, planting design, window treatment, vertical and horizontal articulation, massing, voids to solids relationships, and other elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval. The applicant may appeal the decision of the Planning Commission to the City Council if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Commission's decision.
4. ~~That the residentially zoned land shall be limited to private college and ancillary uses, subject to an approved conditional use permit.~~
5. That landscape plans for the commercial site shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to issuance of permits for any of the commercial buildings. At a minimum, 15 percent of the site shall be landscaped with emphasis placed along all street frontages, at major entrances to the commercial complex, within off-street parking lots, and at building perimeters. The applicant will strive to maintain existing landscaping and trees to the maximum extent practicable. Removal of existing trees will comply with Section 17.57.40 of the Code and, for existing trees over a certain size, will be approved by the Landscape Review Committee.
6. That signs located on the commercially zoned land shall be subject to review by the Planning Department as to their location and design, and to the following limitations:
  - a. That ~~one~~ two free-standing signs, a maximum of thirty feet in height, shall be permitted within the subject site (~~28~~ 24.49 acre site adjacent to South Baker Street). ~~The maximum square footage per sign face is sixty four square feet and there shall be a maximum of two sign faces per free standing sign.~~



- b. That ~~one-two~~ monument signs, limited to a height of six feet ~~and total sign face of 100-200 square feet per sign face~~, be permitted as may be approved by the Planning Commission as part of the master plan or site plan review process. Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic sign cabinets are allowed.
  - c. All other signs with the exception of incidental directional signage, must be flush against the buildings and not protrude more than 12 inches from the building face.
7. That within the subject site, all business, storage, or displays shall be conducted wholly within an enclosed building, except for any home improvement garden centers, off-street parking and loading. Incidental exterior display and outdoor dining areas may be allowed if incorporated into future building design and approved for such use by the Planning Director.
  8. That utilities shall be extended to the property boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
  9. That the applicant obtains required access permits from the Oregon Department of Transportation for use of the ~~existing or proposed~~ required access drives prior to issuance of any ~~development~~ building permits for the site.
  10. That the conceptual ~~land-use~~ massing plan submitted by the applicant as part of this land use request shall in no way be binding on the City or applicant, particularly as regard proposed vehicular access.
  11. ~~That use of the existing athletic fields and buildings for private college use may be permitted prior to submittal and approval of a master plan, as required by this zone change approval, subject to approval of a conditional use permit, pursuant to the requirements of Section 17.66 of the McMinnville Zoning Ordinance, and as required by the Uniform Building Code.~~
  12. ~~That partitioning of the subject site, as indicated on the submitted conceptual land use plan, may be permitted by the City prior to submittal and approval of a master plan for the subject site. No other partitioning shall be permitted until such time that such a plan has been approved.~~
  13. ~~Existing perimeter landscaping and trees planted adjacent to the private interior drives shall be retained unless approved for removal by the McMinnville Landscape Review Committee.~~
  14. That the ~~submitted~~ master plan and development plans, as approved by the Planning Commission, shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

That the developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted site plan may be approved by the City

Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by the Director may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

Passed by the Council this \_\_\_\_ day of December 2007 by the following votes:

Ayes: \_\_\_\_\_

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

Approved this \_\_\_\_ day of December 2007.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
RECORDER





# McMinnville School District No. 40

1500 N.E. Baker St. McMinnville, Oregon 97128 Phone: (503) 565-4000 FAX: (503) 565-4030

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November 20, 2007

Doug Montgomery  
City of McMinnville  
Planning Department  
231 Northeast Fifth Street  
McMinnville, Oregon 97128

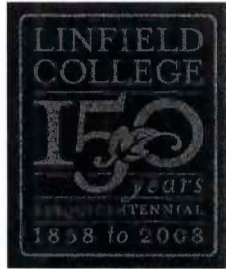
Dear Mr. Montgomery:

I am writing you in reference to CPA 4-07/ZC 12-07. When considering approving application for comprehensive plan amendment and zone change, please also consider requiring improvements to Booth Bend Road the sidewalk. Additional shopping will attract automobile and foot traffic along Booth Bend Road.

With the new elementary school, Sue Buel Elementary, being built on the adjacent property, McMinnville School District is improving the sidewalk south along Booth Bend Road from Davis Street to the rail road tracks.

Sincerely yours,

David W. Horner  
Director of Facilities and Operations



## Office of the President

LINFIELD COLLEGE  
900 SE BAKER STREET  
MCMINNVILLE, OR 97128-6894  
503-883-2408 • FAX: 503-883-2630

December 12, 2007

Planning Commission  
231 NE 5<sup>th</sup> Street  
McMinnville, Oregon 97128

Dear Chairperson Winfield and Planning Commission Members:

Linfield College strongly supports the rezoning application filed by Trammell Crow that is scheduled for hearing on December 20, 2007.

When the Trustees of Linfield College decided to commercially develop the undeveloped land south and west of our campus as part of our Master Plan, our goal was to benefit both the College and the surrounding area. In our view, commercial development on this property (in the proximity of the intersection of McMinnville's two major highways) is appropriate for our community. It also provides income to the college and shopping and entertainment for our students.

In 2004, Linfield insisted upon design, construction and landscaping standards for the first phase of the commercial development. The result is a first class shopping center, the McMinnville Market Center.

For several years after the completion of phase one, Linfield sought a developer to complete the second phase. We were pleased when Trammell Crow, one of the most prestigious and responsible commercial developers in the country, signed an option to potentially lease the remaining commercial property, plus a major portion of the property currently zoned residential. Rezoning the residential property will provide McMinnville, its residents, and our students with adequate commercial development in an appropriate area of our community.

We believe that College and community interests will also be protected in this phase of the project. Linfield has again insisted that if the project continues, any site plan, architectural style, building finishes, signage and landscaping are consistent with a first class shopping center and are complementary to, and in harmony with, the College and the McMinnville Market Center.

Without approval of the rezoning application, Trammell Crow will probably not exercise its option to lease the property. This would constitute a significant lost opportunity. Thank you for your careful attention to the application, which we believe is in the best interests of the College and the entire community.

Sincerely yours,

A handwritten signature in cursive script that reads "Thomas L. Hellie".

Thomas L. Hellie, Ph.D.  
President



**From:** Jason Locke [mailto:Jason.Locke@state.or.us]  
**Sent:** Monday, December 10, 2007 8:40 AM  
**To:** Doug Montgomery  
**Subject:** Linfield Zone change

Doug, I just wanted to provide you with the following thoughts regarding the zone change, in an informal manner. Most of this is not news to you.

The Highway 18/99W South Interchange Management Plan (IAMP) is a joint management plan between the city and The Oregon Department of Transportation (ODOT) in order to maintain the operational integrity of the highway 18/99W interchange. The interchange serves not only the immediate vicinity, but travel within McMinnville and Yamhill County as well as through traffic on both highways. It is important to ensure development in the interchange area is managed to protect the function of the interchange.

The IAMP includes assumptions about the development of properties in the interchange area (IAMP Figure 3-1). The subject property is comprised of approximately half of IAMP Sub-Area D and a portion of property not analyzed in the IAMP. The portion of the subject property within Sub-Area D is designated for Linfield campus expansion. The IAMP assumes a much lower trip generation rate for this site than the adjacent commercial property within Sub-Area D (IAMP Table 4-1).

It would be reasonable to assume that by changing the zone to allow more trips, the Transportation Impact Analysis (TIA) prepared for this proposal would reflect a growth in trips compared to the assumptions in the IAMP. However, the TIA forecasts fewer PM peak hour trips in 2023 under the proposed zoning than the IAMP predicts for 2022 under existing zoning on several approaches (TIA Figure 9, IAMP Figure 4-3). The differences are more pronounced when comparing the TIA forecasts for existing zoning in 2023 (TIA figure 4).

The TIA explains these differences by asserting that traffic forecasting methods have been refined since the 2002 IAMP, development of some parcels in the area have reduced some development uncertainty and that the actual growth rate of trips in the area is less than forecasted (TIA pages 20-21). While these may be mitigating factors, the magnitude of difference between the forecasted trips in the IAMP and TIA warrants close examination, particularly as the TIA numbers are favorable toward a zone change to allow land uses that would generate additional trips.

Again, I am sure you are cognizant of these issues and will be working through them.

Take care.

Jason Locke  
Willamette Valley Regional Representative  
DLCD/Community Services Division  
635 Capitol St. NE, Suite 150  
Salem, OR 97301  
Phone: (503) 373-0050 ex. 289  
Fax: (503) 378-5518  
jason.locke@state.or.us

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# Oregon

Theodore R. Kulongoski, Governor

## Department of Transportation

### Region 2 Headquarters

455 Airport Road SE Building B  
Salem, Oregon 97301-5395  
Telephone (503) 986-2600  
Fax (503) 986-2630

December 13, 2007

Mr. Ron Pomeroy, Senior Planner  
City of McMinnville Planning Department  
231 NE Fifth St.  
McMinnville, OR 97128

Dear Ron:

Thank you for your referral of the proposed comprehensive plan amendment and zone change for the Linfield College property to the Oregon Department of Transportation (ODOT) for review and comment. ODOT staff have reviewed the proposal and we offer the following comments.

The application is for approval of a change of zone from Residential (R-4) to Commercial (C-3) and an associated amendment to the City's comprehensive plan map on parcel of approximately 25 acres located north of Booth Bend Road east of its intersection with OR 99W. The intent is to develop the property for commercial uses.

ODOT is concerned about the magnitude of this proposed development and its potential impacts to the state highway facilities in the area. In order to adopt the proposed comprehensive plan and zoning change, the City must make findings demonstrating compliance with Goal 12 and the Transportation Planning Rule (TPR), specifically OAR 660-012-0060. The rule requires that cities consider the potential transportation impacts of proposed land use actions prior to adopting any amendment. It should also be noted that the City and ODOT cooperatively developed the "*Highway 18/99W South Interchange Access Management Plan*" which was adopted by the City in November 2002. The recommendations contained in this plan affect the facilities in the area of this proposed comprehensive plan amendment and zone change.

A transportation impact analysis (TIA), dated October 2007, has been prepared by Kittelson and Associates (KAI) to address the transportation impacts of this proposed amendment. ODOT has completed a technical review of the TIA and comments have been forwarded to KAI. The comments are attached for your information. The TIA concludes that, with the inclusion of specific improvements to the state highway system in the area, the requirements of the TPR can be met as the projected impacts can be reduced to a level below what would result from the existing zoning. The improvements proposed are generally consistent with those identified in the Interchange Access Management Plan. Those improvements are described in the TIA on Page 43 and in Figures 10 and 11.



Mr. Ron Pomeroy  
City of McMinnville  
December 13, 2007  
Page 2 of 2

ODOT staff are concerned about the feasibility of two of the proposed improvements which specifically relate to TPR compliance. The TIA recommends that the intersection of the westbound OR 18 off-ramp and OR 99W be upgraded to, "Channelize the westbound right turn to operate as a free right turn onto Highway 99W". It is also recommended that this intersection be signalized. Our concerns about these improvements are as follows:

- The free right turn is not feasible unless a second northbound travel lane is added to OR 99W between this intersection and the intersection of Booth Bend Road. This added lane is shown on Figure 10 but is not identified as a necessary improvement. The added northbound lane must be included for the improvements to be considered feasible and TPR compliance to be demonstrated.
- ODOT will not accept the installation of a new traffic signal as mitigation for impacts of development without demonstration, through a signal warrant analysis, that the signal is necessary. No such analysis has been provided in the TIA.

Without a demonstration of feasibility of the above improvements, the TIA cannot conclude that the requirements of the TPR have been met.

Based on the above, ODOT does not believe that the TIA demonstrates that the proposal complies with the TPR and that additional information is required for the City to make the appropriate findings. ODOT recommends, therefore, that action on this proposed comprehensive plan amendment and zone change be deferred until the deficiencies described above and in the attached memo can be corrected. It should also be noted in the record that plans and specifications for any improvements to ODOT facilities, including modifications to existing traffic signals, must be reviewed and approved by ODOT prior to installation.

This letter should be included in the record as ODOT testimony. ODOT should be considered a party to the hearing and be entitled to notices of future hearings, or hearing continuances or extensions. Please provide me with a copy of the County's decision, including findings and conditions of approval.

Sincerely,



Daniel L. Fricke  
Senior Transportation Planner

DLF:

Attachment

cc: Craig Black, Region 2 Traffic Manager  
Ann Batten, Region 2 Traffic  
Cyndi Buswell, Region 2 Development Review Coordinator  
Jason Locke, DLCD  
Chris Tiesler, Kittelson and Associates



# Oregon

Theodore R. Kulongoski, Governor

## Department of Transportation

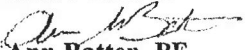
### Region 2 Tech Center

455 Airport Road SE Building A  
Salem, Oregon 97301-5397  
Telephone (503) 986-2990  
Fax (503) 986-2839

DATE: December 11, 2007

TO: Dan Fricke  
Area 3 Planner

File: T 1W-8

FROM:   
Ann Batten, PE  
Region 2 Transportation Analyst

SUBJECT: Transportation Impact Analysis Review  
Hwy 99W/Booth Bend Road Property  
Comprehensive Plan Amendment and Zone Change  
City of McMinnville  
October 2007

These are review comments for the October 2007 *Highway 99W/Booth Bend Road Property Comprehensive Plan Amendment and Zone Change* Transportation Impact Analysis (TIA) prepared by *Kittleson & Associates*. The focus of this review is the analysis methodologies and assumptions. The analysis contained in this study is questionable and should be revised, taking into consideration the following comments:

Page	Paragraph	Comment
n/a	General	During review of the proposed scope of work dated September 6, 2007, prepared by Kittleson & Associates, e-mail discussion for Region 2 by Area 3 Planner Dan Fricke on September 13 instructed Chris Tiesler and Marc Butorac to collect 3-hour AM and PM peak counts for this traffic study. In addition, a 16-hour count was instructed to be performed at OR 99W and Booth Bend Road. The Quality Count summaries in Appendix C only account for 2-hour PM counts. Note: These counts are dated September 11, 2007, prior to referenced discussion. The extra hour required by Region 2 Traffic and counts during both the AM and PM ensures the peak hour is not misidentified, and the correct amount of data is collected. The 16-hour count would determine if the critical peak hour occurs in the AM or PM
2	1, 4	Acreage of site for TIA differs from description in scoping memorandum of September 6, 2007, provided in Appendix A
2	5	Existing zone site trip generation differs from that described in Table 1 in scoping memorandum of September 6, 2007, provided in Appendix A
2	6	Proposed zoning site trip generation differs from that described in Table 1 in scoping memorandum of September 6, 2007, provided in Appendix A



4	"Summary of Mitigation..." Table, Intersection 3	Within "Description of Improvements by Approach" for Pacific Highway (99W)/ Highway 18 Off-Ramp, "Install traffic signal (5)" presented as mitigation. Preliminary signal warrant analysis sheets are not provided with this study. Unwarranted signals cannot be submitted as possible mitigation.
5	2	"...install a traffic signal at the off-ramp" Same as comment above.
7	2	Acreage-Same as comment for p 2, paragraphs 1,4 above
8	Figure 1	This graphic should identify study area intersections by Highway (OR99W and OR 18) milepost.
13	6	Manual "...counts conducted during weekday evening (4:00-6:00 p.m.)". See first comment above.
13	6	"...a 16-hour count was collected at Pacific Hwy 99W/SE Booth Bend Rd intersection." Was this count obtained? This count is not included in Appendix B.
13	7	Seasonal Adjustment not applied to count data "...after consultation w/ODOT staff." Evident in e-mail correspondence between Nick Carl, Region 2 Traffic, and Chris Tiesler, September 28, 2007. In the future, reference ODOT's <i>Analysis Procedures Manual</i> if Region 2 Traffic Analysts are unavailable. Also, consult with ODOT's TPAU staff with specific questions for guidance.
16	Table 2	Intersection Crash History and Rates appear consistent
19	3	Annual growth rates- Note: During review of the proposed scope of work dated September 6, 2007, prepared by Kittleson & Associates, e-mail discussion for Region 2 by Dan Fricke, Area 3 Planner, on September 13 instructed Chris Tiesler and Marc Butorac that using a 2.2% annual growth rate from the Comprehensive Plan acceptable. Review of this study is unable to determine if the 2.2% growth rate was used.
20	1	Site Acreage- same as prior comments regarding difference between TIA and scope in Appendix A
20	7	Traffic forecast methodology- Using ATR data is not an approved methodology for determination of growth.
	General	Review of the growth rates used in the analysis does not match those described in narrative or that pre-approved by Dan Fricke.
	General	Background growth should remain consistent
23	Figure 4	Nodes 5-6 - Unable to determine difference of 340 trips EB, and difference of 370 Trips WB
23	Figure 4	Node 5-1 - Unable to determine difference of 100 trips EB.
23,29	Figures 4, 7	Node 2- SE approach shows a decrease in volume from Figure 4 to Figure 7 where an increase would be expected. Please explain.
25	Table 5	Existing zone site trip generation differs from that described in Table 1 in scoping memorandum of September 6, 2007, provided in Appendix A.
27	Figure 6	Estimated Trip Distribution- Site trips do not seem to balance. The reduction of 45 trips at Node 2 does not seem reasonable. Explain methodology.
	Table 7	Same as earlier comment regarding Table on Page 4
44	Table	Same as earlier comment regarding Table on Page 4
	App D,F,G,H	Traffic LOS Worksheets - Traffic analysis does not appear to use measured truck percentages.

If you have any questions regarding my comments, please contact me by phone at (541) 757-4106 or by e-mail at [ann.m.batten@odot.state.or.us](mailto:ann.m.batten@odot.state.or.us).

---

**Cc:** Steve Wilson  
David Warren  
Cyndi Buswell  
Craig Black  
File



ORDINANCE NO. 4672

An Ordinance amending the City of McMinnville Comprehensive Plan Map from an existing Industrial designation to a Commercial designation and a zone change from an M-1 (Light Industrial) zone to a C-3 PD (General Commercial Planned Development) zone on approximately 28 acres; and amending the City of McMinnville Comprehensive Plan Map from an existing Industrial designation to a Residential designation and a zone change from an M-1 (Light Industrial) zone to an R-4 PD (Multi-Family Planned Development) zone on approximately 87 acres of land located north of Booth Bend Road, west of Davis Street, and southeast of South Baker Street.

RECITALS

The Planning Commission received applications (CPA 4-98 / CPA 5-98 / ZC 9-98 / ZC 10-98) from Damian Manolis, representing the Hewlett-Packard Company, dated April 20, 1998, for a comprehensive plan map amendment from an Industrial designation to a Commercial designation and a zone change from an M-1 (Light Industrial) zone to a C-3 PD (General Commercial Planned Development) zone on approximately 28 acres of land; and a comprehensive plan map amendment from an Industrial designation to a Residential designation and a zone change from an M-1 (Light Industrial) zone to an R-4 PD (Multi-Family Planned Development) zone on a parcel of land approximately 87 acres in size located north of Booth Bend Road, west of Davis Street, and southeast of South Baker Street and is specifically identified as Tax Lot 100, Section 29AC; Tax Lots 100 and 700, Section 29AD; and Tax Lots 300 and 302, Section 28BB, T. 4 S., R. 4 W., W.M.

A public hearing was held on May 21, 1998, at 7:30 p.m., before the McMinnville Planning Commission after due notice had been given in the local newspaper on May 16, 1998, and written notice had been mailed to property owners with 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 zone change review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based on the material submitted by the applicant and the 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 amendments and zone changes are consistent with the Comprehensive Plan; and

The Planning Commission approved said plan map amendments and zone changes and has recommended said changes to Council; and

Subsequently, the applicant requested amendments to the original proposal as presented to the Planning Commission, thus requiring a public hearing before the City Council. In accordance with City ordinances, the public hearing was scheduled for July 14, 1998 at 7:30 p.m., in the City Council Chambers. Notice of said

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hearing was given by written notice to affected property owners and to the general public by legal notice in the local newspaper; and

The McMinnville City Council conducted the scheduled hearing at the time and date specified with the standards adopted in the City of McMinnville Ordinance No. 3682. The testimony of the proponents and opponents was received and, in addition, the record generated by the McMinnville Planning Commission, supplemental staff reports, supplemental reports from other agencies, and additional exhibits were duly incorporated into the record and were considered by the Council; and

The City Council, being fully informed about said request, found that said change conformed to the review criteria listed in Chapter 17.72.035 of Ordinance No. 3380 based upon 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; 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 applications filed by Damian Manolis.

Section 2. That the Comprehensive Plan Map shall be amended from an Industrial designation to a Commercial designation, and from an Industrial designation to a Residential designation for the property described in Exhibit "A" which is attached hereto and incorporated herein by this reference.

Section 3. That the property described in Exhibit "A" is hereby rezoned from an M-1 (Light Industrial) zone to a C-3 PD (General Commercial Planned Development) zone; and from an M-1 zone to an R-4 PD (Multi-Family Planned Development) zone subject to the following conditions:

1. That these zone changes shall not take effect unless and until CPA 4-98 and CPA 5-98 are approved by the City Council.
2. That a detailed master plan for the subject site shall be submitted to the McMinnville Planning Commission for review and approval, pursuant to the procedures of McMinnville Zoning Ordinance 17.51, Planned Development Overlay, prior to any development occurring on the site. The plan shall include, at a minimum, proposed land uses and their location(s), building locations and housing unit densities (if applicable), proposed circulation pattern, proposed open spaces, grading and drainage information, landscaping, location and size of public utilities and services, and other information deemed necessary to convey the details of the proposed development plans to the Planning Commission.



3. That detailed plans for the proposed commercial development showing site layout, signage, building elevations, landscaping, parking, and lighting must be submitted to and approved by the Planning Commission prior to the issuance of any building permits for said development. Approval or denial of such plans shall be based on findings that, to the extent possible, the building and site design employs principles that will ensure compatibility with adjacent development, and in particular, to the adjacent Linfield College campus, and create an attractive addition to the west McMinnville entrance and streetscape. Submitted plans should include detail as regard building colors and materials (provide texture and visual relief), building height, planting design, window treatment, vertical and horizontal articulation, massing, voids to solids relationships, and other elements appropriate to ensure that the building and site design complies with the objectives and requirements of this planned development approval. The applicant may appeal the decision of the Planning Commission to the City Council if notice of intent to appeal is filed in the Planning Department office within fifteen (15) days of the Commission's decision.
4. That the residentially zoned land shall be limited to private college and ancillary uses, subject to an approved conditional use permit.
5. That landscape plans for the commercial site shall be submitted to the McMinnville Landscape Review Committee for review and approval prior to issuance of permits for any of the commercial buildings. At a minimum, 15 percent of the site shall be landscaped with emphasis placed along all street frontages, at major entrances to the commercial complex, within off-street parking lots, and at building perimeters.
6. That signs located on the commercially zoned land shall be subject to review by the Planning Department as to their location and design, and to the following limitations:
  - a. That one free-standing sign, a maximum of thirty feet in height, shall be permitted within the subject site (28 acre site adjacent to South Baker Street). The maximum square footage per sign face is sixty-four square feet, and there shall be a maximum of two sign faces per free-standing sign.
  - b. That one monument sign, limited to a height of six feet and total sign face of 100 square feet, may be permitted as may be approved by the Planning Commission as part of the master plan or site plan review process. Monument signs shall be non-illuminated, indirectly illuminated, neon, or may have individually back-lit letters, providing that no plastic sign cabinets are allowed.

- c. All other signs, with the exception of incidental directional signage, must be flush against the buildings and not protrude more than twelve inches from the building face.
7. That within the commercially zoned land, all business, storage, or displays shall be conducted wholly within an enclosed building except for off-street parking and loading. Incidental exterior display and outdoor dining areas may be allowed if incorporated into future building design and approved for such use by the Planning Director.
8. That utilities shall be extended to the property boundaries by the applicant, as may be required by the City Engineer or McMinnville Water and Light.
9. That the applicant obtain required access permits from the Oregon Department of Transportation for use of the existing or proposed access drives prior to issuance of any development permits for the site.
10. That the conceptual land use plan submitted by the applicant as part of this land use request shall in no way be binding on the City, particularly as regard proposed vehicular access.
11. That use of the existing athletic fields and buildings for private college use may be permitted prior to submittal and approval of a master plan, as required by this zone change approval, subject to approval of a conditional use permit, pursuant to the requirements of Section 17.66 of the McMinnville Zoning Ordinance, and as required by the Uniform Building Code.
12. That partitioning of the subject site, as indicated on the submitted conceptual land use plan, may be permitted by the City prior to submittal and approval of a master plan for the subject site. No other partitioning shall be permitted until such time that such a plan has been approved.
13. Existing perimeter landscaping and trees planted adjacent to the private interior drives shall be retained unless approved for removal by the McMinnville Landscape Review Committee.
14. That the submitted master plan and development plans, as approved by the Planning Commission, shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the City Planning Director. It shall be the



Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the Commissioners.

Passed by the Council this 14th day of July 1998 by the following votes:

Ayes: Aleman, Hughes, Kirchner, Massey, Payne, Windle

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

Approved this 14th day of July 1998.

  
MAYOR

Attest:

  
RECORDER

ORDINANCE NO. 4739

An Ordinance rezoning certain property from an R-4 (Multiple-Family Residential) zone, M-1 (Light Industrial) zone, and R-2 (Single-Family Residential) zone to an R-4 PD (Multiple-Family Planned Development) zone, M-1 PD zone, and an R-2 PD zone respectively, to accommodate the implementation of the Linfield College Master Plan.

RECITALS

The Planning Commission received an application (ZC 4-00) from Linfield College, dated July 5, 2000, for a zone change from an R-4 (Multiple-Family Residential) zone, M-1 (Light Industrial) zone, and R-2 (Single-Family Residential) zone to an R-4 PD (Multiple-Family Planned Development) zone, M-1 PD zone, and an R-2 PD zone respectively, to accommodate the implementation of the Linfield College Master Plan. The property is more specifically described as Tax Lots 100, 200, 400, 500, 600, 900, 7000, 7100, 7200, 7300 and a portion of Tax Lot 103 Section 29AA; Tax Lots 6800, 6900, and 7000 Section 29AD; Tax Lots 5300, 5400, 5500, 5600, and 5700 Section 20 DC; Tax Lots 101, 200, 300, and 400 Section 20DD; Tax Lots 3800, 3900, 4000, 4100, 4900, and 5000 Section 21CC; Tax Lot 290 Section 28BA; and, Tax Lots 100, 200, 301, and 302 Section 28BB, T. 4 S., R. 4 W., W.M

A public hearing was held on September 21, 2000 and continued to October 19, 2000, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on September 14, 2000, and written notice had been mailed to property owners within 300 feet of the affected property.

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 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 zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change 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 Linfield College.

Section 2. That the property described in Exhibit "A", is hereby rezoned from an R-4 (Multiple-Family Residential) zone, M-1 (Light Industrial) zone, and R-2 (Single-



Family Residential) zone to an R-4 PD (Multiple-Family Planned Development) zone, M-1 PD zone, and an R-2 PD zone respectively subject to the following conditions:

1. That the Linfield Master Plan as approved by the Planning Commission shall be placed on file with the Planning Department and become a part of the zone and binding on the owner and developer.

The developer will be responsible for requesting approval of the Planning Commission for any major change in the details of the adopted site plan. Minor changes to the details of the adopted plan may be approved by the City Planning Director. It shall be the Planning Director's decision as to what constitutes a major or minor change. An appeal from a ruling by him may be made only to the Commission. Review of the Planning Director's decision by the Planning Commission may be initiated at the request of any one of the commissioners.

2. That prior to the approval of construction plans for improvements to Linfield Avenue or Lever Street; consideration of the vacation of Blaine Street; or the conversion of the public portions of Lever Street from a public street to a private street; the applicant shall submit a traffic study, prepared by a professional transportation planner or traffic engineer, for the review and approval of the City Engineer, the Planning Commission or the City Council, whichever is the applicable decision maker. At his option the City Engineer may provide guidance to applicant's traffic consultant concerning the scope of issues to be addressed by such study, which scope shall be proportional to the nature and extent of the anticipated impacts of the applicant's request.
3. That should there be two or more complaints regarding on-street parking which are attributable to the college within a six month period, ZC 4-00 may be reviewed by the Planning Commission at their next available meeting. The Planning Commission at that hearing may, based on the testimony and evidence received, impose additional conditions on the college as may be necessary to mitigate impacts on the surrounding residential neighborhoods found to be caused by the parking of college staff and student vehicles.
4. That the applicant submit to the McMinnville Landscape Review Committee for review and approval detailed landscape and irrigation plans for any and all proposed buildings, parking areas, and streetscape developments. All trees proposed to be planted shall have a two-inch minimum caliper, exhibit size and growing characteristics appropriate for a particular planting area, and be spaced as appropriate for the selected species and as may be required for the location of underground utilities, above-ground utility vaults, transformers, light poles, hydrants, existing athletic fields and facilities, and not to be located within 30 feet of any stop sign. All street trees shall be of good quality and shall conform to American Standard for Nursery Stock (ANSI Z60.1). The Planning Director reserves the right to reject any plant material that does not meet this standard. All required landscaping shall be installed or security equal to 120 percent of the cost of installing the landscape plan approved by the McMinnville Landscape

Review Committee shall be posted with the City prior to the release of building permits for proposed structures or other improvements. The amount and form of such security shall be as required by the Planning Director.

5. That as required for future building permits, the applicant submit for review and approval by the City Engineering Department a detailed storm drainage plan which incorporates the requirements of the City's Storm Drainage Master Plan. Said plan must be approved prior to construction of a proposed street section, parking lots, any revised driveway or parking lot approaches, and any other drainage system components. Any utility easements needed to comply with the approved plan must be reflected on submitted drawings.
6. That as required for future building permits, the applicant submit a detailed sanitary sewage collection plan which incorporates the requirements of the City's Collection System Facilities Plan for review and approval by the City Engineering Department. Any utility easements needed to comply with the approved plan must be reflected on submitted drawings.
7. That as required for future building permits, the applicant gain a fill and grading permit from the City Building Division. All fill placed in the areas where building sites are expected shall be engineered and shall meet with the approval of the City Building Division and the City Engineering Department.
8. That the applicant extend water and power service within the master plan area in accordance with McMinnville Water and Light requirements, including any necessary contracts and/or easements. Any plans to place overhead power lines underground will require utility design and financial contracts between the applicant and McMinnville Water and Light.
9. That fire hydrants as may be required by the Fire Marshal will be in working order prior to the issuance of building construction permits.
10. That easements for access to public and franchise utilities shall be provided in those instances where private or public streets may be proposed for closure or vacation.
11. That any future improvement to a public street include the submittal of cross sections which show utility location, street improvement elevation and grade, park strips, sidewalk location, and sidewalk elevation and grade. Said cross sections shall be submitted to the City Engineering Department for review and approval prior to the improvement of a public street.
12. That future improvements to a public street to include the provision of street lighting are required to meet city standards for street illumination.
13. That unless otherwise exempted or made subject to appropriate credits by action of the City Manager, the City Council or by other agreement between the City and the college park fees shall be paid for additional housing units at the time of building permit application.



14. That prior to the issuance of any building permits for structures compromised by the location of existing property lines, the applicant shall adjust the location of the common property line after gaining such approval from the City, or covenant with the City to hold the subject parcels as a single unit, or draft and record new deeds that would consolidate the subject parcels into a single parcel that would encompass said structures. Forms for such covenant or consolidation shall be provided by the City. The Planning Director shall review and approve such forms or agreements prior to recording. Copies of the recorded forms or agreement shall be provided to the City prior to issuance of any permits for the project.
15. That the conditions of McMinnville Planned Development Ordinance No. 4672 shall apply to those portions of the master plan described as the former Hewlett-Packard site and on which specific detail has not provided in this plan.
16. Except for those trees which the Linfield Master Plan indicates must be removed and replaced, all existing trees greater than 9 inches in diameter at breast height (DBH) measured at 4-5 feet above ground shall not be removed without prior review and written approval of the Planning Director. In addition, all trees to remain within the subject site shall be protected during construction. The Director may permit a reduction or require an increase in normally required setbacks in order to avoid the removal of existing mature trees.


Passed by the Council this 28th day of November, 2000, by the following votes:

Ayes: Aleman, Hughes, Olson, Rabe, Windle

Abstain: Payne

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

Approved this 28th day of November 2000.

  
\_\_\_\_\_  
COUNCIL PRESIDENT

Approved as to form:

  
\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. 4800

An Ordinance approving an amendment to Section 6(a) of McMinnville Planned Development Ordinance No. 4672 to increase the allowable sign face area for a freestanding sign from 64 square feet to 150 square feet.

RECITALS

The Planning Commission received an application (ZC 9-03) from Regency Centers, dated November 17, 2003, seeking approval to amend Condition No. 6(a), Section 3 of McMinnville Planned Development Ordinance No. 4672 to increase the allowable sign face area for a freestanding sign from 64 square feet to 150 square feet. The subject property is generally located immediately north and south of Keck Drive, north of Booth Bend Road, and south and east of Highway 99W. The property is more specifically described as Tax Lot 100, Section 29AC; Tax Lots 100 and 700, Section 29AD; and Tax Lots 300 and 302, Section 28BB, T. 4 S., R. 4 W., W.M.

A public hearing was held on December 18, 2003, at 7:30 p.m. before the McMinnville Planning Commission after due notice had been given in the local newspaper on December 11, 2003, 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 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 zone change is consistent with the Comprehensive Plan; and

The Planning Commission approved said zone change and has recommended said change 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 Regency Centers.

Section 2. That Condition No. 6(a), Section 3 of McMinnville Planned Development Ordinance No. 4672 is amended to read as follows (text to be removed is shown with ~~strikeout~~, text to be added is underlined):



"Condition 6. That signs located on the commercially zoned land shall be subject to review by the Planning Department as to their location and design, and to the following limitations:

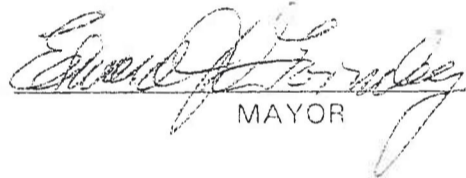
"(a) That one free-standing sign, a maximum of 30 feet in height, shall be permitted within the subject site (28 acre site adjacent to South Baker Street). The maximum square footage per sign face is ~~64~~ 150 square feet, and there shall be a maximum of two sign faces per free-standing sign."

Passed by the Council this 27th day of January, 2004, by the following votes:

Ayes: Aleman, Hansen, Olson, Springer, Windle

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

Approved this 27th day of January 2004.

  
MAYOR

Attest:

  
CITY RECORDER

Approved as to form:

  
CITY ATTORNEY



230 N.E. Second Street - McMinnville, OR 97128

ATTN: Plan Amendment Specialist  
Dept. of Land Conservation & Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540